

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

STATE OF FLORIDA,

*Plaintiff,*

v.

Case No. 8:21-cv-541

The UNITED STATES OF AMERICA;  
ALEJANDRO MAYORKAS, Secretary  
of the United States Department of  
Homeland Security, in his official  
capacity; UNITED STATES  
DEPARTMENT OF HOMELAND  
SECURITY; TROY MILLER, Acting  
Commissioner of U.S. Customs and  
Border Protection, in his official capacity;  
U.S. CUSTOMS AND BORDER  
PROTECTION; TAE JOHNSON,  
Acting Director of U.S. Immigration and  
Customs Enforcement, in his official  
capacity; U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT; TRACY  
RENAUD, Acting Director of U.S.  
Citizenship and Immigration Services,  
in her official capacity; U.S.  
CITIZENSHIP AND IMMIGRATION  
SERVICES,

*Defendants.*

\_\_\_\_\_ /

**COMPLAINT FOR DECLARATORY RELIEF AND  
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

## INTRODUCTION

1. Within hours of being sworn in, President Joseph R. Biden, Jr., and members of his administration violated their oaths of office, flouted Congressional statutes, failed to protect U.S. citizens and immigrants alike, and created what will quickly become a public-safety nightmare.

2. For over two decades, administrations—both Democrat and Republican—detained and removed criminal aliens. This concept was so uncontroversial that the law imposing this non-discretionary requirement, 8 U.S.C. § 1226(c), was enacted in a bipartisan fashion and enforced for the eight years that Joseph Biden was Vice President.

3. President Biden and members of his administration now seek to shirk their non-discretionary duty to detain and remove criminal aliens and, in a transparently pretextual fashion, justify that dereliction with the year-old COVID-19 pandemic. This abdication of duty is resulting and will continue to result in the release of dangerous drug traffickers, violent offenders, and other serious criminals into Florida and the nation's communities to wreak havoc and victimize anew.

4. Under two memoranda, one issued by the Department of Homeland Security ("DHS") and one issued by Immigration and Customs Enforcement ("ICE"), the Biden Administration seeks to post hoc veto much of

the immigration scheme. (These memos are referred to as the “January 20 Memo” and the “February 18 Memo,” respectively. *See* Ex. 1; Ex. 2).

5. Unless a narrow set of prerequisites are met—such as, in addition to being in the country illegally, a person being a terrorist or an aggravated felon whom the Biden Administration additionally divines is a “public-safety” threat—immigration enforcement no longer exists. This is true even for aliens who have committed any number of serious crimes that do not qualify as aggravated felonies. The Biden Administration has even gone so far as to suspend “an operation that targeted illegal immigrants with sex crime convictions.”<sup>1</sup>

6. The Biden Administration has also stayed virtually all removals for 100 days, even for those with final orders of removal from an immigration judge.

7. According to the President’s own press secretary, “[n]obody is saying that DUIs or assault are acceptable behavior. And those arrested for such activities should be tried and sentenced as appropriate by local law enforcement. But we’re talking about prioritization of who is going to be

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<sup>1</sup> Caitlin McFall, *Eighteen state AGs urge Biden to reverse cancellation of ICE operation targeting sex offenders* (Feb. 18, 2021), <https://www.foxnews.com/politics/18-state-ags-urge-biden-to-reverse-decision-to-cancel-ice-operation-targeting-sex-offenders>.

deported from the country.”<sup>2</sup> Put simply, the Biden Administration does not believe that being in the United States in violation of the immigration laws *and* committing serious crimes is sufficient reason to remove someone from the country.

8. This unprecedented, flagrant disregard for the public safety of Americans and Floridians is a radical departure from even Obama-era policy. *See* Ex. 4. The Obama Administration would not have even considered giving aliens who commit domestic violence, burglary, or heroin trafficking a free pass from immigration consequences. *Id.* at 4–5. But the Biden Administration is doing just that. As one federal official put it, “[t]hey’ve abolished ICE without abolishing ICE.”<sup>3</sup>

9. The Biden Administration cannot simply order federal immigration officials to ignore the clear commands of Congress. The congressionally enacted immigration scheme, found in the Immigration and Nationality Act (“INA”), provides a specific, complex, and comprehensive framework for federal enforcement of the immigration laws. 8 U.S.C. § 1226(c),

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<sup>2</sup> The White House, *Press Briefing by Press Secretary Jen Psaki* (Feb. 8, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/02/08/press-briefing-by-press-secretary-jen-psaki-february-8-2021/>.

<sup>3</sup> Nick Miroff & Maria Sacchetti, *New Biden rules for ICE point to fewer arrests and deportations, and a more restrained agency* (Feb. 7, 2021), [https://www.washingtonpost.com/national/new-biden-rules-for-ice-point-to-fewer-arrests-and-deportations-and-a-more-restrained-agency/2021/02/07/facdb854-68c6-11eb-bf81-c618c88ed605\\_story.html](https://www.washingtonpost.com/national/new-biden-rules-for-ice-point-to-fewer-arrests-and-deportations-and-a-more-restrained-agency/2021/02/07/facdb854-68c6-11eb-bf81-c618c88ed605_story.html).



in particular, commands federal immigration authorities to arrest *all* criminal aliens. And 8 U.S.C. § 1231(a)(1)(A) requires federal officials to remove an alien within 90 days after issuance of a final order of removal.

10. Although the Biden Administration has referred to these unlawful acts as an “interim policy” while they “conduct a review of policies and practices,” Ex. 1 at 2, these acts are a codification of the Administration’s long-term agenda, and they are causing and will cause the State of Florida immediate and irreparable harm.

11. The actions taken through the memos also are not acts of “prosecutorial discretion” or “enforcement priorities.” They are an outright abdication of executive responsibility and violate the clear commands of Congress, which the executive branch has no discretion to ignore.

12. The Biden Administration’s actions will allow criminal aliens to be released into and move freely in the State of Florida, and their resulting crime will cost the State millions of dollars on law enforcement, incarceration, and crime victim’s assistance. It will also cause unquantifiable harm to Florida’s citizenry and will force the State to expend its own law enforcement resources to pick up the slack. And because *Arizona v. United States* prevents States from “engag[ing] in” their own immigration “enforcement activities,” 567 U.S. 387, 410 (2012), the only remedy is for this Court to set aside and preliminarily and permanently enjoin these unlawful acts.

## **PARTIES**

13. Plaintiff State of Florida is a sovereign State and has the authority and responsibility to protect the wellbeing of its public fisc and the health, safety, and welfare of its citizens. Florida “bears many of the consequences of unlawful immigration.” *Arizona*, 567 U.S. at 397.

14. Defendants are the United States, appointed officials of the United States government, and United States governmental agencies responsible for the issuance and implementation of the challenged administrative actions.

15. Florida sues Defendant the United States of America under 5 U.S.C. §§ 702–703 and 28 U.S.C. § 1346.

16. Defendant Alejandro Mayorkas is the Secretary of DHS. His predecessor issued the January 20 Memo. Florida sues him in his official capacity.

17. Defendant DHS is implementing the January 20 Memo. DHS oversees Defendants U.S. Citizenship and Immigration Services (“USCIS”), U.S. Customs and Border Protection (“CBP”), and ICE.

18. Defendant Tae Johnson is the Acting Director of ICE. He received the January 20 Memo and issued the February 18 Memo. Florida sues him in his official capacity.

19. Defendant Troy Miller is the Acting Commissioner of CBP. He received the January 20 Memo. Florida sues him in his official capacity.

20. Defendant Tracy Renaud is the Acting Director of USCIS. She received the January 20 Memo. Florida sues her in her official capacity.

## **JURISDICTION AND VENUE**

21. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1346, 1361 and 5 U.S.C. §§ 702–703.

22. The Court is authorized to award the requested declaratory and injunctive relief under 5 U.S.C. § 706, 28 U.S.C. § 1361, and 28 U.S.C. §§ 2201–2202.

23. Venue lies in this district pursuant to 28 U.S.C. § 1391(e)(1) because the State of Florida is a resident of this judicial district and because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district—this district includes four of Florida’s five largest cities.

## **FACTUAL BACKGROUND**

### **Federal Immigration Enforcement**

24. “[T]he Immigration and Nationality Act (‘INA’) . . . establishes a comprehensive scheme for aliens’ exclusion from and admission to the United States.” *Moorhead v. United States*, 774 F.2d 936, 941 (9th Cir. 1985).<sup>4</sup>

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<sup>4</sup> Following the creation of DHS, many of the INA’s references to the “Attorney General” are now understood to refer to the Secretary of DHS. *See La. Forestry Ass’n, Inc. v. Sec’y U.S. Dep’t of Labor*, 745 F.3d 653, 659 (3d Cir. 2014).

25. 8 U.S.C. § 1227(a) lays out the “classes of deportable aliens.” Among others, these classes include any alien who is “[p]resent in violation of law.” *Id.* § 1227(a)(1)(B). They also include aliens—even lawfully present aliens—who commit certain acts, including, for example, several criminal offenses. *Id.* § 1227(a)(2).

26. Under 8 U.S.C. § 1226(a), DHS “may” arrest and detain an alien pending removal proceedings. In 1996, however, Congress grew “concerned that deportable criminal aliens who are not detained continue to engage in crime.” *Demore v. Kim*, 538 U.S. 510, 513 (2003). Because of that concern, and because Congress was “frustrated with the ability of . . . criminal aliens” to “avoid deportation,” Congress enacted § 1226(c) to ensure that federal authorities “det[ain] and remov[e] *all* criminal aliens.” *In re Rojas*, 23 I. & N. Dec. 117, 122 (BIA 2001) (en banc) (emphasis in original); *accord Preap v. Nielsen*, 139 S. Ct. 954, 960 (2019).

27. Through § 1226(c), Congress revoked the discretionary “may” language in § 1226(a) for criminal aliens, and directed that federal authorities “*shall* take into custody any alien” who qualifies as a “criminal alien[] . . . when the alien is released” from criminal custody. 8 U.S.C. § 1226(c) (emphasis added).

28. Congress enacted § 1226(c) in a bipartisan fashion. And the legislative history reflects “a consensus” that “there is just no place in

America for non-U.S. citizens who commit criminal acts here.” S. Rep. No. 104–48, at 6 (1995); *see* G. Savarrese, *When is When?: 8 U.S.C. § 1226(c) & the Requirements of Mandatory Detention*, 82 Fordham L. Rev. 285, 299 (2013).

29. Criminal aliens, for purposes of § 1226(c), include aliens who have committed specified crimes. As most relevant there, it includes aliens who have committed crimes of moral turpitude, 8 U.S.C. § 1182(a)(2)(A), *id.* § 1227(a)(2)(A)(i); crimes involving controlled substances, *id.* § 1182(a)(2)(A), *id.* § 1227(a)(2)(B); human trafficking, *id.* § 1182(a)(2)(H); money laundering, *id.* § 1182(a)(2)(I); aggravated felonies, *id.* § 1227(a)(2)(A)(iii); and specified firearms offenses, *id.* § 1227(a)(2)(C).

30. When an alien is arrested, either pursuant to DHS’s discretion under § 1226(a) or, for criminal aliens, as commanded by Congress under § 1226(c), the alien is placed in removal proceedings before an immigration judge. If the alien is not a criminal alien, DHS has discretion to continue detention pending removal or to release the alien on bond or parole. *See* 8 U.S.C. § 1226(a)(1)–(2). If the alien is a criminal alien, DHS has no discretion to release the alien except under limited circumstances not implicated here. *See* 8 U.S.C. § 1226(c); *Preap*, 139 S. Ct. at 960.

31. Once an alien’s rights are adjudicated and he is ordered removed, DHS “shall remove the alien from the United States within a

period of 90 days” unless specified exceptions are met. *See* 8 U.S.C. § 1231(a)(1)(A).

State Cooperation with Federal Immigration Enforcement

32. For decades, States like Florida have relied on the federal government’s enforcement of and compliance with the INA in general and §§ 1226(c) and 1231(a)(1)(A) in particular, especially after the Supreme Court clarified that States cannot “engage in” their own immigration “enforcement activities.” *Arizona*, 567 U.S. at 410.

33. Even though *Arizona* prevents Florida from taking matters into its own hands, *Arizona* also recognizes that “States . . . bear[] many of the consequences of unlawful immigration.” *Id.* at 397. Nowhere are these consequences more obvious than when criminal aliens are released back into Florida’s communities to reoffend rather than being removed from the country.

34. The previous two administrations understood this reality. Under President Trump, any removable alien convicted of a crime or with pending criminal charges was a priority. Ex. 3 at 3. And although President Obama took a different approach to immigration enforcement overall, his administration agreed with the Trump Administration on the importance of immigration enforcement against criminals, including aliens who committed any felony, any “significant misdemeanor,” such as “domestic violence,”

“sexual abuse or exploitation,” “burglary,” “unlawful possession or use of a firearm,” “drug distribution or trafficking,” and “driving under the influence,” and aliens who were repeat offenders of even minor misdemeanors. Ex. 4 at 4–5.

35. Relying on these consistent efforts by the federal government to remove criminal aliens from Florida, and to do everything possible to ensure their efficacy, Florida passed Senate Bill 168 in 2019. It is codified in Chapter 908 of the Florida Statutes and requires all state and local officials to inform the federal government when they will release aliens from criminal custody, § 908.105, Fla. Stat.; *id.* § 908.102(6)(b); *id.* § 908.103, and even to detain those aliens pursuant to an immigration warrant if federal officials cannot arrive in time. § 908.105, Fla. Stat.; *id.* § 908.102(6)(a); *id.* § 908.103.

36. Florida’s sheriffs have also made significant efforts to facilitate cooperation with ICE, including 47 sheriffs’ offices entering formal cooperation agreements. The Florida Department of Corrections has also entered into such an agreement.

37. Florida has good reasons for seeking to assist the federal government. In fiscal year 2020, which ended September 2020, ICE’s Miami Office—its main office in Florida—removed 7,046 aliens.<sup>5</sup> Of those, 3,476 were

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<sup>5</sup> U.S. Immigration and Customs Enforcement, *Removals by Field Office (Area of Responsibility) and Month* (FY2020), <https://www.ice.gov/doclib/news/library/reports/annual-report/ero-fy20-localstatistics.pdf>. This was down from 9,750 the previous year, likely due to

convicted criminals and 1,356 had pending criminal charges. In other words, 69% of these individuals, in addition to violating civil immigration laws, were caught engaging in criminal activity.

38. Moreover, according to the federal government's own study of the recidivism rates of state prisoners, "68% of released prisoners [are] arrested [again] within 3 years, 79% within 6 years, and 83% within 9 years."<sup>6</sup> Further, because prisoners are often arrested numerous times after being released, the study found an average of five arrests *per prisoner* within the 9 years following release from state prison. Because of these high recidivism rates, the failure to remove criminal aliens necessarily results in additional crimes in Florida, victimizing Florida's citizenry and costing the State public funds and essential law enforcement resources.

### The Biden Administration's Actions

39. On January 20, 2021, the day he took office, President Biden issued Executive Order 13993, Revisions of Civil Immigration Enforcement Policies and Priorities, 86 Fed. Reg. 7051 (Jan 20, 2021). That same day, DHS issued its stand down order. Ex. 1.

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COVID. See U.S. Immigration and Customs Enforcement, *Removals by Field Office (Area of Responsibility) and Month* (FY2019), <https://www.ice.gov/sites/default/files/documents/Report/2019/ero-fy19-localstatistics.pdf>.

<sup>6</sup> U.S. Department of Justice, National Institute of Justice, *Measuring Recidivism* (Feb. 20, 2018), <https://nij.ojp.gov/topics/articles/measuring-recidivism#statistics>.



40. The January 20 Memo does three things. *First*, it requires review of the federal government’s existing immigration policies. Ex. 1 at 3.

41. *Second*, under the guise of “interim enforcement priorities,” the January 20 Memo orders DHS, effective February 1, to cease virtually all civil immigration enforcement except for removable aliens who came to the United States on or after November 1, 2020. As to the removable aliens who are already here, they get a free pass unless they are a terrorist, a spy, or an aggravated felon whom DHS separately determines to be a public-safety threat. Ex. 1 at 3–4.

42. *Third*, the memo orders “an immediate pause on removals of any noncitizen with a final order of removal . . . for 100 days,” subject to narrow exceptions. Ex. 1 at 4–5.

43. On January 26, 2021, a district court in the Southern District of Texas entered a nationwide temporary restraining order against the 100-day stay of removals, and on February 23, the court converted its order into a preliminary injunction. *Texas v. United States*, 2021 WL 723856, at \*4, \*53 (S.D. Tex. 2021).<sup>7</sup>

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<sup>7</sup> The “interim enforcement priorities” are not at issue in the Texas litigation.

44. On February 18, ICE issued another stand down order.<sup>8</sup> Ex. 2. The February 18 Memo largely reiterates the “interim enforcement priorities.” It clarifies that DHS “anticipates” issuing new guidelines after 90 additional days, but that the January 20 and February 18 Memos are the authoritative, operative documents governing immigration enforcement unless DHS says otherwise. Ex. 2 at 2.

45. The February 18 Memo also purports not to prohibit civil immigration enforcement actions against those who fall outside the “enforcement priorities,” but it makes clear that, to do so, an ICE officer must submit a justification in writing and receive approval from the Field Office Director or Special Agent in Charge. Ex. 2 at 4, 6–7.

46. The February 18 Memo, with the permission of DHS, also modifies the “interim enforcement priorities” in one significant way. Ex. 2 at 2. It adds to the priority list removable aliens who are gang members, but only if ICE can prove that these gang members are furthering the illegal activity of the gang and separately determines them to be a public-safety threat. Ex. 2 at 5–6.

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<sup>8</sup> Because the 100-day stay of removals is enjoined nationwide, the February 18 Memo addresses only the “interim enforcement priorities.” Ex. 2 at 3.

47. Both the January 20 and February 18 Memos try to justify these actions based on “limited resources” and the COVID-19 pandemic. Ex. 1 at 2–3; Ex. 2 at 3.

### **Irreparable Harm to Florida**

48. The agency action within the memos is irreparably harming Florida and will continue to do so.

49. As a result of the memos, ICE is refusing to take custody of scores of criminal aliens across the State—resulting in their release into Florida—and it will only get worse. The Florida Department of Corrections already reports seven instances of ICE refusing to take custody of serious criminals upon release from state custody. *See* Ex. 5; Ex. 6. According to emails from ICE to state officials, ICE is refusing to take custody of these aliens because they “do[] not meet the current interim civil immigration enforcement priorities issued on January 20, 2021.” Ex. 5 at 6.

50. The criminal activity of these seven aliens is disturbing. Several of them have multiple burglary convictions, Ex. 6 at 3, 6, 9, 12, including one who appears to have gone on a burglary spree, Ex. 6 at 9. A number also have serious drug convictions, including for cocaine and heroin trafficking. Ex. 6, at 6, 11–18.

51. These dangerous individuals apparently do not rise to the level of being a public-safety threat for the Biden Administration. They—and

other criminals like them—will be released back into Florida absent this Court’s intervention. Some already have been.

52. And this only captures a small fraction of what is happening and will happen in Florida. Much of the State’s cooperation with ICE goes on in local jails rather than state prisons. In Pasco County alone—just 1 of Florida’s 67 counties—ICE has already canceled detainers<sup>9</sup> for several aliens whose crimes include domestic violence and violating a restraining order.

53. Even extrapolating Pasco County’s experience over Florida’s other 66 counties would not fully capture the effect of the memos in Florida. The memos apply equally to federal inmates, and the federal inmate population in Florida is another 8,801 criminals, around 21% of which are aliens.

54. Moreover, almost 30% of ICE’s civil immigration arrests—at least in fiscal year 2017—were at-large arrests. As a result of the memos, criminal aliens who have already been released and are currently at-large in Florida will not be arrested and detained by ICE, including, for example,

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<sup>9</sup> Detainers are ICE’s request to be notified before an alien is released from criminal custody.

the aliens “with sex crime convictions” who were the target of an enforcement operation that the Biden Administration recently canceled.<sup>10</sup>

55. And the 100-day-removal pause will further contribute to the release of criminal aliens into Florida’s communities. *See Texas*, 2021 WL 723856, at \*15. In fiscal year 2020, which ended September 2020, ICE’s Miami office removed 7,046 aliens.<sup>11</sup> Of those, 3,476 were convicted criminals and 1,356 had pending criminal charges.

56. And, because of the law surrounding alien detention, the longer an alien is detained following a final order of removal, and the less certain his prospects of actual removal, the more likely it is that ICE will release him. *See, e.g., Texas*, 2021 WL 723856, at \*45 (discussing *Zadvydas v. Davis*, 533 U.S. 678, 683–84, 701 (2001)).

57. An increase in criminal aliens in Florida will cause a wide variety of harms.

58. *First*, given the high recidivism rates among those released from state prison, *see* ¶ 38, it is a statistical certainty that the scores of criminal aliens released into Florida will commit additional crimes in Florida. In fact,

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<sup>10</sup> Caitlin McFall, *Eighteen state AGs urge Biden to reverse cancellation of ICE operation targeting sex offenders* (Feb. 18, 2021), <https://www.foxnews.com/politics/18-state-ags-urge-biden-to-reverse-decision-to-cancel-ice-operation-targeting-sex-offenders>.

<sup>11</sup> U.S. Immigration and Customs Enforcement, *Removals by Field Office (Area of Responsibility) and Month* (FY2020), <https://www.ice.gov/doclib/news/library/reports/annual-report/ero-fy20-localstatistics.pdf>.

even just taking the seven aliens discussed above, a number of them had committed crimes before and been incarcerated in Florida's prison system. Ex. 6 at 6, 12.

59. *Second*, Florida is spending approximately \$120 million a year incarcerating aliens at the state level alone. When criminal aliens released back into Florida reoffend, they will be reincarcerated by Florida, resulting in an increase in those costs.

60. *Third*, the criminal activity of these aliens will drain the State's law enforcement resources, which will cost the State millions of dollars and, just as importantly, pull resources away from other public-safety threats.

61. *Fourth*, in addition to law enforcement costs, Florida spends additional resources on those engaged in criminal activity, including, for example, substance abuse and mental health services. For current patients who lack lawful immigration status, alone, the Department of Children and Families ("DCF") has spent over \$32 million on those services. And there may be some patients who lack lawful immigration status that DCF is not aware of.

62. *Fifth*, the criminal activity of these aliens will cost the State money and resources to care for the victims. The Attorney General's Office, for example, spent almost \$3.6 million last year on domestic violence relocation services. And DCF spends tens of millions of dollars, if not more,

on domestic-violence and child-welfare services for crime victims, including those who lack lawful immigration status.

63. Florida now seeks relief from this Court.

## **CLAIMS**

### **COUNT 1**

#### **Agency action that is not in accordance with law and is in excess of authority**

64. Florida repeats and incorporates by reference ¶¶ 1–63.

65. Under the Administrative Procedure Act (“APA”), a court must “hold unlawful and set aside agency action” that is “not in accordance with law” or “in excess of statutory . . . authority, or limitations, or short of statutory right.” *See* 5 U.S.C. § 706(2)(A), (C).

66. The January 20 and February 18 Memos violate 8 U.S.C. §§ 1226(c) and 1231(a)(1)(A).

67. Congress added § 1226(c) to “*subtract* some of th[e] discretion” DHS possessed under § 1226(a)—specifically, the discretion not to “arrest . . . criminal aliens.” *Preap*, 139 S. Ct. 966 (emphasis in original); *see id.* (“The Secretary *must* arrest those aliens guilty of a predicate offense.” (emphasis in original)).

68. The January 20 and February 18 Memos ignore this command in at least two ways. *First*, they limit DHS’s and ICE’s enforcement to terrorists,

spies, aggravated felons, and certain gang members. Ex. 1 at 3; Ex. 2 at 5–6. But § 1226(c)’s commands apply to aliens who commit many other crimes, including crimes of moral turpitude, 8 U.S.C. § 1182(a)(2)(A), *id.* § 1227(a)(2)(A)(i); crimes involving controlled substances, *id.* § 1182(a)(2)(A), *id.* § 1227(a)(2)(B); human trafficking, *id.* § 1182(a)(2)(H); money laundering, *id.* § 1182(a)(2)(I); and specified firearms offenses, *id.* § 1227(a)(2)(C). The memos ignore these requirements. *Second*, even for aggravated felons and specified gang members, the memos require a separate public-safety analysis, which contradicts the mandatory nature of § 1226(c). Ex. 1 at 3; Ex. 2 at 5–6.

69. In purporting to exercise discretion that does not exist, and in ignoring the clear statutory requirements of § 1226(c), the Defendants have violated the APA.

70. The same is true with respect to § 1231(a)(1)(A). “[T]he text, context, statutory history, and precedent” show that § 1231(a)(1)(A) “unambiguously means” that the Government “*must* remove” aliens with final orders of removal within 90 days of those orders. *Texas*, 2021 WL 723856, at \*36, 38 (emphasis in original). In requiring a 100-day stay of removals, the agencies have violated the APA.



71. Because these acts are required by law, they are not discretionary. Therefore, the illegal actions contemplated by the memos are not committed to agency discretion by law.

72. Finally, the memos are final agency action because they “mark the consummation of the agencies’ decisionmaking process”—they are not “merely tentative or interlocutory.” *U.S. Army Corps of Eng’rs v. Hawkes Co.*, 136 S. Ct. 1807, 1813 (2016). And they determine “rights or obligations . . . from which legal consequences will flow.” *Id.*

73. As discussed above, the memos are already having irreversible and significant consequences for Florida. And one court has already held that the January 20 Memo’s 100-day stay of removals is final agency action. *Texas*, 2021 WL 723856 at \*32. The “enforcement priorities” are for the same reasons.

## **COUNT 2**

### **Arbitrary and capricious agency action**

74. Florida repeats and incorporates by reference ¶¶ 1–63, 71–73.

75. Under the APA, a court must “hold unlawful and set aside agency action” that is “arbitrary [or] capricious.” 5 U.S.C. § 706(2)(A).

76. The agencies failed to provide adequate reasoning behind the factors they purported to consider, *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125 (2016), pointed to pretextual reasons, *Dep’t of Commerce v. New York*, 139 S. Ct. 2551, 2573–74 (2019), ignored important aspects of the

problem, *Michigan v. EPA*, 576 U.S. 743, 751–53, 759–60 (2015), and failed to justify their departing from the decades-old policy to enforce immigration laws against criminal aliens by considering lesser alternatives and reliance interests, *DHS v. Regents of the U. of Cal.*, 140 S. Ct. 1891, 1913 (2020); *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

77. First, DHS and ICE “point[ed] . . . to [no] data,” *Nat’l Treasury Emps. Union v. Horner*, 854 F.2d 490, 499 (D.C. Cir. 1988), to “explain why” they took the actions in the memos, *Motor Vehicle Mfrs. Ass’n, v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 48 (1983). The agencies asserted that limited resources and COVID-19 justified their actions. But they provided no evidence to support this argument, particularly evidence as to why the myriad other laws the federal government enforces can continue but the vast majority of immigration enforcement must cease. *See Tripoli Rocketry Ass’n, v. ATF*, 437 F.3d 75, 77 (D.C. Cir. 2006) (vacating agency action because the agency offered no supporting evidence).

78. Second, and relatedly, the reasons DHS and ICE did provide were pretextual. *See Commerce*, 139 S. Ct. at 2573–74. As the Biden Administration

has admitted, the reason for the memos is that the Biden Administration *does not want* to enforce the immigration laws, not that it *can't*.<sup>12</sup>

79. *Third*, DHS and ICE ignored an important aspect of the problem: the massive costs imposed by its actions, including on States like Florida. Costs are “a centrally relevant factor when deciding whether to regulate.” *Michigan*, 576 U.S. at 752–53. The memos do not mention costs at all.

80. *Fourth*, DHS and ICE failed to explain their “extreme departure from prior practice,” *E. Bay Sanctuary Covenant v. Trump*, 349 F. Supp. 3d 838, 858 (N.D. Cal. 2018), as required by the APA, *Regents*, 140 S. Ct. at 1913. The memos combine for twelve pages of conclusory assertions such that DHS barely even “display[s] awareness that it *is* changing position.” *Fox Television*, 556 U.S. at 515 (emphasis in original).

81. And the agencies ignored lesser alternatives to their extreme departure that would still fall within the “ambit” of the Obama and Trump Administrations’ approach. *See* Ex. 3; Ex. 4.

82. DHS and ICE also ignored the reliance interests of States like Florida. Florida has relied on the federal government for decades to protect it from criminal-alien crime, including enacting an entire statutory scheme in

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<sup>12</sup> *See* The White House, *Press Briefing by Press Secretary Jen Psaki* (Feb. 8, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/02/08/press-briefing-by-press-secretary-jen-psaki-february-8-2021/>.

support of the federal government's practices, *see* Ch. 908, Fla. Stat., and entering into dozens of agreements with the federal government.

83. "Ignor[ing]" these reliance interests and failing to consider lesser alternatives is "arbitrary and capricious." *Regents*, 140 S. Ct. at 1913.

84. The agencies' actions in the memos are, therefore, arbitrary and capricious and should be set aside. 5 U.S.C. § 706.

### **COUNT 3**

#### **Failure to provide notice and comment**

85. Florida repeats and incorporates by reference ¶¶ 1–63, 71–73.

86. The APA required DHS and ICE to provide notice of, and comment on, the memos because they are substantive rules that "affect individual rights and obligations." *Chrysler Corp. v. Brown*, 441 U.S. 281, 303 (1979); *see* 5 U.S.C. § 553. One court has already held that the 100-day pause on removals required notice and comment, *Texas*, 2021 WL 723856, at \*43–48, and the "enforcement priorities" do for the same reasons.

87. Further, the Eleventh Circuit has held that federal immigration officials must engage in rulemaking when changing a policy to detain *more* aliens. *Jean v. Nelson*, 711 F.2d 1455, 1469, 1476, 1478 (11th Cir. 1983). Changing a decades-old policy to detain *less* aliens (or to remove less aliens)—especially when doing so violates clear statutory commands—is no different.

**COUNT 4**

**Violation of 8 U.S.C. § 1226(c)**

88. Florida repeats and incorporates by reference ¶¶ 1–63, 66–68.

89. DHS and ICE have violated 8 U.S.C. § 1226(c) by ignoring its command to detain criminal aliens.

90. For the reasons described in Count 1, even putting the APA aside, DHS’s and ICE’s straightforward violations of federal law must be enjoined.

**COUNT 5**

**Violation of 8 U.S.C. § 1231(a)(1)(A)**

91. Florida repeats and incorporates by reference ¶¶ 1–63, 66, 70.

92. DHS and ICE have violated 8 U.S.C. § 1231(a)(1) by refusing for 100 days to remove aliens with final orders of removal.

93. For the reasons described in Count 1, even putting the APA aside, DHS’s and ICE’s straightforward violations of federal law must be enjoined.

**COUNT 6**

**Violation of the take care clause**

94. Florida repeats and incorporates by reference ¶¶ 1–63, 66–70.

95. The executive branch is tasked with “tak[ing] Care that the Laws be faithfully executed.” U.S. Const. art. II, § 3. This requirement applies to the Defendants. *See* U.S. Const. art. II, § 1, cl. 1 (vesting “[t]he executive Power” in the President).

96. The memos violate this requirement because they order DHS and ICE not to enforce federal law.

97. The memos therefore are unconstitutional and should be enjoined under the APA, 5 U.S.C. §706, or independent of the APA under the take-care clause itself.

### **Count 7**

#### **Violation of the separation of powers**

98. Florida repeats and incorporates by reference ¶¶ 1–63, 66–70.

99. Where, as here, the executive branch “takes measures incompatible with the expressed or implied will of Congress, [its] power is at its lowest ebb.” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 (Jackson, J., concurring).

100. Executive discretion over immigration is not inherent. Rather, authority over immigration belongs to Congress, *see* U.S. Const. Art. I, § 8, and the executive branch’s discretion flows from “the vague and sweeping language employed by Congress.” *Jean v. Nelson*, 727 F.2d 957, 967 (11th Cir. 1984). Therefore, where Congress instead uses specific, mandatory language, this broad discretion does not exist. *See id.* (“[E]xecutive officials function as agents of Congress in enforcing the law.”).

101. The memos therefore are ultra vires and unconstitutional.

### **PRAYER FOR RELIEF**

For these reasons, Florida asks the Court to:

- a) Hold unlawful and set aside the January 20 Memo.
- b) Hold unlawful and set aside the February 18 Memo.
- c) Issue preliminary and permanent injunctive relief enjoining Defendants from enforcing the January 20 Memo.
- d) Issue preliminary and permanent injunctive relief enjoining Defendants from enforcing the February 18 Memo.
- e) Issue declaratory relief declaring the January 20 Memo ultra vires and unconstitutional.
- f) Issue declaratory relief declaring the February 18 Memo ultra vires and unconstitutional.
- g) Postpone the effective date of the January 20 Memo.
- h) Postpone the effective date of the February 18 Memo.
- i) Award Florida costs and reasonable attorney's fees.
- j) Award such other relief as the Court deems equitable and just.

Respectfully submitted,

Ashley Moody  
ATTORNEY GENERAL

John Guard (FBN 374600)  
CHIEF DEPUTY ATTORNEY GENERAL

/s/ James H. Percival  
James H. Percival\* (FBN 1016188)  
CHIEF DEPUTY SOLICITOR GENERAL  
\*Lead Counsel

Jason H. Hilborn (FBN 1008829)  
ASSISTANT SOLICITOR GENERAL

Anita Patel (FBN 70214)  
SENIOR ASSISTANT ATTORNEY GENERAL

Rachel Kamoutsas (FBN 106869)  
DEPUTY GENERAL COUNSEL

Office of the Attorney General  
The Capitol, Pl-01  
Tallahassee, Florida 32399-1050  
(850) 414-3300  
(850) 410-2672 (fax)  
james.percival@myfloridalegal.com

*Counsel for the State of Florida*



JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

STATE OF FLORIDA

(b) County of Residence of First Listed Plaintiff All counties, including Hillsborough  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See Attachment

**DEFENDANTS**

The UNITED STATES OF AMERICA; et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 5 U.S.C. §§ 702-703; 8 U.S.C. §§ 1226, 1231.

Brief description of cause:

Challenge under the Administrative Procedure Act, Immigration and Nationality Act, and U.S. Constitution.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/8/2021

SIGNATURE OF ATTORNEY OF RECORD

James H. K.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



**CIVIL COVER SHEET ATTACHMENT**

I. (c) Attorneys (Firm Name, Addresses, and Telephone Number)

John Guard (FBN 374600)  
CHIEF DEPUTY ATTORNEY GENERAL

James H. Percival (FBN 1016188)  
CHIEF DEPUTY SOLICITOR GENERAL

Jason H. Hilborn (FBN 1008829)  
ASSISTANT SOLICITOR GENERAL

Anita Patel (FBN 70214)  
SENIOR ASSISTANT ATTORNEY GENERAL

Rachel Kamoutsas (FBN 106869)  
DEPUTY GENERAL COUNSEL

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The Capitol, Pl-01  
Tallahassee, Florida 32399-1050  
(850) 414-3300  
(850) 410-2672 (fax)  
james.percival@myfloridalegal.com

*Counsel for the State of Florida*

## Middle District of Florida

Civil Action No.

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## UNITED STATES DISTRICT COURT

for the

Middle District of Florida

STATE OF FLORIDA,

*Plaintiff(s)*

v.

Civil Action No.

The UNITED STATES OF AMERICA;  
 ALEJANDRO MAYORKAS, Secretary  
 of the United States Department of  
 Homeland Security, in his official capacity, et al.,

*Defendant(s)*

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* TROY MILLER, Acting Commissioner  
 United States Customs and Border Protection  
 Office of Chief Counsel  
 1300 Pennsylvania Avenue, Suite 4.4-B  
 Washington, D.C. 20229

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

State of Florida  
 Ashley Moody, Florida Attorney General  
 James H. Percival, Chief Deputy Solicitor General  
 Office of the Attorney General  
 The Capitol, PL-01, Tallahassee, Florida 32399-1050  
 james.percival@myfloridalegal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Middle District of Florida

Civil Action No.

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## UNITED STATES DISTRICT COURT

for the

Middle District of Florida

STATE OF FLORIDA,

*Plaintiff(s)*

v.

Civil Action No.

The UNITED STATES OF AMERICA;  
 ALEJANDRO MAYORKAS, Secretary  
 of the United States Department of  
 Homeland Security, in his official capacity, et al.,

*Defendant(s)*

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* TRACY RENAUD, Acting Director  
 U.S. Citizenship and Immigration Services  
 Office of the Chief Counsel  
 20 Massachusetts Ave. NW, Room 4210  
 Washington, DC 20529

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

State of Florida  
 Ashley Moody, Florida Attorney General  
 James H. Percival, Chief Deputy Solicitor General  
 Office of the Attorney General  
 The Capitol, PL-01, Tallahassee, Florida 32399-1050  
 james.percival@myfloridalegal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Middle District of Florida

Civil Action No.

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## UNITED STATES DISTRICT COURT

for the

Middle District of Florida

STATE OF FLORIDA,

*Plaintiff(s)*

v.

Civil Action No.

The UNITED STATES OF AMERICA;  
 ALEJANDRO MAYORKAS, Secretary  
 of the United States Department of  
 Homeland Security, in his official capacity, et al.,

*Defendant(s)*

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* THE HONORABLE ALEJANDRO MAYORKAS  
 Secretary of Homeland Security  
 United States Department of Homeland Security  
 Office of the General Counsel  
 2707 Martin Luther King Jr. Ave SE  
 Washington, DC 20528-0485

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

State of Florida  
 Ashley Moody, Florida Attorney General  
 James H. Percival, Chief Deputy Solicitor General  
 Office of the Attorney General  
 The Capitol, PL-01, Tallahassee, Florida 32399-1050  
 james.percival@myfloridalegal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

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 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

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I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Middle District of Florida

STATE OF FLORIDA,

*Plaintiff(s)*

v.

The UNITED STATES OF AMERICA;  
ALEJANDRO MAYORKAS, Secretary  
of the United States Department of  
Homeland Security, in his official capacity, et al.,

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Department of Homeland Security  
Office of the General Counsel  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528-0485

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

State of Florida  
Ashley Moody, Florida Attorney General  
James H. Percival, Chief Deputy Solicitor General  
Office of the Attorney General  
The Capitol, PL-01, Tallahassee, Florida 32399-1050  
james.percival@myfloridalegal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

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 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

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 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

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I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Middle District of Florida

STATE OF FLORIDA,

*Plaintiff(s)*

v.

The UNITED STATES OF AMERICA;

ALEJANDRO MAYORKAS, Secretary

of the United States Department of

Homeland Security, in his official capacity, et al.,

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* TAE JOHNSON, Acting Director  
United States Immigration and Customs Enforcement  
Office of the Principal Legal Advisor  
500 12th St. S.W., Mail Stop 5900  
Washington, DC 20536-5900

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

State of Florida  
Ashley Moody, Florida Attorney General  
James H. Percival, Chief Deputy Solicitor General  
Office of the Attorney General  
The Capitol, PL-01, Tallahassee, Florida 32399-1050  
james.percival@myfloridalegal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

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 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Middle District of Florida

STATE OF FLORIDA,

*Plaintiff(s)*

v.

The UNITED STATES OF AMERICA;  
ALEJANDRO MAYORKAS, Secretary  
of the United States Department of

Homeland Security, in his official capacity, et al.,

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Immigration and Customs Enforcement  
Office of the Principal Legal Advisor  
500 12th St. S.W., Mail Stop 5900  
Washington, DC 20536-5900

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

State of Florida  
Ashley Moody, Florida Attorney General  
James H. Percival, Chief Deputy Solicitor General  
Office of the Attorney General  
The Capitol, PL-01, Tallahassee, Florida 32399-1050  
james.percival@myfloridalegal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# **EXHIBIT 1**

Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

January 20, 2021

MEMORANDUM FOR: Troy Miller  
Senior Official Performing the Duties of the Commissioner  
U.S. Customs and Border Protection

Tae Johnson  
Acting Director  
U.S. Immigration and Customs Enforcement

Tracey Renaud  
Senior Official Performing the Duties of the Director  
U.S. Citizenship and Immigration Services

CC: Karen Olick  
Chief of Staff

FROM: David Pekoske *David P. Pekoske*  
Acting Secretary

SUBJECT: **Review of and Interim Revision to Civil Immigration  
Enforcement and Removal Policies and Priorities**

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This memorandum directs Department of Homeland Security components to conduct a review of policies and practices concerning immigration enforcement. It also sets interim policies during the course of that review, including a 100-day pause on certain removals to enable focusing the Department's resources where they are most needed. The United States faces significant operational challenges at the southwest border as it is confronting the most serious global public health crisis in a century. In light of those unique circumstances, the Department must surge resources to the border in order to ensure safe, legal and orderly processing, to rebuild fair and effective asylum procedures that respect human rights and due process, to adopt appropriate public health guidelines and protocols, and to prioritize responding to threats to national security, public safety, and border security.

This memorandum should be considered Department-wide guidance, applicable to the activities of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS).

### **A. Comprehensive Review of Enforcement Policies and Priorities**

The Chief of Staff shall coordinate a Department-wide review of policies and practices concerning immigration enforcement. Pursuant to the review, each component shall develop recommendations to address aspects of immigration enforcement, including policies for prioritizing the use of enforcement personnel, detention space, and removal assets; policies governing the exercise of prosecutorial discretion; policies governing detention; and policies regarding interaction with state and local law enforcement. These recommendations shall ensure that the Department carries out our duties to enforce the law and serve the Department's mission in line with our values. The Chief of Staff shall provide recommendations for the issuance of revised policies at any point during this review and no later than 100 days from the date of this memo.

The memoranda in the attached appendix are hereby rescinded and superseded.

### **B. Interim Civil Enforcement Guidelines**

Due to limited resources, DHS cannot respond to all immigration violations or remove all persons unlawfully in the United States. Rather, DHS must implement civil immigration enforcement based on sensible priorities and changing circumstances. DHS's civil immigration enforcement priorities are protecting national security, border security, and public safety. The review directed in section A will enable the development, issuance, and implementation of detailed revised enforcement priorities. In the interim and pending completion of that review, the Department's priorities shall be:

1. **National security.** Individuals who have engaged in or are suspected of terrorism or espionage, or whose apprehension, arrest and/or custody is otherwise necessary to protect the national security of the United States.
2. **Border security.** Individuals apprehended at the border or ports of entry while attempting to unlawfully enter the United States on or after November 1, 2020, or who were not physically present in the United States before November 1, 2020.
3. **Public safety.** Individuals incarcerated within federal, state, and local prisons and jails released on or after the issuance of this memorandum who have been convicted of an "aggravated felony," as that term is defined in section 101(a) (43) of the Immigration and Nationality Act at the time of conviction, and are determined to pose a threat to public safety.

These priorities shall apply not only to the decision to issue, serve, file, or cancel a Notice to Appear, but also to a broad range of other discretionary enforcement decisions, including deciding: whom to stop, question, and arrest; whom to detain or release; whether to settle, dismiss, appeal, or join in a motion on a case; and whether to grant deferred action or parole. In



addition, all enforcement and detention decisions shall be guided by DHS's ability to conduct operations and maintain custody consistent with applicable COVID-19 protocols.

While resources should be allocated to the priorities enumerated above, nothing in this memorandum prohibits the apprehension or detention of individuals unlawfully in the United States who are not identified as priorities herein. In order to ensure appropriate allocation of resources and exercise of prosecutorial discretion, the Acting Director of ICE shall issue operational guidance on the implementation of these priorities. This guidance shall contain a protocol for the Acting Secretary to conduct a periodic review of enforcement actions to ensure consistency with the priorities set forth in this memorandum. This guidance shall also include a process for the Director of ICE to review and approve of any civil immigration enforcement actions against individuals outside of federal, state or local prisons or jails.

These interim enforcement priorities shall go into effect on February 1, 2021 and remain in effect until superseded by revised priorities developed in connection with the review directed in section A.

### **C. Immediate 100-Day Pause on Removals**

In light of the unique circumstances described above, DHS's limited resources must be prioritized to: (1) provide sufficient staff and resources to enhance border security and conduct immigration and asylum processing at the southwest border fairly and efficiently; and (2) comply with COVID-19 protocols to protect the health and safety of DHS personnel and those members of the public with whom DHS personnel interact. In addition, we must ensure that our removal resources are directed to the Department's highest enforcement priorities. Accordingly, and pending the completion of the review set forth in section A, I am directing an immediate pause on removals of any noncitizen<sup>1</sup> with a final order of removal (except as noted below) for 100 days to go into effect as soon as practical and no later than January 22, 2021.

The pause on removals applies to any noncitizen present in the United States when this directive takes effect with a final order of removal except one who:

1. According to a written finding by the Director of ICE, has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to the national security of the United States; or
2. Was not physically present in the United States before November 1, 2020; or
3. Has voluntarily agreed to waive any rights to remain in the United States, provided that he or she has been made fully aware of the consequences of waiver

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<sup>1</sup> "Noncitizen" as used in this memorandum does not include noncitizen nationals of the United States.

and has been given a meaningful opportunity to access counsel prior to signing the waiver;<sup>2</sup> or

4. For whom the Acting Director of ICE, following consultation with the General Counsel, makes an individualized determination that removal is required by law.

No later than February 1, 2021, the Acting Director of ICE shall issue written instructions with additional operational guidance on the further implementation of this removal pause. The guidance shall include a process for individualized review and consideration of the appropriate disposition for individuals who have been ordered removed for 90 days or more, to the extent necessary to implement this pause. The process shall provide for assessments of alternatives to removal including, but not limited to, staying or reopening cases, alternative forms of detention, custodial detention, whether to grant temporary deferred action, or other appropriate action.

#### **D. No Private Right Statement**

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

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<sup>2</sup> A voluntary waiver encompasses noncitizens who stipulate to removal as part of a criminal disposition.

## APPENDIX

Department of Homeland Security, *Enforcement of the Immigration Laws to Serve the National Interest*, Memorandum of February 20, 2017.

U.S. Immigration and Customs Enforcement, *Implementing the President's Border Security and Interior Immigration Enforcement Policies*, Memorandum of February 20, 2017.

U.S. Immigration and Customs Enforcement, *Guidance to OPLA Attorneys Regarding the Implementation of the President's Executive Orders and the Secretary's Directives on Immigration Enforcement*, Memorandum of August 15, 2017.

US Citizenship and Immigration Services, *Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens*, Policy Memorandum of June 28, 2018. (US Citizenship and Immigration Services should revert to the preexisting guidance in Policy Memorandum 602-0050, US Citizenship and Immigration Services, *Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens*, Policy Memorandum of Nov. 7, 2011.)

US Citizenship and Immigration Services, *Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) When Processing a Case Involving Information Submitted by a Deferred Action for Childhood Arrivals (DACA) Requestor in Connection with a DACA Request or a DACA-Related Benefit Request (Past or Pending) or Pursuing Termination of DACA*, Policy Memorandum of June 28, 2018.

U.S. Customs and Border Protection, *Executive Orders 13767 and 13768 and the Secretary's Implementation Directions of February 17, 2017*, Memorandum of February 21, 2017.

## **EXHIBIT 2**

Policy Number: 11090.1  
FEA Number: 306-112-002b

Office of the Director


U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW  
Washington, DC 20536



**U.S. Immigration  
and Customs  
Enforcement**

February 18, 2021

MEMORANDUM FOR: All ICE Employees

FROM: Tae D. Johnson   
Acting Director

SUBJECT: Interim Guidance: Civil Immigration Enforcement and  
Removal Priorities

Purpose

This memorandum establishes interim guidance in support of the interim civil immigration enforcement and removal priorities that Acting Secretary Pekoske issued on January 20, 2021. Acting Secretary Pekoske issued the interim priorities in his memorandum titled, *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities* (Interim Memo).

This interim guidance is effective immediately. It applies to all U.S. Immigration and Customs Enforcement (ICE) Directorates and Program Offices, and it covers enforcement actions, custody decisions, the execution of final orders of removal, financial expenditures, and strategic planning.

This interim guidance will remain in effect until Secretary Mayorkas issues new enforcement guidelines. The Secretary has informed me that he will issue new guidelines only after consultation with the leadership and workforce of ICE, U.S. Customs and Border Protection, and other Department of Homeland Security (Department) agencies and offices. He anticipates issuing these guidelines in less than 90 days.

I have requested approval of certain revisions to the Interim Memo until the Secretary issues new enforcement guidelines. My requested revisions have been approved, and they are incorporated into this guidance. To the extent this guidance conflicts with the Interim Memo, this guidance controls. As you will read below, the revisions include, but are not limited to: (1) authorization to apprehend presumed priority noncitizens<sup>1</sup> in at-large enforcement actions without advance approval; (2) the inclusion of current qualifying members of criminal gangs and transnational criminal organizations as presumed enforcement priorities; (3) authorization to apprehend

<sup>1</sup> For purposes of this memorandum, "noncitizen" means any person as defined in section 101(a)(3) of the Immigration and Nationality Act (INA).

Interim Guidance: Civil Immigration Enforcement and Removal Priorities  
Page 2 of 7

without prior approval other presumed priority noncitizens who are encountered during enforcement operations; (4) how to evaluate whether a noncitizen who is not a presumed priority nevertheless poses a public safety threat and should be apprehended; (5) the further delegation of approval authority; and (6) the importance of providing advance notice of at-large enforcement actions to state and local law enforcement.

Section C of the Interim Memo has been enjoined. This memorandum does not implement, nor take into account, Section C. This memorandum implements Section B (Interim Civil Enforcement Guidelines).

Background

On January 20, 2021, President Biden issued Executive Order (EO) 13993, Revision of Civil Immigration Enforcement Policies and Priorities, 86 Fed. Reg. 7051 (Jan. 25, 2021), which articulated the Administration's baseline values and priorities for the enforcement of the civil immigration laws.

On the same day, Acting Secretary Pekoske issued the Interim Memo. The Interim Memo did four things. First, it directed a comprehensive Department-wide review of civil immigration enforcement policies. Second, it established interim civil immigration enforcement priorities for the Department. Third, it instituted a 100-day pause on certain removals pending the review. Fourth, it rescinded several existing policy memoranda, including two ICE-related memoranda, as inconsistent with EO 13993.<sup>2</sup> The Interim Memo further directed that ICE issue interim guidance implementing the revised enforcement priorities and the removal pause.

On January 26, 2021, the U.S. District Court for the Southern District of Texas issued a temporary restraining order (TRO) enjoining the Department from enforcing and implementing the 100-day removal pause in Section C.

Like other national security and public safety agencies, ICE operates in an environment of limited resources. Due to these limited resources, ICE has always prioritized, and necessarily must prioritize, certain enforcement and removal actions over others.

In addition to resource constraints, several other factors render ICE's mission particularly complex. These factors include ongoing litigation in various fora; the health and safety of the ICE workforce and those in its custody, particularly during the current COVID-19 pandemic; the responsibility to ensure that eligible noncitizens are able to pursue relief from removal under the immigration laws; and the requirements of, and, relationships with, sovereign nations, whose laws and expectations can place additional constraints on ICE's ability to execute final orders of removal.

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<sup>2</sup> Memorandum from Matthew T. Albence, Exec. Assoc. Dir., ICE, to All ERO Employees, *Implementing the President's Border Security and Interior Immigration Enforcement Policies* (Feb. 21, 2017); Memorandum from Tracy Short, Principal Legal Advisor, ICE, to All OPLA Attorneys, *Guidance to OPLA Attorneys Regarding Implementation of the President's Executive Orders and the Secretary's Directives on Immigration Enforcement* (Aug. 15, 2017).



Interim Guidance: Civil Immigration Enforcement and Removal Priorities  
Page 3 of 7

Accordingly, in executing its critical national security, border security, and public safety mission, the Department must exercise its well-established prosecutorial discretion and prioritize its limited resources to most effectively achieve that mission.

Civil Immigration Enforcement and Removal Priorities

In support of the interim priorities, the guidance established in this memorandum shall be applied to all civil immigration enforcement and removal decisions made after the issuance of this memorandum. The civil immigration enforcement and removal decisions include, but are not limited to, the following:<sup>3</sup>

- Deciding whether to issue a detainer, or whether to assume custody of a noncitizen subject to a previously issued detainer;
- Deciding whether to issue, reissue, serve, file, or cancel a Notice to Appear;
- Deciding whether to focus resources only on administrative violations or conduct;
- Deciding whether to stop, question, or arrest a noncitizen for an administrative violation of the civil immigration laws;
- Deciding whether to detain or release from custody subject to conditions;
- Deciding whether to grant deferred action or parole; and
- Deciding when and under what circumstances to execute final orders of removal.

For ease of reference, the interim priorities identified in the Interim Memo, and as revised by this guidance, are set forth below along with further explanation.

As a preliminary matter, it is vitally important to note that the interim priorities do not require or prohibit the arrest, detention, or removal of any noncitizen. Rather, officers and agents are expected to exercise their discretion thoughtfully, consistent with ICE's important national security, border security, and public safety mission. Enforcement and removal actions that meet the criteria described below are presumed to be a justified allocation of ICE's limited resources. Actions not reflected in the criteria described below may also be justified, but they are subject to advance review as outlined further below.

In determining whether to pursue an action that falls outside the criteria described below, all relevant facts and circumstances regarding the noncitizen should be considered. For instance, officers and agents should consider: whether there are criminal convictions; the seriousness and recency of such convictions, and the sentences imposed; the law enforcement resources that have been spent; whether a threat can be addressed through other means, such as through recourse to criminal law enforcement authorities at the federal, state, or local level, or to public health and other civil authorities at the state or local level; and, other relevant factors (including, for example, the mitigating factors identified on page 5).

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<sup>3</sup> As discussed above, the Department is enjoined from enforcing the Immediate 100-Day Pause on Removals in the Interim Memo. This following interim guidance should not be read to permit implementation of Section C of the Interim Memo.

Interim Guidance: Civil Immigration Enforcement and Removal Priorities  
Page 4 of 7

*Criteria Defining Cases That Are Presumed to be Priorities*

**Priority Category 1: National Security.** A noncitizen is *presumed* to be a national security enforcement and removal priority if:

- 1) he or she has engaged in or is suspected of engaging in terrorism or terrorism-related activities;
- 2) he or she has engaged in or is suspected of engaging in espionage or espionage-related activities;<sup>4</sup> or
- 3) his or her apprehension, arrest, or custody is otherwise necessary to protect the national security of the United States.

In evaluating whether a noncitizen's "apprehension, arrest, or custody is otherwise necessary to protect" national security, officers and agents should determine whether a noncitizen poses a threat to United States sovereignty, territorial integrity, national interests, or institutions. General criminal activity does not amount to a national security threat (as distinguished from a public safety threat) and is discussed below.

**Priority Category 2: Border Security.** A noncitizen is *presumed* to be a border security enforcement and removal priority if:

- 1) he or she was apprehended at the border or a port of entry while attempting to unlawfully enter the United States on or after November 1, 2020<sup>5</sup>; or
- 2) he or she was not physically present in the United States before November 1, 2020.

To be clear, the border security priority includes any noncitizen who unlawfully entered the United States on or after November 1, 2020.

**Priority Category 3: Public Safety.** A noncitizen is *presumed* to be a public safety enforcement and removal priority if he or she poses a threat to public safety and:

- 1) he or she has been convicted of an aggravated felony as defined in section 101(a)(43) of the INA<sup>6</sup>; or

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<sup>4</sup> For purposes of the national security enforcement priority, the terms "terrorism or terrorism-related activities" and "espionage or espionage-related activities" should be applied consistent with (1) the definitions of "terrorist activity" and "engage in terrorist activity" in section 212(a)(3)(B)(iii)-(iv) of the INA, and (2) the manner in which the term "espionage" is generally applied in the immigration laws.

<sup>5</sup> The statutory mandates in Section 235 of the INA (regarding asylum seekers) continue to apply to noncitizens.

<sup>6</sup> This criterion tracks Congress's prioritization of aggravated felonies for immigration enforcement actions. Whether an individual has been convicted of an aggravated felony is a complex question that may involve securing and analyzing a host of conviction documents, many of which may not be immediately available to officers and agents. Even when all conviction documents are available, whether a conviction is for an aggravated felony may be a novel question under applicable law. Accordingly, in deciding whether a noncitizen has been convicted of an



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- 2) he or she has been convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or is not younger than 16 years of age and intentionally participated in an organized criminal gang or transnational criminal organization to further the illegal activity of the gang or transnational criminal organization.

In evaluating whether a noncitizen currently “pose[s] a threat to public safety,” officers and agents are to consider the extensiveness, seriousness, and recency of the criminal activity. Officers and agents are to also consider mitigating factors, including, but not limited to, personal and family circumstances, health and medical factors, ties to the community, evidence of rehabilitation, and whether the individual has potential immigration relief available.

Officers are to base their conclusions about intentional participation in an organized criminal gang or transnational criminal organization on reliable evidence and consult with the Field Office Director (FOD) or Special Agent in Charge (SAC) in reaching this conclusion.

Particular attention is to be exercised in cases involving noncitizens who are elderly or are known to be suffering from serious physical or mental illness. Similarly, particular attention is to be exercised with respect to noncitizens who have pending petitions for review on direct appeal from an order of removal; have filed only one motion to reopen removal proceedings, and such a motion either remains pending or is on direct appeal via a petition for review; or have pending applications for immigration relief and are prima facie eligible for such relief. In such cases, execution of removal orders should have a compelling reason and are to have approval from the FOD.

A civil enforcement or removal action that does not meet the above criteria for presumed priority cases will require preapproval as described below.

Enforcement and Removal Actions: Approval, Coordination, and Data Collection

To ensure compliance with this guidance and consistency across geographic areas of responsibility, and to facilitate a dialogue between headquarters and field leadership about the effectiveness of the interim guidance, ICE will require that field offices collect data on the nature and type of enforcement and removal actions they perform. In addition, ICE will require field offices to coordinate their operations and obtain preapproval for enforcement and removal actions that do not meet the above criteria for presumed priority cases. The data and coordination will inform the development of the Secretary’s new enforcement guidance.

*No Preapproval Required for Presumed Priority Cases*

Officers and agents need not obtain preapproval for enforcement or removal actions that meet the above criteria for presumed priority cases, beyond what existing policy requires and what a supervisor instructs.

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aggravated felony for purposes of this memorandum, officers and agents must have a good-faith belief based on either a final administrative determination, available conviction records, or the advice of agency legal counsel.

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*Preapproval for Other Priority Cases*

Any civil immigration enforcement or removal actions that do not meet the above criteria for presumed priority cases will require preapproval from the FOD or SAC. In deciding to undertake an enforcement action or removal, the agent or officer must consider, in consultation with his or her leadership, the nature and recency of the noncitizen's convictions, the type and length of sentences imposed, whether the enforcement action is otherwise an appropriate use of ICE's limited resources, and other relevant factors. In requesting this preapproval, the officer or agent must raise a written justification through the chain of command, explaining why the action otherwise constitutes a justified allocation of limited resources, and identify the date, time, and location the enforcement action or removal is expected to take place.

The approval to carry out an enforcement action against a particular noncitizen will not authorize enforcement actions against other noncitizens encountered during an operation if those noncitizens fall outside the presumption criteria identified above. An approval to take an enforcement action against any other noncitizen encountered who is not a presumed priority must be separately secured as described above.

In some cases, exigent circumstances and the demands of public safety will make it impracticable to obtain preapproval for an at-large enforcement action. While it is impossible to preconceive all such circumstances, they generally will be limited to situations where a noncitizen poses an imminent threat to life or an imminent substantial threat to property. If preapproval is impracticable, an officer or agent should conduct the enforcement action and then request approval as described above within 24 hours following the action.<sup>7</sup>

As always, it is important that ICE endeavor to remove noncitizens with final removal orders who have remained in post-order detention for more than 90 days. ICE will continue to review such noncitizens' cases on a regular basis, consistent with existing law and policy. ICE will endeavor to remove such noncitizens consistent with legal requirements and national, border security, and public safety priorities.

Periodically, ICE receives requests to exercise some form of individualized discretion in the interests of law and justice. ICE will create and maintain a system by which personnel can evaluate these individualized requests.

*Notice of At-Large Enforcement Actions*

The execution of an at-large enforcement action should be preceded by notification to the relevant state and local law enforcement agency or agencies. This notification will advance

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<sup>7</sup> Where approval is sought following the enforcement action due to exigent circumstances, the request shall explain the exigency, where and when the enforcement activity took place, and whether the noncitizen is currently detained. Additionally, when the location of a proposed or completed enforcement action is a courthouse, as defined in ICE Directive 11072.1: Civil Immigration Enforcement Actions Inside Courthouses (Jan. 10, 2018, or as superseded), or a sensitive location, as defined in ICE Directive No. 10029.2, Enforcement Actions at or Focused on Sensitive Locations (Oct. 24, 2011, or as superseded), that should be explicitly highlighted in the request.

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public safety and help ensure that planned immigration enforcement actions do not improperly interfere with state and local law enforcement investigations and actions.

*Weekly Reporting of All Enforcement and Removal Actions*

The Director will review all enforcement actions to ensure compliance with this guidance and consistency across geographic areas of responsibility and to facilitate a dialogue between headquarters and field leadership about the effectiveness of the interim priorities.

Each Friday, the Executive Associate Directors for Enforcement and Removal Operations and Homeland Security Investigations will compile and provide to the Office of the Director, the Office of the Deputy Director, and the Office of Policy and Planning (OPP), a written report: (1) identifying each enforcement action taken in the prior week, including the applicable priority criterion, if any; (2) providing a narrative justification of the action; and (3) identifying the date, time, and location of the action.

In addition, each Friday the Executive Associate Director for Enforcement and Removal Operations will provide to the Office of the Director, the Office of the Deputy Director, and OPP, a written report: (1) identifying each removal in the prior week, including the applicable priority criterion, if any; (2) providing a narrative justification of the removal; and (3) identifying the date, time, and location of the removal.

These reporting requirements will be assessed periodically during this interim period to ensure that they are both productive and manageable.

The weekly reports will be made available to the Office of the Secretary.

Questions

Questions regarding this interim guidance or the Interim Memo should be directed to OPP through the chain of command and Directorate or Program Office leadership. Answers to frequently asked policy questions will be published on OPP's inSight page on an ongoing basis. Please note, however, that case-specific questions should generally be addressed by Directorate or Program Office leadership.

No Private Right Statement

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

## **EXHIBIT 3**

Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

February 20, 2017

MEMORANDUM FOR:

Kevin McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

Thomas D. Homan  
Acting Director  
U.S. Immigration and Customs Enforcement

Lori Scialabba  
Acting Director  
U.S. Citizenship and Immigration Services

Joseph B. Maher  
Acting General Counsel

Dimple Shah  
Acting Assistant Secretary for International Affairs

Chip Fulghum  
Acting Undersecretary for Management

FROM:

John Kelly  
Secretary

A handwritten signature in black ink, appearing to read "John Kelly", written over the printed name and title.

SUBJECT:

**Enforcement of the Immigration Laws to Serve the National Interest**

This memorandum implements the Executive Order entitled "Enhancing Public Safety in the Interior of the United States," issued by the President on January 25, 2017. It constitutes guidance for all Department personnel regarding the enforcement of the immigration laws of the United States, and is applicable to the activities of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). As such, it should inform enforcement and removal activities, detention decisions, administrative litigation, budget requests and execution, and strategic planning.



With the exception of the June 15, 2012, memorandum entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” and the November 20, 2014 memorandum entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents,”<sup>1</sup> all existing conflicting directives, memoranda, or field guidance regarding the enforcement of our immigration laws and priorities for removal are hereby immediately rescinded—to the extent of the conflict—including, but not limited to, the November 20, 2014, memoranda entitled “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,” and “Secure Communities.”

#### **A. The Department’s Enforcement Priorities**

Congress has defined the Department’s role and responsibilities regarding the enforcement of the immigration laws of the United States. Effective immediately, and consistent with Article II, Section 3 of the United States Constitution and Section 3331 of Title 5, United States Code, Department personnel shall faithfully execute the immigration laws of the United States against all removable aliens.

Except as specifically noted above, the Department no longer will exempt classes or categories of removable aliens from potential enforcement. In faithfully executing the immigration laws, Department personnel should take enforcement actions in accordance with applicable law. In order to achieve this goal, as noted below, I have directed ICE to hire 10,000 officers and agents expeditiously, subject to available resources, and to take enforcement actions consistent with available resources. However, in order to maximize the benefit to public safety, to stem unlawful migration and to prevent fraud and misrepresentation, Department personnel should prioritize for removal those aliens described by Congress in Sections 212(a)(2), (a)(3), and (a)(6)(C), 235(b) and (c), and 237(a)(2) and (4) of the Immigration and Nationality Act (INA).

Additionally, regardless of the basis of removability, Department personnel should prioritize removable aliens who: (1) have been convicted of any criminal offense; (2) have been charged with any criminal offense that has not been resolved; (3) have committed acts which constitute a chargeable criminal offense; (4) have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency; (5) have abused any program related to receipt of public benefits; (6) are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or (7) in the judgment of an immigration officer, otherwise pose a risk to public safety or national security. The Director of ICE, the Commissioner of CBP, and the Director of USCIS may, as they determine is appropriate, issue further guidance to allocate appropriate resources to prioritize enforcement activities within these categories—for example, by prioritizing enforcement activities against removable aliens who are convicted felons or who are involved in gang activity or drug trafficking.

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<sup>1</sup> The November 20, 2014, memorandum will be addressed in future guidance.

**B. Strengthening Programs to Facilitate the Efficient and Faithful Execution of the Immigration Laws of the United States**

Facilitating the efficient and faithful execution of the immigration laws of the United States—and prioritizing the Department’s resources—requires the use of all available systems and enforcement tools by Department personnel.

Through passage of the immigration laws, Congress established a comprehensive statutory regime to remove aliens expeditiously from the United States in accordance with all applicable due process of law. I determine that the faithful execution of our immigration laws is best achieved by using all these statutory authorities to the greatest extent practicable. Accordingly, Department personnel shall make full use of these authorities.

Criminal aliens have demonstrated their disregard for the rule of law and pose a threat to persons residing in the United States. As such, criminal aliens are a priority for removal. The Priority Enforcement Program failed to achieve its stated objectives, added an unnecessary layer of uncertainty for the Department’s personnel, and hampered the Department’s enforcement of the immigration laws in the interior of the United States. Effective immediately, the Priority Enforcement Program is terminated and the Secure Communities Program shall be restored. To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Department shall eliminate the existing Forms I-247D, I-247N, and I-247X, and replace them with a new form to more effectively communicate with recipient law enforcement agencies. However, until such forms are updated they may be used as an interim measure to ensure that detainers may still be issued, as appropriate.

ICE’s Criminal Alien Program is an effective tool to facilitate the removal of criminal aliens from the United States, while also protecting our communities and conserving the Department’s detention resources. Accordingly, ICE should devote available resources to expanding the use of the Criminal Alien Program in any willing jurisdiction in the United States. To the maximum extent possible, in coordination with the Executive Office for Immigration Review (EOIR), removal proceedings shall be initiated against aliens incarcerated in federal, state, and local correctional facilities under the Institutional Hearing and Removal Program pursuant to section 238(a) of the INA, and administrative removal processes, such as those under section 238(b) of the INA, shall be used in all eligible cases.

The INA § 287(g) Program has been a highly successful force multiplier that allows a qualified state or local law enforcement officer to be designated as an “immigration officer” for purposes of enforcing federal immigration law. Such officers have the authority to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, and conduct searches authorized under the INA, under the direction and supervision of the Department.

There are currently 32 law enforcement agencies in 16 states participating in the 287(g)



Program. In previous years, there were significantly more law enforcement agencies participating in the 287(g) Program. To the greatest extent practicable, the Director of ICE and Commissioner of CBP shall expand the 287(g) Program to include all qualified law enforcement agencies that request to participate and meet all program requirements. In furtherance of this direction and the guidance memorandum, “Implementing the President’s Border Security and Immigration Enforcement Improvements Policies” (Feb. 20, 2017), the Commissioner of CBP is authorized, in addition to the Director of ICE, to accept State services and take other actions as appropriate to carry out immigration enforcement pursuant to section 287(g) of the INA.

### **C. Exercise of Prosecutorial Discretion**

Unless otherwise directed, Department personnel may initiate enforcement actions against removable aliens encountered during the performance of their official duties and should act consistently with the President’s enforcement priorities identified in his Executive Order and any further guidance issued pursuant to this memorandum. Department personnel have full authority to arrest or apprehend an alien whom an immigration officer has probable cause to believe is in violation of the immigration laws. They also have full authority to initiate removal proceedings against any alien who is subject to removal under any provision of the INA, and to refer appropriate cases for criminal prosecution. The Department shall prioritize aliens described in the Department’s Enforcement Priorities (Section A) for arrest and removal. This is not intended to remove the individual, case-by-case decisions of immigration officers.

The exercise of prosecutorial discretion with regard to any alien who is subject to arrest, criminal prosecution, or removal in accordance with law shall be made on a case-by-case basis in consultation with the head of the field office component, where appropriate, of CBP, ICE, or USCIS that initiated or will initiate the enforcement action, regardless of which entity actually files any applicable charging documents: CBP Chief Patrol Agent, CBP Director of Field Operations, ICE Field Office Director, ICE Special Agent-in-Charge, or the USCIS Field Office Director, Asylum Office Director or Service Center Director.

Except as specifically provided in this memorandum, prosecutorial discretion shall not be exercised in a manner that exempts or excludes a specified class or category of aliens from enforcement of the immigration laws. The General Counsel shall issue guidance consistent with these principles to all attorneys involved in immigration proceedings.

### **D. Establishing the Victims of Immigration Crime Engagement (VOICE) Office**

Criminal aliens routinely victimize Americans and other legal residents. Often, these victims are not provided adequate information about the offender, the offender’s immigration status, or any enforcement action taken by ICE against the offender. Efforts by ICE to engage these victims have been hampered by prior Department of Homeland Security (DHS) policy extending certain Privacy Act protections to persons other than U.S. citizens and lawful permanent residents, leaving victims feeling marginalized and without a voice. Accordingly, I am establishing the Victims of Immigration Crime Engagement (VOICE) Office within the Office of



the Director of ICE, which will create a programmatic liaison between ICE and the known victims of crimes committed by removable aliens. The liaison will facilitate engagement with the victims and their families to ensure, to the extent permitted by law, that they are provided information about the offender, including the offender's immigration status and custody status, and that their questions and concerns regarding immigration enforcement efforts are addressed.

To that end, I direct the Director of ICE to immediately reallocate any and all resources that are currently used to advocate on behalf of illegal aliens (except as necessary to comply with a judicial order) to the new VOICE Office, and to immediately terminate the provision of such outreach or advocacy services to illegal aliens.

Nothing herein may be construed to authorize disclosures that are prohibited by law or may relate to information that is Classified, Sensitive but Unclassified (SBU), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or similarly designated information that may relate to national security, law enforcement, or intelligence programs or operations, or disclosures that are reasonably likely to cause harm to any person.

#### **E. Hiring Additional ICE Officers and Agents**

To enforce the immigration laws effectively in the interior of the United States in accordance with the President's directives, additional ICE agents and officers are necessary. The Director of ICE shall—while ensuring consistency in training and standards—take all appropriate action to expeditiously hire 10,000 agents and officers, as well as additional operational and mission support and legal staff necessary to hire and support their activities. Human Capital leadership in CBP and ICE, in coordination with the Under Secretary for Management and the Chief Human Capital Officer, shall develop hiring plans that balance growth and interagency attrition by integrating workforce shaping and career paths for incumbents and new hires.

#### **F. Establishment of Programs to Collect Authorized Civil Fines and Penalties**

As soon as practicable, the Director of ICE, the Commissioner of CBP, and the Director of USCIS shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties which the Department is authorized under the law to assess and collect from aliens and from those who facilitate their unlawful presence in the United States.

#### **G. Aligning the Department's Privacy Policies With the Law**

The Department will no longer afford Privacy Act rights and protections to persons who are neither U.S. citizens nor lawful permanent residents. The DHS Privacy Office will rescind the DHS *Privacy Policy Guidance memorandum*, dated January 7, 2009, which implemented the DHS "mixed systems" policy of administratively treating all personal information contained in DHS record systems as being subject to the Privacy Act regardless of the subject's immigration status. The DHS Privacy Office, with the assistance of the Office of the General Counsel, will

develop new guidance specifying the appropriate treatment of personal information DHS maintains in its record systems.

#### **H. Collecting and Reporting Data on Alien Apprehensions and Releases**

The collection of data regarding aliens apprehended by ICE and the disposition of their cases will assist in the development of agency performance metrics and provide transparency in the immigration enforcement mission. Accordingly, to the extent permitted by law, the Director of ICE shall develop a standardized method of reporting statistical data regarding aliens apprehended by ICE and, at the earliest practicable time, provide monthly reports of such data to the public without charge.

The reporting method shall include uniform terminology and shall utilize a format that is easily understandable by the public and a medium that can be readily accessed. At a minimum, in addition to statistical information currently being publicly reported regarding apprehended aliens, the following categories of information must be included: country of citizenship, convicted criminals and the nature of their offenses, gang members, prior immigration violators, custody status of aliens and, if released, the reason for release and location of their release, aliens ordered removed, and aliens physically removed or returned.

The ICE Director shall also develop and provide a weekly report to the public, utilizing a medium that can be readily accessed without charge, of non-Federal jurisdictions that release aliens from their custody, notwithstanding that such aliens are subject to a detainer or similar request for custody issued by ICE to that jurisdiction. In addition to other relevant information, to the extent that such information is readily available, the report shall reflect the name of the jurisdiction, the citizenship and immigration status of the alien, the arrest, charge, or conviction for which each alien was in the custody of that jurisdiction, the date on which the ICE detainer or similar request for custody was served on the jurisdiction by ICE, the date of the alien's release from the custody of that jurisdiction and the reason for the release, an explanation concerning why the detainer or similar request for custody was not honored, and all arrests, charges, or convictions occurring after the alien's release from the custody of that jurisdiction.

#### **I. No Private Right of Action**

This document provides only internal DHS policy guidance, which may be modified, rescinded, or superseded at any time without notice. This guidance is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigation prerogatives of DHS.

In implementing these policies, I direct DHS Components to consult with legal counsel to ensure compliance with all applicable laws, including the Administrative Procedure Act.

## **EXHIBIT 4**

Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

November 20, 2014

MEMORANDUM FOR: Thomas S. Winkowski  
Acting Director  
U.S. Immigration and Customs Enforcement

R. Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection

Leon Rodriguez  
Director  
U.S. Citizenship and Immigration Services

Alan D. Bersin  
Acting Assistant Secretary for Policy

FROM: Jeh Charles Johnson  
Secretary

A handwritten signature in dark ink, appearing to read "Jeh Charles Johnson", with a large, stylized flourish extending to the right.

SUBJECT: **Policies for the Apprehension, Detention and  
Removal of Undocumented Immigrants**

This memorandum reflects new policies for the apprehension, detention, and removal of aliens in this country. This memorandum should be considered Department-wide guidance, applicable to the activities of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). This memorandum should inform enforcement and removal activity, detention decisions, budget requests and execution, and strategic planning.

In general, our enforcement and removal policies should continue to prioritize threats to national security, public safety, and border security. The intent of this new policy is to provide clearer and more effective guidance in the pursuit of those priorities. To promote public confidence in our enforcement activities, I am also directing herein greater transparency in the annual reporting of our removal statistics, to include data that tracks the priorities outlined below.



The Department of Homeland Security (DHS) and its immigration components-CBP, ICE, and USCIS-are responsible for enforcing the nation's immigration laws. Due to limited resources, DHS and its Components cannot respond to all immigration violations or remove all persons illegally in the United States. As is true of virtually every other law enforcement agency, DHS must exercise prosecutorial discretion in the enforcement of the law. And, in the exercise of that discretion, DHS can and should develop smart enforcement priorities, and ensure that use of its limited resources is devoted to the pursuit of those priorities. DHS's enforcement priorities are, have been, and will continue to be national security, border security, and public safety. DHS personnel are directed to prioritize the use of enforcement personnel, detention space, and removal assets accordingly.

In the immigration context, prosecutorial discretion should apply not only to the decision to issue, serve, file, or cancel a Notice to Appear, but also to a broad range of other discretionary enforcement decisions, including deciding: whom to stop, question, and arrest; whom to detain or release; whether to settle, dismiss, appeal, or join in a motion on a case; and whether to grant deferred action, parole, or a stay of removal instead of pursuing removal in a case. While DHS may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing enforcement and removal of higher priority cases. Thus, DHS personnel are expected to exercise discretion and pursue these priorities at all stages of the enforcement process-from the earliest investigative stage to enforcing final orders of removal-subject to their chains of command and to the particular responsibilities and authorities applicable to their specific position.

Except as noted below, the following memoranda are hereby rescinded and superseded: John Morton, *Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens*, March 2, 2011; John Morton, *Exercising Prosecutorial Discretion Consistent with the Civil Enforcement Priorities of the Agency for the Apprehension, Detention and Removal of Aliens*, June 17, 2011; Peter Vincent, *Case-by-Case Review of Incoming and Certain Pending Cases*, November 17, 2011; *Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems*, December 21, 2012; *National Fugitive Operations Program: Priorities, Goals, and Expectations*, December 8, 2009.

**A. Civil Immigration Enforcement Priorities**

The following shall constitute the Department's civil immigration enforcement priorities:

**Priority 1 (threats to national security, border security, and public safety)**

Aliens described in this priority represent the highest priority to which enforcement resources should be directed:

- (a) aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;
- (b) aliens apprehended at the border or ports of entry while attempting to unlawfully enter the United States;
- (c) aliens convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or aliens not younger than 16 years of age who intentionally participated in an organized criminal gang to further the illegal activity of the gang;
- (d) aliens convicted of an offense classified as a felony in the convicting jurisdiction, other than a state or local offense for which an essential element was the alien's immigration status; and
- (e) aliens convicted of an "aggravated felony," as that term is defined in section 101(a)(43) of the *Immigration and Nationality Act* at the time of the conviction.

The removal of these aliens must be prioritized unless they qualify for asylum or another form of relief under our laws, or unless, in the judgment of an ICE Field Office Director, CBP Sector Chief or CBP Director of Field Operations, there are compelling and exceptional factors that clearly indicate the alien is not a threat to national security, border security, or public safety and should not therefore be an enforcement priority.

**Priority 2 (misdemeanants and new immigration violators)**

Aliens described in this priority, who are also not described in Priority 1, represent the second-highest priority for apprehension and removal. Resources should be dedicated accordingly to the removal of the following:

- (a) aliens convicted of three or more misdemeanor offenses, other than minor traffic offenses or state or local offenses for which an essential element

was the alien's immigration status, provided the offenses arise out of three separate incidents;

- (b) aliens convicted of a "significant misdemeanor," which for these purposes is an offense of domestic violence;<sup>1</sup> sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or driving under the influence; or if not an offense listed above, one for which the individual was sentenced to time in custody of 90 days or more (the sentence must involve time to be served in custody, and does not include a suspended sentence);
- (c) aliens apprehended anywhere in the United States after unlawfully entering or re-entering the United States and who cannot establish to the satisfaction of an immigration officer that they have been physically present in the United States continuously since January 1, 2014; and
- (d) aliens who, in the judgment of an ICE Field Office Director, USCIS District Director, or USCIS Service Center Director, have significantly abused the visa or visa waiver programs.

These aliens should be removed unless they qualify for asylum or another form of relief under our laws or, unless, in the judgment of an ICE Field Office Director, CBP Sector Chief, CBP Director of Field Operations, USCIS District Director, or users Service Center Director, there are factors indicating the alien is not a threat to national security, border security, or public safety, and should not therefore be an enforcement priority.

### **Priority 3 (other immigration violations)**

Priority 3 aliens are those who have been issued a final order of removal<sup>2</sup> on or after January 1, 2014. Aliens described in this priority, who are not also described in Priority 1 or 2, represent the third and lowest priority for apprehension and removal. Resources should be dedicated accordingly to aliens in this priority. Priority 3 aliens should generally be removed unless they qualify for asylum or another form of relief under our laws or, unless, in the judgment of an immigration officer, the alien is not a threat to the integrity of the immigration system or there are factors suggesting the alien should not be an enforcement priority.

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<sup>1</sup> In evaluating whether the offense is a significant misdemeanor involving "domestic violence," careful consideration should be given to whether the convicted alien was also the victim of domestic violence; if so, this should be a mitigating factor. *See generally*, John Morton, *Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs*, June 17, 2011.

<sup>2</sup> For present purposes, "final order" is defined as it is in 8 C.F.R. § 1241.1.

**B. Apprehension, Detention, and Removal of Other Aliens Unlawfully in the United States**

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of aliens unlawfully in the United States who are not identified as priorities herein. However, resources should be dedicated, to the greatest degree possible, to the removal of aliens described in the priorities set forth above, commensurate with the level of prioritization identified. Immigration officers and attorneys may pursue removal of an alien not identified as a priority herein, provided, in the judgment of an ICE Field Office Director, removing such an alien would serve an important federal interest.

**C. Detention**

As a general rule, DHS detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirement of mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, who are disabled, elderly, pregnant, or nursing, who demonstrate that they are primary caretakers of children or an infirm person, or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, DHS officers or special agents must obtain approval from the ICE Field Office Director. If an alien falls within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

**D. Exercising Prosecutorial Discretion**

Section A, above, requires DHS personnel to exercise discretion based on individual circumstances. As noted above, aliens in Priority 1 must be prioritized for removal unless they qualify for asylum or other form of relief under our laws, or unless, in the judgment of an ICE Field Office Director, CBP Sector Chief, or CBP Director of Field Operations, there are compelling and exceptional factors that clearly indicate the alien is not a threat to national security, border security, or public safety and should not therefore be an enforcement priority. Likewise, aliens in Priority 2 should be removed unless they qualify for asylum or other forms of relief under our laws, or unless, in the judgment of an ICE Field Office Director, CBP Sector Chief, CBP Director of Field Operations, USCIS District Director, or USCIS Service Center Director, there are factors indicating the alien is not a threat to national security, border security, or public safety and should not therefore be an enforcement priority. Similarly, aliens in Priority 3 should generally be removed unless they qualify for asylum or another form of relief under our laws or, unless, in the judgment of an immigration officer, the alien is not a threat to the



integrity of the immigration system or there are factors suggesting the alien should not be an enforcement priority.

In making such judgments, DHS personnel should consider factors such as: extenuating circumstances involving the offense of conviction; extended length of time since the offense of conviction; length of time in the United States; military service; family or community ties in the United States; status as a victim, witness or plaintiff in civil or criminal proceedings; or compelling humanitarian factors such as poor health, age, pregnancy, a young child, or a seriously ill relative. These factors are not intended to be dispositive nor is this list intended to be exhaustive. Decisions should be based on the totality of the circumstances.

#### **E. Implementation**

The revised guidance shall be effective on January 5, 2015. Implementing training and guidance will be provided to the workforce prior to the effective date. The revised guidance in this memorandum applies only to aliens encountered or apprehended on or after the effective date, and aliens detained, in removal proceedings, or subject to removal orders who have not been removed from the United States as of the effective date. Nothing in this guidance is intended to modify USCIS Notice to Appear policies, which remain in force and effect to the extent they are not inconsistent with this memorandum.

#### **F. Data**

By this memorandum I am directing the Office of Immigration Statistics to create the capability to collect, maintain, and report to the Secretary data reflecting the numbers of those apprehended, removed, returned, or otherwise repatriated by any component of DHS and to report that data in accordance with the priorities set forth above. I direct CBP, ICE, and USCIS to cooperate in this effort. I intend for this data to be part of the package of data released by DHS to the public annually.

#### **G. No Private Right Statement**

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

## **EXHIBIT 5**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

STATE OF FLORIDA,

*Plaintiff,*

v.

Case No. \_\_\_\_\_

The UNITED STATES OF AMERICA;  
*et al.,*

*Defendants.*

\_\_\_\_\_ /

**DECLARATION OF KIMBERLY L. THOMAS**

I, **Kimberly L. Thomas**, pursuant to 28 U.S.C. § 1746, make this unsworn declaration under penalty of perjury under the laws of the United States, declare that the statements made below are true and correct:

1. My name is Kimberly L. Thomas. I am employed as Correctional Service Administrator by the Florida Department of Corrections ("FDC").

2. As Correctional Service Administrator, I serve as a liaison for FDC with U.S. Immigration and Customs Enforcement ("ICE") concerning the placement and withdrawal of ICE detainers on incarcerated inmates and the scheduling of hearings concerning an inmate's immigration status. An integral part of that role is to determine whether ICE intends to place detainers on particular inmates.

3. Attached are true and correct copies of all emails addressed to and received by me regarding either nonplacement or withdrawal of ICE detainers due to the new administration's guidelines as outlined in ICE's 18 February 2021 memorandum titled Interim Guidance: Civil Immigrant Enforcement and Removal Priorities.

4. These emails were received by me from employees of ICE and are kept in the course of a regularly conducted business activity of the FDC.

Additionally, these emails are public records of the State of Florida.

5. The foregoing facts are known by me to be true and correct based upon my review of the records. I am over the age of 18, am competent to testify to such facts, and would so testify if I appeared in court as a witness regarding this matter. I declare under penalties of perjury under the laws of the United States of America that I have read the foregoing and I confirm that the facts stated herein are true and correct.

  
KIMBERLY L. THOMAS

Executed on 3/2/2021  
DATE

Thomas, Kimberly L

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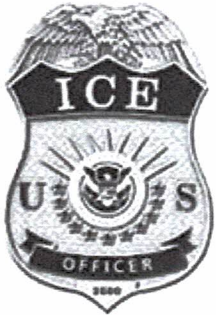
**From:** Burry, Carlo <Carlo.Burry@ice.dhs.gov>  
**Sent:** Friday, February 26, 2021 3:56 PM  
**To:** Thomas, Kimberly L  
**Cc:** Lopez, Jhon J; Capo, Avian J  
**Subject:** GOMEZ, JOSE L DC# F30707

Good Afternoon Mrs. Thomas,

Per new administration guidelines, ICE will not take any action on subject.

Thank you,

**Carlo Burry**  
**Deportation Officer, Criminal Alien Program (CAP State)**  
**Miami Field Office**  
**Enforcement and Removal Operations**  
**U.S. Immigration and Customs Enforcement**  
**Desk: 954-843-5833 Cell: 520 858 2727**  
**2805 SW 145<sup>th</sup> Avenue**  
**Miramar, FL 33027**



**From:** Capo, Avian J <Avian.J.Capo@ice.dhs.gov>  
**Sent:** Friday, February 26, 2021 2:36 PM  
**To:** Burry, Carlo <Carlo.Burry@ice.dhs.gov>  
**Cc:** Lopez, Jhon J <Jhon.J.Lopez@ice.dhs.gov>  
**Subject:** FW: A# 208 137 776

See below Burry

Avian Capo  
Supervisory Detention & Deportation Officer, Criminal Alien Program (CAP) State & Federal  
ERO Criminal Prosecutions Team  
Miami Field Office, Miramar Sub-Office  
Enforcement and Removal Operations  
U.S. Immigration Customs Enforcement

Thomas, Kimberly L

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**From:** Lopez, Jhon J <Jhon.J.Lopez@ice.dhs.gov>  
**Sent:** Wednesday, February 24, 2021 5:20 PM  
**To:** Thomas, Kimberly L  
**Cc:** Garcia, Charles D; Capo, Avian J; Burry, Carlo  
**Subject:** RE: Falcon, Alejandro # Y60280

Good evening Ms. Thomas,

Per new administration guidelines, ICE will not take any action on subject FALCON, Alejandro, DC# Y60280.

Thank you.

Respectfully,

**JHON LOPEZ**

Deportation Officer  
CAP Unit/Miami Field Office  
Enforcement and Removal Operations (ERO)  
U.S. Immigration & Customs Enforcement (ICE)  
2805 SW 145<sup>th</sup> Ave. Miramar, FL 33027  
Office (954) 843-5805. Cell (305) 519-0728. Fax # (954) 843-5894. Email: [jhon.j.lopez@ice.dhs.gov](mailto:jhon.j.lopez@ice.dhs.gov)

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**From:** Thomas, Kimberly L <Kimberly.Thomas@fdc.myflorida.com>  
**Sent:** Wednesday, February 24, 2021 3:22 PM  
**To:** Lopez, Jhon J <Jhon.J.Lopez@ice.dhs.gov>; Burry, Carlo <Carlo.Burry@ice.dhs.gov>; Capo, Avian J <Avian.J.Capo@ice.dhs.gov>  
**Subject:** Re: Falcon, Alejandro # Y60280

---

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact [ICE SOC SPAM](#) with questions or concerns.

---

Good afternoon,  
Please review and advise if ICE has interest in placing a detainer on the following inmate. TRD: 3/1/2021

Falcon, Alejandro # Y60280  
BIRTH: [REDACTED] CUBA  
RACE : WHITE SEX: MALE

Thanks,  
Kimberly Thomas  
Correctional Service Administrator



Thomas, Kimberly L

---

**From:** Keaton, Kenneth <Kenneth.Keaton@ice.dhs.gov>  
**Sent:** Monday, February 22, 2021 9:41 AM  
**To:** Thomas, Kimberly L  
**Cc:** Peets, Monica P; Finger, Robert; Betancourt, Richard  
**Subject:** No Detainer

Good morning,

A detainer will not be placed on the Subject below as this case does not meet the current interim civil immigration enforcement priorities issued on January 20, 2021.

PIERRE, Loveson  
DC# C90111  
A058 844 187

Thank you

*Kenneth L Keaton*  
DEPORTATION OFFICER  
Miami Field Office, Jacksonville Sub-Office  
Enforcement and Removal Operations  
U.S. Immigration and Customs Enforcement  
Desk: 904-288-4664 Cell: 850-276-0703

Thomas, Kimberly L

---

**From:** Keaton, Kenneth <Kenneth.Keaton@ice.dhs.gov>  
**Sent:** Thursday, February 18, 2021 11:57 AM  
**To:** Thomas, Kimberly L  
**Cc:** Peets, Monica P  
**Subject:** RE: Mott, Donovan # Y45526

This person does not meet the new interim enforcement guidelines at this time, therefore, ICE will not place a detainer.

**From:** Thomas, Kimberly L <Kimberly.Thomas@fdc.myflorida.com>  
**Sent:** Thursday, February 18, 2021 11:42 AM  
**To:** Keaton, Kenneth <Kenneth.Keaton@ice.dhs.gov>  
**Cc:** Peets, Monica P <Monica.P.Peets@ice.dhs.gov>  
**Subject:** RE: Mott, Donovan # Y45526

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact [ICE SOC SPAM](#) with questions or concerns.

---

Good morning,

Please be advised the information has been sent via secure. I need to have an answer as soon as possible because this inmate is at a work release center and he will need to be broke back to a secure facility.

Thanks,  
Kimberly Thomas  
Correctional Service Administrator  
Central Office  
Florida Department of Corrections  
501 South Calhoun Street  
Tallahassee, Florida 32399-2500  
Office: (850)488-9167  
Direct line: (850) 717-3118  
Cell: (850) 491-3935  
Fax: (850) 413-0892



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Respect ★ Integrity ★ Courage ★ Selfless Service ★ Compassion

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Thomas, Kimberly L

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**From:** Mayer, Travis R <Travis.R.Mayer@ice.dhs.gov>  
**Sent:** Wednesday, February 17, 2021 9:10 AM  
**To:** Thomas, Kimberly L  
**Subject:** Lifted Detainer  
**Attachments:** Lifted Detainer REYES.pdf

Good morning,

Please see attached for a lifted detainer on the below individual. Subject does not meet current enforcement guidelines due to executive order, ICE has no interest in this subject.

DE LOS SANTOS-REYE, LUIS  
DC# K07076

Thank you,

*Travis Mayer*  
*Deportation Officer*  
*ICE/ERO*  
*Office: (850) 504-5216*  
*Cell: (850) 974-6033*

Thomas, Kimberly L

---

**From:** Mayer, Travis R <Travis.R.Mayer@ice.dhs.gov>  
**Sent:** Tuesday, February 16, 2021 11:54 AM  
**To:** Thomas, Kimberly L  
**Subject:** Lifted detainer  
**Attachments:** Lifted Detainer JEROME, Wanto.pdf

Good morning,

Please see attached for a lifted detainer on the below individual. Subject currently does not meet our removal criteria due to Executive Order, ICE has no more interest in this subject.

JEROME, Wanto  
DC# W17699

*Travis Mayer  
Deportation Officer  
ICE/ERO  
Office: (850) 504-5216  
Cell: (850) 974-6033*

Thomas, Kimberly L

---

**From:** Mayer, Travis R <Travis.R.Mayer@ice.dhs.gov>  
**Sent:** Tuesday, February 16, 2021 9:48 AM  
**To:** Thomas, Kimberly L  
**Subject:** Lifted Detainer  
**Attachments:** Lifted detainer Husejnovic.pdf

Good morning,

Please see attached for a lifted detainer on the below individual. Subject currently does not meet our removal criteria due to Executive Order, ICE has no more interest in this subject.

HUSEJNOVIC, Dzevad  
DC# R86189

*Travis Mayer  
Deportation Officer  
ICE/ERO  
Office: (850) 504-5216  
Cell: (850) 974-6033*

## **EXHIBIT 6**

3/3/2021

Inmate Population Information Detail


<http://www.dc.state.fl.us/index.html>

**Florida Department of Corrections**  
<http://www.dc.state.fl.us/index.html>

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Ron DeSantis, Governor  
 Mark S. Inch, Secretary

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[Correctional Institutions \(/www.dc.state.fl.us/ci/index.html\)](#)
[Probation Services \(/www.dc.state.fl.us/cc/index.html\)](#)
[FDC Jobs \(http://www.fldocjobs.com\)](http://www.fldocjobs.com)
[Newsroom \(/www.dc.state.fl.us/comm/index.html\)](#)
[Statistics \(/www.dc.state.fl.us/pub/index.html\)](#)

## Corrections Offender Network

### Inmate Population Information Detail

(This information was current as of 2/28/2021)



<b>DC Number:</b>	F30707
<b>Name:</b>	GOMEZ, JOSE L
<b>Race:</b>	WHITE
<b>Sex:</b>	MALE
<b>Birth Date:</b>	[REDACTED]
<b>Initial Receipt Date:</b>	12/06/2019
<b>Current Facility:</b>	<a href="http://prod.fdc-wpws001.fdc.myflorida.com/org/facility">S.F.R.C SOUTH UNIT (http://prod.fdc-wpws001.fdc.myflorida.com/org/facility)</a>
<b>Current Custody:</b>	CLOSE
<b>Current Release Date:</b>	06/02/2021



(<https://www.vinelink.com/vinelink/servlet/SubjectSearch?siteID=10000&agency=900&offenderID=F30707>)

(Release Date subject to change pending award, gain time forfeiture, or review. A 'Release Date is to be established pending

[Visiting Request Form - Part 1 \(http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/403.pdf\)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/403.pdf)

[Visiting Request Form - Part 2 \(http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/DC6-111B.pdf\)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/DC6-111B.pdf)

[How to Apply for Visitation \(http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit.html\)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit.html)

#### Aliases:

JOSE GOMEZ, JOSE L GOMEZ, JOSE LUIS GOMEZ, JOSE LUIS TAMAYO GOMEZ, TAMAYO JOSE GOMEZ, JOSE GOMEZ-TAMAYO, JOSE GOMEZTAMAYO, JOSE LUIS GOMEZTAMAYO

#### Current Prison Sentence History:

3/3/2021

## Inmate Population Information Detail

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
02/03/2018	BURGUNOCSTRUC/CV OR ATT.(ATTEMPTED)	11/05/2019	MIAMI-DADE	1802344	2Y 4M 24D
11/22/2017	STOLEN CARGO LT \$50K	11/05/2019	MIAMI-DADE	1809066	2Y 4M 24D
11/22/2017	BURGUNOCSTRUC/CV OR ATT.	11/05/2019	MIAMI-DADE	1809066	2Y 4M 24D
04/24/2019	BURGUNOCSTRUC/CV OR ATT.	11/05/2019	MIAMI-DADE	1908029	2Y 4M 24D
04/24/2019	BURGUNOCSTRUC/CV OR ATT.	11/05/2019	MIAMI-DADE	1908029	2Y 4M 24D
02/06/2019	BURGUNOCSTRUC/CV OR ATT.	11/05/2019	MIAMI-DADE	1908036	2Y 4M 24D
02/06/2019	GRAND THEFT,300 L/5,000	11/05/2019	MIAMI-DADE	1908036	2Y 4M 24D
10/31/2017	BURGUNOCSTRUC/CV OR ATT.	11/05/2019	MIAMI-DADE	1908084	2Y 4M 24D
10/31/2017	GRAND THEFT,300 L/5,000	11/05/2019	MIAMI-DADE	1908084	2Y 4M 24D

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

**Detainers:**(Further information may be obtained by contacting the detaining agency)

Detainer Date	Agency	Type	Date Canceled
11/07/2019	CS#1809066 1802344	NTFY/P&P	

**Incarceration History:**

Date In-Custody	Date Out-Custody
12/06/2019	Currently Incarcerated

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Record: 1 of 1

The Florida Department of Corrections updates this information regularly, to ensure that it is complete and accurate, however this information can change quickly. Therefore, the information on this site may not reflect the true current location, status, release date, or other information regarding an inmate.

This database contains public record information on felony offenders sentenced to the Department of Corrections. This information only includes offenders sentenced to state prison or state supervision. Information contained herein includes current and prior offenses. Offense types include related crimes such as attempts, conspiracies and solicitations to commit crimes. Information on offenders sentenced to county jail, county probation, or any other form of supervision is not contained. The information is derived from court records provided to the Department of Corrections and is made available as a public service to interested citizens. The Department of Corrections makes no guarantee as to the accuracy or completeness of the information contained herein. Any person who believes information provided is not accurate may contact the Department of Corrections.

For questions and comments, you may contact the Department of Corrections, Bureau of Classification and Central Records, at (850) 488-9859 or go to [Frequently Asked Questions About Inmates for more information](#) ( <http://prod.fdc-wpws001.fdc.myflorida.com/ci/index.html> ). This information is made available to the public and law enforcement in the interest of public safety.

**Search Criteria:** ( /OffenderSearch/search.aspx?TypeSearch=AI ) DC#: F30707 Search Aliases: NO Offense Category: County of Commitment: ALL Current Location: ALL

[Return to Corrections Offender Information Network \(../OffenderSearch/InmateInfoMenu.aspx\)](#)

**About Us**

<http://www.dc.state.fl.us/about.html>

**Quick Links**

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<http://www.dc.state.fl.us/ci/ContactInmate.html> <http://www.dc.state.fl.us/vict/index.html>

**Contact Us**

<http://www.dc.state.fl.us/org/ci>

501 South Calhoun Street  
Tallahassee, FL 32399-2500

3/3/2021

Inmate Population Information Detail

As Florida's largest state agency, and the third largest prison system in the country, FDC employs 24,000 members, incarcerates approximately 96,000 inmates and supervises nearly 166,000 offenders in the community.

<a href="#">Public Records</a> ( <a href="#">//www.dc.state.fl.us/comm/PRR.html</a> )	<a href="#">Inmate and Offender Programming</a> ( <a href="#">//www.dc.state.fl.us/development/index.html</a> )	<a href="#">Phone Directory</a> ( <a href="#">//www.dc.state.fl.us/org/contact.html</a> )
<a href="#">Volunteer</a> ( <a href="#">http://www.dc.state.fl.us/volunteer/index.html</a> )	<a href="#">Corrections Foundation</a> ( <a href="#">https://www.correctionsfoundation.org/</a> )	<a href="#">Citizen Services</a> ( <a href="#">//www.dc.state.fl.us/citizen/index.html</a> )
<a href="#">File a Complaint</a> ( <a href="#">//www.dc.state.fl.us/apps/IGcomplaint.asp</a> )	<a href="#">Parole Information</a> ( <a href="#">https://www.fcor.state.fl.us/index.shtml</a> )	
<a href="#">Organization</a> ( <a href="#">//www.dc.state.fl.us/org/orgchart.html</a> )	<a href="#">Inspector General</a> ( <a href="#">//www.dc.state.fl.us/ig/index.html</a> )	
<a href="#">Regulatory Plan</a> ( <a href="#">//www.dc.state.fl.us/pub/regulatory/2017-2018.pdf</a> )	<a href="#">Prison Rape Elimination Act</a> ( <a href="#">http://www.dc.state.fl.us/PREA/index.html</a> )	

3/3/2021

Inmate Release Information Detail


<http://www.dc.state.fl.us/index.html>

**Florida Department of Corrections**  
<http://www.dc.state.fl.us/index.html>



**Ron DeSantis, Governor**  
**Mark S. Inch, Secretary**

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**Offender Search** (<http://OffenderSearch/InmateInfoMenu.aspx>)

**Visit an Inmate** (<http://www.dc.state.fl.us/ci/visit.html>)

**Correctional Institutions** (<http://www.dc.state.fl.us/ci/index.html>)

**Probation Services** (<http://www.dc.state.fl.us/cc/index.html>)

**FDC Jobs** (<http://www.fldocjobs.com>)

**Newsroom** (<http://www.dc.state.fl.us/comm/index.html>)

**Statistics** (<http://www.dc.state.fl.us/pub/index.html>)

## Corrections Offender Network

### Inmate Release Information Detail

(This information was current as of 3/1/2021)



<b>DC Number:</b>	Y60280
<b>Name:</b>	FALCON, ALEJANDRO J
<b>Race:</b>	WHITE
<b>Sex:</b>	MALE
<b>Birth Date:</b>	[REDACTED]
<b>Custody:</b>	N/A
<b>Release Date:</b>	03/01/2021

### Stated Residence Upon Release:

Offender is currently under community supervision

[Click here for additional information \(http://offenderSearch/detail.aspx?Page=Detail&DCNumber=Y60280&TypeSearch=AO&NoP=1\)](http://offenderSearch/detail.aspx?Page=Detail&DCNumber=Y60280&TypeSearch=AO&NoP=1)

### Aliases:

ALEJANDRO FALCON, ALEJANDRO J FALCON, ALEJANDRO JESUS FALCON

### Current Prison Sentence History:



3/3/2021

## Inmate Release Information Detail

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
01/24/2016	BURGUNOCCSTRUC/CV OR ATT.	10/22/2020	LEE	1614362	1Y 8M oD
01/24/2016	GRAND THEFT,300 L/5,000	10/22/2020	LEE	1614362	1Y 8M oD
01/24/2016	CRIMINAL MISCHIEF/PROP.DAMAGE	10/22/2020	LEE	1614362	1Y 8M oD
12/27/2018	POSS.CONTROL.SUBS/OTHER	11/25/2020	MIAMI-DADE	1825591	1Y 6M oD
12/27/2018	ILL.POSS.CREDIT/DEBIT CARD	11/25/2020	MIAMI-DADE	1825591	1Y 6M oD
07/09/2019	GRAND THEFT CARGO O/\$50K	11/25/2020	MIAMI-DADE	1913556	1Y 6M oD
07/09/2019	BURGUNOCCSTRUC/CV OR ATT.	11/25/2020	MIAMI-DADE	1913556	1Y 6M oD
07/15/2019	COCAINE - POSSESSION	11/25/2020	MIAMI-DADE	1913556	1Y 6M oD

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

**Detainers:**(Further information may be obtained by contacting the detaining agency)

Detainer Date	Agency	Type	Date Canceled
05/18/2017	IMMIGRATION MIAMI	DETAIN	09/22/2017
06/20/2016	207 1614362 18MOS SP	NTFY/P&P	09/27/2017
11/25/2020	18MTHSP 6MCC 1YRPROB	NTFY/P&P	03/01/2021

**Incarceration History:**

Date In-Custody	Date Out-Custody
07/14/2016	09/27/2017
12/08/2020	03/01/2021

**Prior Prison History:** (Note: Data reflected covers periods of incarceration with the Florida Dept.of Corrections since January of 1983)

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
01/24/2016	BURGUNOCCSTRUC/CV OR ATT.	06/20/2016	LEE	1614362	1Y 6M oD
01/24/2016	GRAND THEFT,300 L/5,000	06/20/2016	LEE	1614362	1Y 6M oD
01/24/2016	CRIMINAL MISCHIEF/PROP.DAMAGE	06/20/2016	LEE	1614362	1Y 6M oD

3/3/2021

Inmate Release Information Detail

First

Previous

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New Search

Record: 1 of 1

The Florida Department of Corrections updates this information regularly, to ensure that it is complete and accurate, however this information can change quickly. Therefore, the information on this site may not reflect the true current location, status, release date, or other information regarding an inmate.

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For questions and comments, you may contact the Department of Corrections, Bureau of Admission and Release, at (850) 488-9167 or go to [Frequently Asked Questions About Inmates for more information \( http://prod.fdc-wpws001.fdc.myflorida.com/ci/index.html \)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/index.html). This information is made available to the public and law enforcement in the interest of public safety.

Search Criteria: (/OffenderSearch/search.aspx?TypeSearch=IR), DC#: y60280 Search Aliases: NO Offense Category: Release Facility: ALL Stated County of Residence Upon Release: ALL County of Commitment: ALL

[Return to Corrections Offender Information Network \( ../OffenderSearch/InmateInfoMenu.aspx\)](#)

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As Florida's largest state agency, and the third largest prison system in the country, FDC employs 24,000 members, incarcerates approximately 96,000 inmates and supervises nearly 166,000 offenders in the community.

Quick Links

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(<http://www.dc.state.fl.us/ci/ContactInmate.html>)
- Public Records

(<http://www.dc.state.fl.us/comm/PRR.html>)
- Volunteer

(<http://www.dc.state.fl.us/volunteer/index.html>)
- File a Complaint

(<http://www.dc.state.fl.us/apps/IGcomplaints.html>)
- Organization

(<http://www.dc.state.fl.us/org/orgchart.html>)
- Regulatory Plan

(<http://www.dc.state.fl.us/pub/regulatory/2018.pdf>)
- Victim Services

(<http://www.dc.state.fl.us/vict/index.html>)
- Inmate and Offender Programming

(<http://www.dc.state.fl.us/development/index.html>)
- Corrections Foundation

(<https://www.correctionsfoundation.org/>)
- Public Information

(<https://www.fcor.state.fl.us/index.shtml>)
- Inspector General

(<http://www.dc.state.fl.us/ig/index.html>)
- Prison Rape Elimination Act

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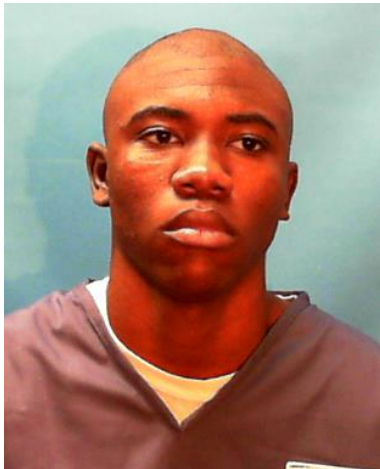
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## Corrections Offender Network

### Inmate Population Information Detail

(This information was current as of 2/28/2021)



<b>DC Number:</b>	C90111
<b>Name:</b>	PIERRE, LOVESON L
<b>Race:</b>	BLACK
<b>Sex:</b>	MALE
<b>Birth Date:</b>	[REDACTED]
<b>Initial Receipt Date:</b>	08/02/2017
<b>Current Facility:</b>	<a href="http://prod.fdc-wpws001.fdc.myflorida.com/org/facility">LAKE CITY C.F. (http://prod.fdc-wpws001.fdc.myflorida.com/org/facility)</a>
<b>Current Custody:</b>	CLOSE
<b>Current Release Date:</b>	06/29/2021



<https://www.vinelink.com/vinelink/servlet/SubjectSearch?siteID=10000&agency=900&offenderID=C90111>

(Release Date subject to change pending award, gain time forfeiture, or review. A Release Date is to be established pending

[Visiting Request Form - Part 1 \(http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/219.pdf\)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/219.pdf)

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#### Aliases:

LOVESON L PIERRE, LOVESON LUTCHMYER PIERRE

#### Current Prison Sentence History:

3/3/2021

## Inmate Population Information Detail

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
10/26/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610163	5Y oM oD
10/28/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	GRAND THEFT,300 L/5,000	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	GRAND THEFT,300 L/5,000	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	GRAND THEFT,300 L/5,000	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
10/28/2016	GRAND THEFT,300 L/5,000	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD
11/06/2016	BURG/DWELL/OCCUP.CONVEY	06/16/2017	POLK	1610164	5Y oM oD

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

**Incarceration History:**

Date In-Custody	Date Out-Custody
08/02/2017	Currently Incarcerated

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3/3/2021

## Inmate Population Information Detail

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Search Criteria: ( [OffenderSearch/search.aspx?TypeSearch=AI](#) ), DC#: C90111 Search Aliases: NO Offense Category: County of Commitment: ALL Current Location: ALL

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[Return to Corrections Offender Information Network \( ../OffenderSearch/InmateInfoMenu.aspx \)](#)

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## Corrections Offender Network

### Inmate Population Information Detail

(This information was current as of 2/28/2021)



**DC Number:** Y45526

**Name:** MOTT, DONAVAN

**Race:** BLACK

**Sex:** MALE

**Birth Date:** [REDACTED]

**Initial Receipt Date:** 01/16/2020

**Current Facility:** [BAKER C.I. \(http://prod.fdc-wpws001.fdc.myflorida.com/org/facility\)](http://prod.fdc-wpws001.fdc.myflorida.com/org/facility)

**Current Custody:** CLOSE

**Current Release Date:** 11/19/2021



(Release Date subject to change pending award, gain time forfeiture, or review. A Release Date is to be established pending

<https://www.vinelink.com/vinelink/servlet/SubjectSearch?siteID=10000&agency=900&offenderID=Y45526>

[Visiting Request Form - Part 1 \(http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/279.pdf\)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/279.pdf)

[Visiting Request Form - Part 2 \(http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/DC6-111B.pdf\)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/DC6-111B.pdf)

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### Aliases:

DONAVAN MOTT, DONAVAN C MOTT, DONAVAN CURTIS MOTT, DONAVAN EDWIN MOTT, DONAVAN NMI MOTT, DONOVAN E MOTT, DONOVAN EDWIN MOTT, DONAVAN MOTTS, DONAVAN C MOTTS, DONAVAN CURTIS MOTTS

### Current Prison Sentence History:

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
12/01/2017	POSS.MARIJUANA OVR 20 GRAMS	12/18/2019	LEE	1719204	3Y 4M oD
12/01/2017	FEL/DELI W/GUN/CONC WPN/AMMO	12/18/2019	LEE	1719204	3Y 4M oD

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

### Incarceration History:

3/3/2021

## Inmate Population Information Detail

Date In-Custody	Date Out-Custody
02/28/2013	10/24/2014
01/16/2020	Currently Incarcerated

**Prior Prison History:** (Note: Data reflected covers periods of incarceration with the Florida Dept. of Corrections since January of 1983)

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
08/23/2012	BURG/DWELL/OCCUP.CONVEY	02/11/2013	LEE	1217860	2Y oM oD

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Search Criteria: (/OffenderSearch/search.aspx?TypeSearch=AI). DC#: y45526 Search Aliases: NO Offense Category: County of Commitment: ALL Current Location: ALL

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[Organization](#) (<http://www.dc.state.fl.us/org/orgchart.html>)  
[Regulatory Plan](#) (<http://www.dc.state.fl.us/pub/regulatory/2017-2018.pdf>)  
[Victim Services](#) (<http://www.dc.state.fl.us/vict/index.html>)  
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[Corrections Foundation](#) (<http://www.correctionsfoundation.org/>)  
[Parole Information](#) (<https://www.fcor.state.fl.us/index.shtml>)  
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Inmate Population Information Detail


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## Corrections Offender Network

### Inmate Population Information Detail

(This information was current as of 2/28/2021)



**DC Number:** K07076

**Name:** REYES, LUIS M

**Race:** WHITE

**Sex:** MALE

**Birth Date:** [REDACTED]

**Initial Receipt Date:** 05/09/2018

**Current Facility:** [OKALOOSA C.I. \(http://prod.fdc-wpws001.fdc.myflorida.com/org/facility\)](http://prod.fdc-wpws001.fdc.myflorida.com/org/facility)

**Current Custody:** MINIMUM

**Current Release Date:** 03/05/2021



(Release Date subject to change pending award, gain time forfeiture, or review. A Release Date is to be established pending)

<https://www.vinelink.com/vinelink/servlet/SubjectSearch?siteID=10000&agency=900&offenderID=K07076>

[Visiting Request Form - Part 1 \(http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/115.pdf\)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/visit/115.pdf)

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### Aliases:

REYES MARIANO LOIS, REYES M LUIS, LUIS REYES, LUIS K REYES, LUIS M REYES, LUIS MARIANO REYES

### Current Prison Sentence History:

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
11/28/2016	TRAFF COC 400G-U/150 KG	04/27/2018	MIAMI-DADE	1624318	5Y oM oD
11/28/2016	CONSPIR.TO TRAFF.DRUGS	04/27/2018	MIAMI-DADE	1624318	5Y oM oD
11/28/2016	2-WAY COMM.-COMMIT FELONY	04/27/2018	MIAMI-DADE	1624318	5Y oM oD
12/06/2016	\$LAUNDER>20K<100K	04/27/2018	MIAMI-DADE	1624318	5Y oM oD

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.



3/3/2021

## Inmate Population Information Detail

**Detainers:**(Further information may be obtained by contacting the detaining agency)

Detainer Date	Agency	Type	Date Canceled
03/29/2019	IMMIGRATION MIAMI	DETAIN	02/17/2021

**Incarceration History:**

Date In-Custody	Date Out-Custody
05/09/2018	Currently Incarcerated

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**Search Criteria:** ( /OffenderSearch/search.aspx?TypeSearch=AI) DC#: ko7076 Search Aliases: NO Offense Category: County of Commitment: ALL Current Location: ALL

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(<http://www.dc.state.fl.us/vict/index.html>)

**Inmate and Offender Programming**

(<http://www.dc.state.fl.us/development/index.html>)

**Corrections Foundation**

(<https://www.correctionsfoundation.org/>)

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## Corrections Offender Network

### Inmate Population Information Detail

(This information was current as of 3/1/2021)



<b>DC Number:</b>	W17699
<b>Name:</b>	JEROME, WANTO
<b>Race:</b>	BLACK
<b>Sex:</b>	MALE
<b>Birth Date:</b>	[REDACTED]
<b>Initial Receipt Date:</b>	09/24/2018
<b>Current Facility:</b>	<a href="http://prod.fdc-wpws001.fdc.myflorida.com/org/facility">OKALOOSA C.I. (http://prod.fdc-wpws001.fdc.myflorida.com/org/facility)</a>
<b>Current Custody:</b>	MINIMUM
<b>Current Release Date:</b>	03/26/2021



(<https://www.vinelink.com/vinelink/servlet/SubjectSearch?siteID=10000&agency=900&offenderID=W17699>)

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#### Aliases:

DAVE JEROME, WANTO JEROME, MJ, SOLO, TWEEZY, JEROME WANTO

#### Current Prison Sentence History:

3/3/2021

## Inmate Population Information Detail

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
07/28/2016	POSS.CONTROL.SUBS/OTHER	08/10/2018	PALM BEACH	1607558	5Y oM oD
09/27/2016	HEROIN-SALE,MANUF/DELIVER	08/10/2018	PALM BEACH	1611505	5Y oM oD
09/29/2016	HEROIN-SALE,MANUF/DELIVER	08/10/2018	PALM BEACH	1611507	5Y oM oD
10/25/2016	HEROIN-POSS.LESS/10 GRAMS	08/10/2018	PALM BEACH	1611508	5Y oM oD
11/23/2016	HEROIN-SALE,MANUF/DELIVER	08/10/2018	PALM BEACH	1611778	5Y oM oD
12/01/2016	HEROIN-POSS.LESS/10 GRAMS	08/10/2018	PALM BEACH	1612206	5Y oM oD

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

**Detainers:**(Further information may be obtained by contacting the detaining agency)

Detainer Date	Agency	Type	Date Canceled
11/01/2018	IMMIGRATION MIAMI	DETAIN	02/16/2021

**Incarceration History:**

Date In-Custody	Date Out-Custody
09/24/2018	Currently Incarcerated

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New Search

Record: 1 of 1

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For questions and comments, you may contact the Department of Corrections, Bureau of Classification and Central Records, at (850) 488-9859 or go to [Frequently Asked Questions About Inmates for more information](#) ( <http://prod.fdc-wpws001.fdc.myflorida.com/ci/index.html> ). This information is made available to the public and law enforcement in the interest of public safety.

**Search Criteria:** ( /OffenderSearch/search.aspx?TypeSearch=AI ), DC#: w17699 Search Aliases: NO Offense Category: County of Commitment: ALL Current Location: ALL

[Return to Corrections Offender Information Network \(./OffenderSearch/InmateInfoMenu.aspx\)](#)

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As Florida's largest state agency, and the third largest prison system in the country, FDC employs 24,000 members, incarcerates approximately

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(<https://www.correctionsfoundation.org/>)  
[Parole Information](#)  
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**Contact Us**

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501 South Calhoun Street  
Tallahassee, FL 32399-2500

Main: (850) 488-5021

[Phone Directory](#)  
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3/3/2021

Inmate Population Information Detail

96,000 inmates and supervises  
nearly 166,000 offenders in the  
community.

<u>Organization</u>	<u>Inspector General</u>	<u>Citizen Services</u>
<a href="http://www.dc.state.fl.us/org/orgchart.html">http://www.dc.state.fl.us/org/orgchart.html</a>	<a href="http://www.dc.state.fl.us/jg/index.html">http://www.dc.state.fl.us/jg/index.html</a>	<a href="http://www.dc.state.fl.us/citizen/index.html">http://www.dc.state.fl.us/citizen/index.html</a>
<u>Regulatory Plan</u>	<u>Prison Rape Elimination Act</u>	
<a href="http://www.dc.state.fl.us/pub/regulatory/2017-2018.pdf">http://www.dc.state.fl.us/pub/regulatory/2017-2018.pdf</a>	<a href="http://www.dc.state.fl.us/PREA/index.html">http://www.dc.state.fl.us/PREA/index.html</a>	

3/3/2021

Inmate Release Information Detail


<http://www.dc.state.fl.us/index.html>

**Florida Department of Corrections**  
<http://www.dc.state.fl.us/index.html>



**Ron DeSantis, Governor**  
**Mark S. Inch, Secretary**

"Inspiring Success by Transforming One Life at a Time"

[Offender Search \(/OffenderSearch/InmateInfoMenu.aspx\)](#)
[Visit an Inmate \(/www.dc.state.fl.us/ci/visit.html\)](#)
[Correctional Institutions \(/www.dc.state.fl.us/ci/index.html\)](#)
[Probation Services \(/www.dc.state.fl.us/cc/index.html\)](#)
[FDC Jobs \(http://www.fldocjobs.com\)](http://www.fldocjobs.com)
[Newsroom \(/www.dc.state.fl.us/comm/index.html\)](#)
[Statistics \(/www.dc.state.fl.us/pub/index.html\)](#)

## Corrections Offender Network

### Inmate Release Information Detail

(This information was current as of 3/1/2021)



**DC Number:** R86189  
**Name:** HUSEJNOVIC, DZEVAD  
**Race:** ALL OTHERS/UNKNOWN  
**Sex:** MALE  
**Birth Date:** [REDACTED]  
**Custody:** CLOSE  
**Release Date:** 03/01/2021

### Stated Residence Upon Release:

587 77TH AVENUE N APT 106  
 ST. PETERSBURG, FL 3370233702

### Aliases:

DZEVAD HUSEJNOVIC

### Current Prison Sentence History:

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
05/09/2018	GRAND THEFT MOTOR VEHICLE	05/18/2020	PINELLAS	1807527	1Y 8M oD
07/04/2018	FRAUD-CREDIT-CARD	05/18/2020	PINELLAS	1811306	1Y 8M oD
12/02/2018	POSS.CONTROL.SUBS/OTHER	05/18/2020	PINELLAS	1814875	1Y 8M oD
03/21/2019	POSS.CONTROL.SUBS/OTHER	05/18/2020	PINELLAS	1903490	1Y 8M oD
03/21/2019	POSS.CONTROL.SUBS/OTHER	05/18/2020	PINELLAS	1903490	1Y 8M oD
03/21/2019	POSS.CONTROL.SUBS/OTHER	05/18/2020	PINELLAS	1903490	1Y 8M oD

3/3/2021

## Inmate Release Information Detail

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

**Detainers:**(Further information may be obtained by contacting the detaining agency)

Detainer Date	Agency	Type	Date Canceled
08/06/2020	IMMIGRATION TAMPA	DETAIN	02/16/2021

**Incarceration History:**

Date In-Custody	Date Out-Custody
08/05/2020	03/01/2021

First Previous Next Last Return to List

New Search

Record: 1 of 1

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For questions and comments, you may contact the Department of Corrections, Bureau of Admission and Release, at (850) 488-9167 or go to [Frequently Asked Questions About Inmates for more information \( http://prod.fdc-wpws001.fdc.myflorida.com/ci/index.html \)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/index.html). This information is made available to the public and law enforcement in the interest of public safety.

Search Criteria: (/OffenderSearch/search.aspx?TypeSearch=IR). DC#: r86189 Search Aliases: NO Offense Category: Release Facility: ALL Stated County of Residence Upon Release: ALL County of Commitment: ALL

[Return to Corrections Offender Information Network \(../OffenderSearch/InmateInfoMenu.aspx\)](http://www.dc.state.fl.us/OffenderSearch/InmateInfoMenu.aspx)

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<http://www.dc.state.fl.us/volunteer/>  
[File a Complaint](https://www.correctionsfoundation.org/)  
<https://www.correctionsfoundation.org/>  
[Organization](http://www.dc.state.fl.us/apps/IGcomplaints.html)  
<http://www.dc.state.fl.us/org/orgchart.html>  
[Regulatory Plan](http://www.dc.state.fl.us/org/orgchart.html)  
<http://www.dc.state.fl.us/pub/regulatory/>  
[2018.pdf](http://www.dc.state.fl.us/pub/regulatory/)

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<https://www.fcor.state.fl.us/index.shtml>  
[Inspector General](https://www.fcor.state.fl.us/index.shtml)  
<https://www.fcor.state.fl.us/index.shtml>  
[Prison Rape Elimination Act](http://www.dc.state.fl.us/ig/index.html)  
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**Contact Us**

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3/3/2021

Inmate Release Information Detail