IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Nancy Huisha-Huisha et al., *Plaintiff-Appellees,* v. Alejandro N. Mayorkas, *Defendant-Appellants* and States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Tennessee, Utah, Virginia, West Virginia, and Wyoming. *Proposed Intervenor-Defendants.*	Case No. 22-5325

STATES' NOTICE REGARDING PENDING MOTION TO INTERVENE AND ALTERNATIVE RENEWED MOTION TO INTERVENE

NOTICE AND, IN THE ALTERNATIVE, RENEWED REQUEST TO INTERVENE

The States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Tennessee, Utah, Virginia, West Virginia, and Wyoming ("States") hereby provide notice that their motion to intervene, which was filed in the district court and fully briefed below, should now be pending before this Court due to Federal Defendants taking this appeal. In the alternative, if the States' motion is not currently pending automatically in this Court by operation of law, the States respectfully renew their request to intervene in this action/appeal. That renewed request should be granted for all of the reasons previously explained in briefing below. Copies of the motion, supporting materials, joinders, responses, and reply brief are attached with this notice.[1]

"The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58

[1] Both Plaintiffs and Federal Defendants have opposed the States' motion to intervene.

(1982). For that reason, most circuit courts have held that "an effective notice of appeal deprives a district court of authority to entertain a motion to intervene after the court of appeals has assumed jurisdiction over the underlying matter." *Doe v. Public Citizen*, 749 F.3d 246, 258 (4th Cir. 2014) (citing *Taylor v. KeyCorp*, 680 F.3d 609, 617 (6th Cir. 2012); *Drywall Tapers & Pointers of Greater New York v. Nastasi & Assocs. Inc.*, 488 F.3d 88, 94-95 (2d Cir. 2007); *Roe v. Town of Highland*, 909 F.2d 1097, 1100 (7th Cir. 1990); *Nicol v. Gulf Fleet Supply Vessels, Inc.*, 743 F.2d 298, 299 (5th Cir.1984) (adopting rule for Fourth Circuit).

Here, the States sought to intervene to appeal the district court's opinion and order (D. Ct. Docs. 164 & 165), which vacated and enjoined agency actions collectively comprising the Title 42 system. That order was subsequently formalized as a final judgment on November 22. *See* D. Ct. Doc. 170. The States' motion was fully briefed on December 2, but has not yet been decided.

Federal Defendants filed a notice of appeal from the district court's final judgment on December 7, *see* D. Ct. Doc. 180, which was docketed in this Court today.

The States' motion to intervene exclusively concerns matters

relating to the district court's final November 22 judgment and Federal Defendants have filed a proper notice of appeal as to that judgment. As a result, that notice of appeal "confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs*, 459 U.S. at 58. Because the States' motion to intervene relates only to "aspects of the case involved in the appeal," the States' motion to intervene was transferred by operation of law to this Court once Federal Defendants filed their notice of appeal.[2]

Alternatively, if the States' motion to intervene is not automatically pending before this Court already, the States respectfully renew their request to intervene in this action, both as of right and permissively. That alternative request should be granted for all of the reasons explained in the briefing below, which the States incorporate by reference.

The States' alternative request should further be granted because subsequent developments have underscored the inadequacy of

[2] The States have not sought to intervene as to matters outside of the claims for which the district court entered its final Rule 54(b) judgment. Because the district court entered a final judgment, Federal Defendants' appeal is not interlocutory in nature either, and instead is a final judgment appeal that triggers the ordinary rule that jurisdiction is transferred to the court of appeals until that court's mandate issues.

Defendants' representation of the States' interests. Federal Defendants have explicitly recognized that the district court "erred in vacating th[e] agency actions" at issue here. D. Ct. Doc. 179 at 1. But despite recognizing that the district court's decision is wrong, Federal Defendants have informed the States that they do not intend to seek a stay pending appeal, thereby ensuring that the harms that the district court's judgment would inflict upon the States will come to pass absent the States' intervention—even though Federal Defendants have admitted elsewhere that the termination of the Title 42 system will cause the States harms (and district courts have found as much).[3]

Indeed, Defendants have gone even further, explaining that they "intend[] to move the D.C. Circuit to hold th[is] appeal in abeyance," *id.*—a request that, if granted, would prevent the district court's acknowledged errors from ever being corrected by appellate review.

In essence, Federal Defendants are knowingly acting to ensure that

[3] *See, e.g.*, *Louisiana v. CDC*, __ F.Supp.3d __, 2022 WL 1604901, at *6 (W.D. La. May 20, 2022) (explaining that termination of Title 42 "will increase the state's costs for healthcare reimbursements. *Defendants did not dispute the facts supporting this finding*. (emphasis added)); *id.* at *22 (holding that the States "satisf[ied] the irreparable harm requirement for a preliminary injunction").

the district court's errors are never corrected, and the States continue to suffer the harms from those admitted legal errors indefinitely, all the while contending that the Federal Government is adequately representing the States' interests. That is specious.

CONCLUSION

For the foregoing reasons, the States respectfully request that this Court decide their pending motion to intervene, which was fully briefed below and has now been transferred by operation of law to this Court.

Alternatively, if this Court determines that the motion to intervene filed by the States below is not pending here already, this Court should grant the States' alternative renewed request to intervene for all of the reasons explained in the briefing below.

Dated: December 9, 2022

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CERTIFICATE OF COMPLIANCE

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the CM/ECF filing system. Counsel for parties that are registered CM/ECF users will be served by the CM/ECF system pursuant to the notice of electronic filing.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, *et al.*, Plaintiffs, *v.* ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al.*, Defendants.	Civ. A. No. 21-100 (EGS)

MOTION TO INTERVENE BY THE STATES OF ARIZONA, LOUISIANA, ALABAMA, ALASKA, KANSAS, KENTUCKY, MISSISSIPPI, NEBRASKA, OHIO, OKLAHOMA, SOUTH CAROLINA, TEXAS, VIRGINIA, WEST VIRGINIA, AND WYOMING

Pursuant to Federal Rule of Civil Procedure 24, the States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wyoming hereby respectfully move to intervene in this action, both as of right and permissively.

In support of this Motion, the States submits the accompanying Memorandum of Law and [Proposed] Order.

Dated: November 21, 2022

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TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

MOTION AND INTRODUCTION 1

BACKGROUND 2

LEGAL STANDARD 8

ARGUMENT 8

I. This Court Should Grant the States Intervention as of Right. 8

A. The States' Motion to Intervene Is Timely. 9

B. The States Have Significant Protectable Interests in the Subject of this Action That Will Be Impaired Absent Intervention. 10

C. The States' Interests Are Not Adequately Represented. 15

II. Permissive Intervention Is Warranted. 17

CONCLUSION 18

TABLE OF AUTHORITIES

CASES

Arizona v. United States,
567 U.S. 387 (2012) 14

Cameron v. EMW Women's Surgical Ctr., P.S.C.,
142 S. Ct. 1002 (2022) 9

Conservation Law Found. of New England, Inc. v. Mosbacher,
966 F.2d 39 (1st Cir. 1992) 15

Del. Dep't of Nat. Res. v. EPA,
785 F.3d 1 (D.C. Cir. 2015) 12

Dimond v. District of Columbia,
792 F.2d 179 (D.C. Cir. 1986) 10

EEOC v. Nat'l Children's Ctr., Inc.,
146 F.3d 1042 (D.C. Cir. 1998) 16, 17

Huisha-Huisha v. Mayorkas,
27 F.4th 718 (D.C. Cir. 2022) 4

In re Brewer,
863 F.3d 861 (D.C. Cir. 2017) 8

Louisiana v. Centers for Disease Control & Prevention,
2022 WL 1604901 (W.D. La. May 20, 2022) 6, 13

Louisiana v. Centers for Disease Control,
No. 6:22-885 (W.D. La.) 5

Massachusetts v. EPA,
549 U.S. 497 (2007) 14

Sierra Club v. Espy,
18 F.3d 1202 (5th Cir. 1994) 10

Smoke v. Norton,
252 F.3d 468 (D.C. Cir. 2001) 9, 15

State of Alaska v. FERC,
980 F.2d 761 (D.C. Cir. 1992) 7

State of Louisiana v. Centers for Disease Control,
No. 22-30303 (5th Cir.) 6

Texas v. Biden,
589 F. Supp. 3d 595 (N.D. Tex. 2022) 5, 10, 13, 14

Texas v. United States,
50 F. 4th 498 (5th Cir. 2022) 14

Texas v. United States,
809 F.3d 134 (5th Cir. 2015) 14

Trbovich v. United Mine Workers of Am.,
404 U.S. 528 (1972).....15

United Airlines, Inc. v. McDonald,
432 U.S. 385 (1977).....9, 10

United States House of Representatives v. Price,
No. 16-5202, 2017 WL 3271445 (D.C. Cir. Aug. 1, 2017).....9, 10, 15, 16

United States v. All Assets Held at Credit Suisse (Guernsey) Ltd.,
45 F.4th 426 (D.C. Cir. 2022).....15, 16

United States v. Philip Morris USA Inc.,
566 F.3d 1095 (D.C. Cir. 2009).....15

United States v. Texas,
579 U.S. 547 (2016).....14

Utah Ass'n of Cntys. v. Clinton,
255 F.3d 1246 (10th Cir. 2001) 15

RULES

42 C.F.R. 71.40.....15

Fed. R. Civ. P. 24.....8

REGULATIONS

85 Fed. Reb. 17,060 (Mar. 26, 2020) 3

85 Fed. Reg. 12,855 (Mar. 4, 2020) 2

85 Fed. Reg. 15,045 (Mar. 16, 2020) 2

85 Fed. Reg. 15,337 (Mar. 18, 2020) 2

85 Fed. Reg. 16,547 (Mar. 24, 2020) 3

85 Fed. Reg. 16,559 (Mar. 24, 2020) 3

85 Fed. Reg. 22,424 (Apr. 22, 2020).....3

85 Fed. Reg. 31,503 (May 26, 2020) 3
85 Fed. Reg. 56,524 (Sept.11, 2020) 4, 15
85 Fed. Reg. 65,806 (Oct. 16, 2020) 4
85 Fed. Reg. 6709 (Feb. 5, 2020) 2
86 Fed. Reg. 38,717 (July 22, 2021) 4
86 Fed. Reg. 42,828 (Aug. 5, 2021) 4, 5, 12
86 Fed. Reg. 8,267 (Feb. 5, 2021) 5
86 Fed. Reg. 9,942 (Feb. 17, 2021) 5
87 Fed. Reg. 15,243 (Mar. 17, 2022) 4

INDEX OF EXHIBITS

Description	Exhibit
Copy of preliminary injunction briefing filed in *Texas v. Biden*, No. 4:21-cv-579 (N.D. Tex.)	1
Appendix to Texas's Renewed Motion for Preliminary Injunction filed in *Texas v. Biden*, No. 4:21-cv-579 (N.D. Tex.)	2
Plaintiff States' Motion for Preliminary Injunction and to Expedite, a supporting brief, and supporting evidence filed in *Louisiana v. Centers for Disease Control*, No. 6:22-cv-885 (W.D. La.).	3
Preliminary Injunction entered in *Louisiana v. Centers for Disease Control*, No. 6:22-cv-885 (W.D. La.)	4
Order by the U.S. Court of Appeals for the Fifth Circuit in *Louisiana v. Centers for Disease Control*, No. 6:22-cv-885 (W.D. La.)	5
Defendants' Notice of Decision Vacating Title 42 Orders filed in *Louisiana v. Centers for Disease Control*, No. 6:22-cv-885 (W.D. La.)	6
Letter filed in *Louisiana v. CDC et al*, No. 22-30303 (5th Cir.) by the federal government	7
Transcript of the videotaped deposition of Raul L. Ortiz, as obtained from the State of Florida	8
Document obtained from the State of Florida – Memorandum from Raul L. Ortiz	9
Supplemental Declaration of Stephen W. Manning filed in *East Bay Sanctuary Covenant v. Barr*, No. 4:19-cv-4073 (N.D. Cal.)	10

INTRODUCTION

The States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wyoming (collectively, "the States"), hereby move pursuant to Federal Rule of Civil Procedure 24 to intervene in this action, both as of right and permissively.[1] The States successfully obtained a preliminary injunction against Defendants' attempts to rescind their Title 42 Orders. This Court entered an order with that same effect last week, Dkt. 165, and the Federal Defendants have made clear that they will not seek to stay that order beyond the few weeks they need to comply in an orderly fashion. Thus, despite defending this lawsuit since January of 2021, the Federal Defendants have shifted course and abandoned their defense of Title 42. In essence, Federal Defendants have circumvented APA notice-and-comment requirements by abandoning defense of Title 42 and instead agreeing with Plaintiffs on a December 21 end date.

Because invalidation of the Title 42 Orders will directly harm the States, they now seek to intervene to offer a defense of the Title 42 policy so that its validity can be resolved on the merits, rather than through strategic surrender. This motion is plainly timely because it comes within a week of the Federal Defendants' volte-face—which made plain that the States' interests are no longer adequately represented.

Plaintiffs and Defendants oppose this motion.

[1] Additional States contemplate joining this motion via a follow-on filing.

BACKGROUND

THE TITLE 42 ORDERS

COVID-19 is an infectious disease first detected in China in late-2019. It quickly spread into a global pandemic. The Secretary of the United States Department of Health and Human Services accordingly declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247(d)). That same day, the President sought to limit the spread of the spread of COVID-19 by suspending "[t]he entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the People's Republic of China … during the 14-day period preceding their entry or attempted entry into the United States." *Proclamation 9984, Suspension of Entry*, 85 Fed. Reg. 6709, 6710 (Feb. 5, 2020). The President then issued similar suspensions of entry from the Republic of Iran, *Proclamation 9992, Suspension of Entry*, 85 Fed. Reg. 12,855 (Mar. 4, 2020), and the Schengen Area of Europe, *Proclamation* 9993*, Suspension of Entry*, 85 Fed. Reg. 15,045 (Mar. 16, 2020).

In suspending entry from these areas, the President explained "the potential for widespread transmission of [the virus that causes COVID-19] by infected individuals seeking to enter the United States threatens the security of our transportation system and infrastructure and the national security." 85 Fed. Reg. at 12,855-56. He further explained that "the [Centers for Disease Control and Prevention], along with State and local health departments, has limited resources, and the public health system could be overwhelmed if sustained human-to-human transmission of the virus occurred in the United States" on a large scale. *Id.* "Sustained human-to-human transmission has the potential to have cascading public health, economic, national security, and societal consequences." *Id.*; *see also* 85 Fed. Reg. at 15,045. As COVID continued to spread, the President declared a national emergency. *Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*, 85 Fed. Reg. 15,337 (Mar. 18, 2020).

Consistent with the threat posed by COVID-19, federal agencies issued numerous additional travel restrictions, including restrictions on "non-essential travel between the United States and Mexico" because it "pose[d] a specific threat to human life or national interests." *Notification of Temporary Travel Restrictions*, 85 Fed. Reg. 16,547 (Mar. 24, 2020). Land crossings, for example, placed "the personnel staffing land ports of entry … as well as the individuals traveling through these ports of entry to increased risk of exposure to COVID-19." *Id.* at 16,547.

CDC acted, too. Pursuant to section 362 of the Public Health Service Act, 42 U.S.C § 265, CDC issued an Interim Final Rule providing that it may prohibit the "introduction into the United States of persons" from foreign countries. *Control of Communicable Diseases*, 85 Fed. Reg. 16,559, 16,563 (Mar. 24, 2020) (effective date Mar. 20, 2020). CDC then issued an order under Title 42 directing the "immediate suspension of the introduction" of certain persons, referred to as "covered aliens." *Notice of Order Under Sections 362 and 365 of the Public Health Service Act*, 85 Fed. Reb. 17,060, 17,067 (Mar. 26, 2020) (effective date March 20, 2020). "Covered Aliens" are those seeking to enter the United States through Canada or Mexico who "seek[] to enter . . . [ports of entry] who do not have proper travel documents, aliens whose entry is otherwise contrary to law, and aliens who are apprehended near the border seeking to unlawfully enter the United States between [ports of entry]." *Id.* at 17,060. The March 20 Order was extended on April 20, 2020, *Extension of Order*, 85 Fed. Reg. 22,424 (Apr. 22, 2020) (effective date April 20, 2020), and it was amended to cover both land and costal ports of entry and Border Patrol Stations on May 26, 2020, *Amendment and Extension of Order*, 85 Fed. Reg. 31,503 (May 26, 2020) (effective date May 21, 2020).

After receiving public comments in response to the Interim Final Rule, CDC issued a Final Rule pursuant to 42 U.S.C § 265 "establish[ing] final regulations under which the [CDC] Director may suspend the right to introduce and prohibit, in whole or in part, the introduction of persons into the United States." *Control of Communicable Diseases*, 85 Fed. Reg. 56,524 (Sept.11, 2020). CDC also extended its suspension of the introduction of Covered Aliens. 85 Fed. Reg. 65,806 (Oct. 16, 2020); 86 Fed. Reg. 38,717 (July 22, 2021); 86 Fed. Reg. 42,828 (Aug. 5, 2021); 87 Fed. Reg. 15,243 (Mar. 17, 2022).

THE HUISHA-HUISHA SUIT

On January 12, 2021, plaintiffs purportedly subject to expulsion under Title 42 filed this suit alleging the Title 42 orders violate various statutory provisions, including the Administrative Procedure Act. Dkt. 1. On September 16, 2021, this Court granted class certification and further granted a preliminary injunction prohibiting Defendants "from applying the Title 42 Process, including the CDC's August 2021 Order, to the Class Members." Dkt. 122 at 2. The basis of that preliminary injunction was this Court's determination that 42 U.S.C. § 265 does not permit expulsion or removal of aliens. Dkt. 123 at 34. Defendants appealed. Dkt. 124.

The D.C. Circuit stayed this Court's preliminary injunction, and it generally rejected this Court's statutory analysis, albeit while affirming a narrow part. *Huisha-Huisha v. Mayorkas*, 27 F.4th 718 (D.C. Cir. 2022). More specifically, the D.C. Circuit held "the Executive may expel the Plaintiffs, but only to places where they will not be persecuted or tortured," then remanded to this Court for further proceedings. Dkt. 136-1.

TEXAS ENJOINS AN UNEXPLAINED EXCEPTION TO TITLE 42

Yielding to the demands of his base, on February 2, 2021, President Biden ordered that "[t]he Secretary of HHS and the Director of CDC, in consultation with [DHS], shall promptly

review and determine whether termination, rescission, or modification of the [Title 42 orders] is necessary and appropriate." 86 Fed. Reg. 8,267 (Feb. 5, 2021). Citing President Biden's order, CDC created an exception to the Title 42 process for certain aliens. *Notice of Temporary Exception*, 86 Fed. Reg. 9,942 (Feb. 17, 2021). Texas brought suit attacking the essentially unexplained exception as, *inter alia*, arbitrary and capricious such that it violated the APA. *See* Compl. (Dkt. 1), *Texas v.* Biden, No. 4:21-cv-579 (N.D. Tex.). Texas then moved for a preliminary injunction. Ex. 1. The Northern District of Texas first held that Texas had standing. *Texas v. Biden*, 589 F. Supp. 3d 595, 610-13 (N.D. Tex. 2022). The court identified various financial injuries to Texas from increased expenditures traceable to the Title 42 exception. And the court noted CDC "tacitly confirmed" Texas's claim of injury: one of the Title 42 Orders acknowledges "'[s]igns of stress are already present in the southern regions of the United States,'" and "'the flow of migration directly impacts not only border communities and regions, but also destination communities and healthcare resources of both.'" *Id.* at 612 (quoting 86 Fed. Reg. at 42,835). On the merits, the court agreed with Texas, so it preliminarily enjoined the defendants from implementing the exception to the Title 42 process. *Id.* at 623-24.

TWENTY-FOUR STATES ENJOIN CDC'S ATTEMPT TO TERMINATE TITLE 42

In April 2022—fourteen months after President Biden instructed it to consider doing so—CDC issued an order terminating its previous Title 42 Orders outright. Dkt. 134. A coalition of States then filed suit alleging the Termination Order violated the APA because it was issued without notice and comment and was arbitrary and capricious. Compl. (Dkt. 1), *Louisiana v. Centers for Disease Control*, No. 6:22-885 (W.D. La.). The States noted the Termination Order was "plainly at war with other policies of the Biden Administration," such as refusing to lift the mask mandate on airline travelers, refusing to repeal vaccination mandates, and insisting on

discharging members of the military who sought religious exemptions from those mandates. *Id.* ¶ 13. And CDC utterly failed to consider the consequences of its order on the States, which even Biden Administration officials acknowledged would be an "influx" of aliens, inflicting a "surge on top of a surge" that would irreparably harm the Intervenor States. *Id.* ¶¶ 7, 30-31, 90. Ultimately, 24 States joined in the challenge and moved for a preliminary injunction. Exh. 3.

The Western District of Louisiana granted the States' motion. *Louisiana v. Centers for Disease Control & Prevention,* 2022 WL 1604901, at *23 (W.D. La. May 20, 2022). Like the Northern District of Texas, the court expressly rejected the contention that the States lacked standing do defend Title 42. *Id.* at *10, 15. In addition to the special solicitude due States, the court found "the States have come forward with evidence that the Termination Order is likely to result in a significant increase in border crossings, [and] that this increase will [adversely] impact" the States in a way fairly traceable to the termination of Title 42. *Id.* at *13, 14-15. On the merits, the court held CDC failed to demonstrate "good cause" for failing to engage in notice-and-comment before issuing the Termination Order. *Id.* at *20. And although the court declined to reach whether the Termination Order was arbitrary and capricious, it strongly suggested as much based on appellate precedent. *Id.* at *22. Defendants and activist intervenors appealed to the U.S. Court of Appeals for the Fifth Circuit. That court denied relief from the nationwide scope of the preliminary injunction. Ex. 5. Briefing on the merits is now complete. *See Louisiana v. CDC*, No. 22-30303 (5th Cir.).

THIS COURT VACATES THE TITLE 42 FINAL RULE AND ASSOCIATED ORDERS

Three months after the Western District of Louisiana entered its preliminary injunction against CDC's Termination Order, the plaintiffs in this case moved for partial summary judgment that "the regulation at 42 C.F.R. § 71.40 and all orders and decision memos issued by [CDC] or

the U.S. Department of Health and Human Services suspending the right to introduce certain persons into the United States—is arbitrary and capricious in violation of the Administrative Procedure Act." Dkt. 144.[2] When Plaintiffs first raised the issue of vacatur in their reply, the Federal Defendants filed a sur-reply emphasizing that "grants of partial summary judgment are generally considered interlocutory orders" and neither party had addressed the question of remedy in their briefing. Dkt. 160 at 1-2 (quoting *State of Alaska v. FERC*, 980 F.2d 761, 764 (D.C. Cir. 1992)). This Court nevertheless entered a judgment on November 15, 2022, giving Plaintiffs everything they asked for. It "vacate[d] and set[] aside the Title 42 policy-consisting of the regulation at 42 C.F.R. § 71.40 and all orders and decision memos issued by [CDC] or the U.S. Department of Health and Human Services suspending the right to introduce certain persons into the United States" as arbitrary and capricious in violation of the APA. Dkt. 164 at 1. The Court then stated "that any request to stay this Order pending appeal will be denied." *Id.* at 2.

THE FEDERAL DEFENDANTS ABANDON THEIR DEFENSE OF TITLE 42

Within hours of this Court's order, the Federal Defendants filed an Unopposed Emergency Motion for Temporary Stay. Dkt. 166. The Defendants made clear that "[t]he requested temporary stay … is not for the pendency of appeal but rather for only a temporary period." *Id.* ¶ 6. They elaborated:

> DHS requires a short period of time to prepare for the transition from Title 42 to Title 8 processing, given the need to resolve resource and logistical issues that it was unable to address in advance without knowing precisely when currently operative August 2021 Title 42 order would end. Cf. 87 Fed. Reg. at 19,954–56 (setting effective date of Termination Order for 52 days from date of issuance to, among other things, provide DHS with additional time to ready operational plans).

[2] An APA claim is almost necessarily based on the public record, and it appears no non-public documents were submitted in support of summary judgment. The summary judgment briefing is nevertheless inexplicably sealed. *See* Dkt. 144-1. This Court ordered Plaintiffs to file a redacted version of that document within five business days of a September 28, 2022, Minute Order, but it appears Plaintiffs failed to comply.

> During this period of time, DHS will need to move additional resources to the border and coordinate with stakeholders, including non-governmental organizations and state and local governments, to help prepare for the transition to Title 8 processing. This transition period is critical to ensuring that DHS can continue to carry out its mission to secure the Nation's borders and to conduct its border operations in an orderly fashion.

Id. ¶ 7. This Court granted that request "with great reluctance" and specified that its order will take effect at midnight on December 21, 2022.

The Defendants then informed the Western District of Louisiana that "[o]nce the five-week stay expires … CDC's Title 42 orders will be vacated, and there will thus be no legal authority for the government to continue to enforce the Title 42 policy." Ex. 6. Accordingly, notwithstanding the preliminary injunction, "on December 21, DHS will begin processing all noncitizens entering the United States pursuant to Title 8." *Id.* Defendants made a substantially similar filing with the U.S. Court of Appeals for the Fifth Circuit. Ex. 7.

LEGAL STANDARD

Intervention is governed by Federal Rule of Civil Procedure 24. "On timely motion, the court must permit anyone to intervene who … claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). Alternatively, "[o]n timely motion, the court may permit anyone to intervene who … has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1).

ARGUMENT

I. THIS COURT SHOULD GRANT THE STATES INTERVENTION AS OF RIGHT.

To intervene as of right, "prospective intervenors must satisfy the four requirements of Rule 24(a)(2)." *In re Brewer*, 863 F.3d 861, 872 (D.C. Cir. 2017). Those requirements are "(1)

the motion for intervention must be timely; (2) intervenors must have an interest in the subject of the action; (3) their interest must be impaired or impeded as a practical matter absent intervention; and (4) the would-be intervenor's interest must not be adequately represented by any other party." *Id.* The Intervenor States satisfy each of these requirements.

A. The States' Motion to Intervene Is Timely.

"[T]imeliness is to be judged in consideration of all the circumstances." *Smoke v. Norton*, 252 F.3d 468, 471 (D.C. Cir. 2001). The Supreme Court recently explained that "the most important circumstance relating to timeliness" is whether the litigant "sought to intervene as soon as it became clear that [its] interests would no longer be protected by the parties in the case." *Cameron v. EMW Women's Surgical Ctr., P.S.C.*, 142 S. Ct. 1002, 1012 (2022) (internal quotation marks omitted). And a post-judgment motion to intervene is timely if it is "filed soon after the movant learned that [a party purportedly representing the State's interests] would not appeal." *Id.* (discussing *United Airlines, Inc. v. McDonald*, 432 U.S. 385, 396 (1977)); *accord United States House of Representatives v. Price*, No. 16-5202, 2017 WL 3271445, at *2 (D.C. Cir. Aug. 1, 2017) ("Where, as here, substantial doubts about the inadequacy of representation develop after the case has begun, timeliness is measured from when the potential inadequacy of representation develops.").

The D.C. Circuit has allowed intervention when a movant was "prompted by the post-judgment prospect that the Government might not appeal." *Smoke*, 252 F.3d at 471. The Court noted that "[p]rior to the entry of judgment . . . [the movant] had no reason to intervene; [its] interests were fully consonant with those of the Government, and those interests were adequately represented by the Government's litigation of the case." *Id.* In such circumstances, "a post-judgment motion to intervene in order to prosecute an appeal is timely (if filed within the time period for appeal) because 'the potential inadequacy of representation came into existence only at

the appellate stage.'" *Id.* (quoting *Dimond v. District of Columbia*, 792 F.2d 179, 193 (D.C. Cir. 1986)).

The States' intervention motion here is plainly timely. The Intervenor States made this motion within six days of learning the Federal Defendants would not defend the legality of the Title 42 policy by seeking an appeal. Thus, the Intervenor States have sought to intervene within a "reasonable time from when their doubts about adequate representation arose." *Price*, 2017 WL 3271445, at *2. And the time for appeal has not elapsed. *See* Fed. R. App. Pro. 4(1)(B) (allowing 60 days for an appeal if the United States or one of its agencies is a party).

Moreover, because the States filed this intervention motion quickly after the Federal Defendants indicated their intention not to appeal, there will be no prejudice to the other parties. *See Sierra Club v. Espy*, 18 F.3d 1202, 1205 (5th Cir. 1994) (holding that the "requirement of timeliness is … a guard against prejudicing the original parties"); *McDonald*, 432 U.S. at 394. Intervention here ensures this case will be resolved on the merits, rather than through abdication. Denying the parties a potential opportunity to obtain their desired ends through the contrivance of surrender inflicts no cognizable prejudice on Plaintiffs. *See McDonald*, 432 U.S. at 394; *Price*, 2017 WL 3271445, at *2 (noting lack of prejudice because "intervention would not delay resolution of the merits." (internal quotation marks omitted)).

B. The States Have Significant Protectable Interests in the Subject of this Action That Will Be Impaired Absent Intervention.

The States also have a protectable interest in the continuing validity of the Title 42 implementing regulations and the related orders.. Two federal district courts independently held as much by finding the States have standing to oppose termination or restriction of the Title 42 Orders. *See Louisiana*, 2022 WL 1604901, at *10-15; *Texas*, 589 F. Supp. 3d at 610-13. Those holdings were undoubtedly correct.

In a July 28, 2022, deposition, Defendant Border Patrol Chief Raul Ortiz testified that migrant flows are responsive to changes in border operations, including processing time and likelihood of release. Ex. 8 at 62:21-64:9. Chief Ortiz further admitted that "unprecedented numbers of aliens are illegally entering the United States right now," "more aliens are going through the southern border than we have seen in the last 20 years," and "the southern border is currently in crisis." *Id.* at 40:18–41:17. Consistent with Chief Ortiz's testimony and public statements by federal officials, a May 19, 2022, guidance memorandum issued by Chief Ortiz explained the Border Patrol "is preparing for the anticipated increase in encounters of undocumented [aliens] following the anticipated lifting of [CDC's] Title 42 public health order. Ex. 9. The memorandum noted that "for most of Fiscal Year 2022 … USBP facilities [were] at, near, or over capacity." *Id.* Accordingly, Chief Ortiz's memorandum provided guidance for release of aliens into the interior of the United States, and specifically contemplated releases at "transportation hubs (i.e., airports, bus terminals)" as well as the likelihood that "local resources are [so] overtaxed" that "local releases without basic services could endanger the noncitizen" and USBP-provided "non-local transportation of noncitizens … may be necessary and appropriate." *Id.* The Termination Order is in accord. Dkt. 134 at *31 ("CDC recognizes that the Termination of the August Order will lead to an increase in the number of noncitizens being processed in DHS facilities …. Moreover, DHS projects … an increase in encounters in the coming months."). Indeed, CDC delayed implementation of the Termination Order due to its impact on migration and DHS's needing time to prepare for the resulting surge.

Chief Ortiz's testimony, his memorandum, and the Termination Order itself make clear that border states like Arizona and Texas will face increased migrant flows and increasd releases of aliens if the Title 42 process is terminated. Those aliens will flow to other States, too. For

example, Stephen Manning of the immigration activist organization Innovation Law Lab explained in a 2019 declaration:

> [T]he clients served by Law Lab's programs do not [*sic*] complete their immigration case in a single jurisdiction. It is possible that a client would move seamlessly between our program sites—and thus between different judicial circuits—as their case progresses. A person fleeing persecution might receive a legal orientation and services at a workshop supported by Law Lab in Tijuana, Mexico; obtain release on bond or parole from a detention center in Texas with assistance from our BorderX project; and complete their asylum application at a Law Lab-run legal workshop in Atlanta, Georgia. Many persons served by Law Lab programs move between jurisdictions throughout the lifetime of their asylum case as well. In my experience, such movement between jurisdictions is common for asylum seekers.

Ex. 10 ¶ 16. "[A]sylum seekers that Law Lab has provided guidance to in Tijuana [Mexico] … end up in detention centers in Louisiana and Mississippi, despite the fact that they entered the US to request asylum in the Ninth Circuit." *Id.* ¶ 12. Accordingly, Law Lab maintains offices throughout the United States, including in Portland, Oregon; Atlanta, Georgia; San Diego, California; Kansas City, Missouri and San Antonio and El Paso, Texas. *Id.* ¶ 4.

Wherever those aliens end up, they will impose financial burdens on the States involuntarily hosting them. CDC acknowledges as much: "[T]he flow of migration directly impacts not only border communities and regions, but also destination communities and healthcare resources of both," 86 Fed. Reg. at 42,835, especially if those aliens have COVID, *cf. Del. Dep't of Nat. Res. v. EPA*, 785 F.3d 1, 10 (D.C. Cir. 2015). The record and findings in the *Texas* action exemplify the financial harm:

> Texas proffers specific, uncontroverted evidence that it will experience increased financial hardship—most directly through healthcare spending. [Ex. 1 at 21 (citing 1 TEX. ADMIN. CODE §§ 366.903, 355.8201-8202, 355.8212-8215.] Included in Texas's appendix is a declaration from Lisa Kalakanis, the Data Dissemination and Reporting Director with the Texas Health and Human Services Commission's Office of Data Analytics and Performance. [Ex. 2 at App'x p.81.] Kalakanis testifies that Texas HHSC provides three principal categories of services and benefits to undocumented aliens in Texas: (1) Texas Emergency Medicaid; (2) the

> Texas Family Violence Program; and (3) Texas Children's Health Insurance Program Perinatal Coverage. *Id.* at 82. Taking just one of those programs—Texas Emergency Medicaid—Kalakanis testifies that "[t]he total estimated cost to [Texas] for the provision of Emergency Medicaid services to undocumented immigrants residing in Texas was approximately $80 million in SFY 2007, $62 million in SFY 2009, $71 million in SFY 2011, $90 million in SFY 2013, and $73 million in SFY 2015." *Id.* at 83. She estimates the cost in SFY 2019 at $80 million. *Id.* Kalakanis testifies that based on her knowledge and expertise of the benefits and services provided to undocumented migrants by the Texas HHSC, "the total costs to the State of providing such services and benefits to undocumented immigrants will continue to reflect trends to the extent that the number of undocumented immigrants residing in Texas increases or decreases each year." *Id.* at 84.
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> Texas further establishes specific financial injuries through the costs of issuing of driver's licenses to illegal aliens (*Id.* at 96–107), providing education to UAC (*Id.* at 88–95), and incarcerating aliens convicted of crimes committed when they are not legally present in the United States (*Id.* at 108–10).

Texas, 589 F. Supp. 3d at 611-12. Likewise, evidence from Arizona and Missouri in the *Louisiana* action:

> According to Mark Napier, Chief of Staff for the Cochise County Sheriff's Office in Cochise County, Arizona, for the period from July 2020 to January 2021, only 27.6% of undocumented persons crossing the southern border were apprehended by DHS personnel. [Ex. 3 at WDLA-PI-161.] Further, from "January through September 2020 there were 181 sets of human remains recovered in the border region of Arizona's desert. Each of these recoveries results in the tremendous expenditure of law enforcement resources." [*Id.*] Mr. Napier further indicated that "[m]igrants abandoned by transnational criminal organizations trafficking in humans on the north side of the border frequently call local law enforcement in distress.... These often led to significant expenditures of county and Border Patrol resources to affect rescue in the hope of preventing additional migrant deaths." [*Id.*]
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> Mark Dannels, the Sheriff of Cochise County, Arizona, submitted a declaration stating that "[i]ndividuals illegally crossing through [the border] cut trails, trample plant life, and leave behind litter and potentially hazardous waste including soiled clothing and excrement." [Ex. 3 at WDLA-PI-171.]
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> According to Robert J. Trenschel, President and CEO of Yuma Regional Medical Center ("YRMC"), "[f]rom January through June 2019, ... an estimated 1,293 adult patients were brought to YRMC while in ICE custody" and that "[t]he estimated cost of [their] care in that six-month period was $810,433," but that only $264,383

> was reimbursed, "leaving a $546,050 unreimbursed gap for that six-month period alone." [Ex. 3 at WDLA-PI-188.] "These cost estimates also do not include the substantial care expenses for the multiple mothers who delivered babies at YRMC while under ICE custody during that timeframe." [*Id.*]
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> According to Maddie Green, Assistant Attorney General for Missouri, "Missouri spent an average of $10,654 per student in school year 2019-2020 regardless of immigration status," and further that "[a] 2018 study shows that an estimated 3,000 illegal alien school-aged children were enrolled in Missouri schools." [Ex. 3 at WDLA-PI-627.] "Missouri. expended $361,702 in emergency medical care costs for treatment of ineligible aliens during Fiscal Year 2020." [*Id.* at WDLA-PI-628.] In addition, "Missouri's Department of Revenue ("DOR") uses the Systemic Alien Verification of Entitlements ("SAVE") system to verify unlawful individuals' lawful immigration status at a cost of $0.80 for the initial inquiry and $0.50 for any additional inquiries. [*Id.*] In state fiscal year 2020, DOR paid $30,114.11 for SAVE inquiries." "Statistically, for every 1,000 aliens who remain unlawfully in the United States, 56 end up residing in Missouri." [*Id.*]

Louisiana, 2022 WL 1604901, at *6-7. "The Fifth Circuit has found these types of specific injuries sufficient to establish injury when a federal action would have enabled '500,000 illegal aliens in Texas' to receive such benefits." *Texas*, 589 F. Supp. 3d at 612 (quoting *Texas v. United States*, 809 F.3d 134, 155-56 (5th Cir. 2015), *aff'd by an equally divided court*, 579 U.S. 547 (2016)).[3]

The States' standing is further bolstered in other ways. The States are entitled to special solicitude in the standing analysis because the States have sovereign and quasi-sovereign interests in controlling their borders, limiting the persons present within those borders, excluding persons carrying communicable diseases, and the enforcement of immigration law. *See Massachusetts v.*

[3] MOUs that DHS executed with Arizona and Louisiana are in accord. In those MOUs, DHS admitted, among other things, that "a decrease or pause on returns or removals of removable or inadmissible aliens," "relaxation of the standards for granting return or removal," "an increase in releases from detention," "changes to immigration benefits or eligibility," or "rules, policies, procedures, and decisions that could result in significant increases to the number of people residing in a community" "result in direct and concrete injuries to [the signatory State], including increasing the rate of crime, consumption of public benefits and services, strain upon the healthcare system, and harm to the environment." *See* Ex. 3 at WDLA-PI-662-63, WDLA-PI-588-590.

EPA, 549 U.S. 497, 519-520 (2007); *see also, e.g.*, *Texas v. United States*, 50 F. 4th 498, 516 (5th Cir. 2022) ("The importance of immigration policy and its consequences to Texas, coupled with the restraints on Texas' power to make it, create a quasi-sovereign interest."). That interest applies not only to the Title 42 Orders, but even more so to the Final Rule. That rule is not limited to COVID, "but also future public health threats." 85 Fed. Reg. at 56,449. It accordingly "implement[s] a permanent procedure which the [CDC] Director may use to issue an order suspending the right to introduce persons into the United States when[ever] there is a serious danger of the introduction of a quarantinable communicable disease into the United States." *Id.* The States have limited power to themselves exclude aliens. *See, e.g.*, *Arizona v. United States*, 567 U.S. 387, 409-410 (2012). They have a quasi-sovereign interest in ensuring CDC is able to rapidly react to emerging public health threats and exclude aliens to the maximum extent permitted by Congress, *i.e.*, precisely what the Final Rule implements. And the Final Rule itself backhandedly recognizes the States' interest by providing that CDC may "consult" with them. 42 C.F.R. 71.40. Regardless, as *Louisiana* and *Texas* actions illustrate, the States have a procedural right under the APA to notice and comment regarding any changes to CDC's Title 42 implementing regulation and the associated Title 42 Orders. The States seek intervention in this case to avoid the federal Defendants' circumventing that procedural right via a friendly surrender. Special solicitude applies.

C. The States' Interests Are Not Adequately Represented.

A prospective intervenor need only make a "minimal" showing that its interests are not adequately protected by any parties in the litigation. *Price*, 2017 WL 3271445, at *2 (quoting *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972)); *see United States v. All Assets Held at Credit Suisse (Guernsey) Ltd.*, 45 F.4th 426, 432 (D.C. Cir. 2022) ("A would-be intervenor is adequately represented when she 'offer[s] *no* argument not also pressed by' an

existing party." (emphasis added)). This light burden can be satisfied by merely by showing that the government has "equivocat[ed] about whether" it will "appeal the adverse ruling of the district court" or will otherwise protect an intervenors' interests. *Id.* (quoting *Smoke*, 252 F.3d at 471); *see Utah Ass'n of Cntys. v. Clinton*, 255 F.3d 1246, 1256 (10th Cir. 2001) (federal government's "silence on any intent to defend the [intervenors'] special interests is deafening") (citation omitted); *Conservation Law Found. of New England, Inc. v. Mosbacher*, 966 F.2d 39, 44 (1st Cir. 1992) (same). Moreover, the government does not adequately represent an intervenor's interests after the government changes its position such that it "no longer share[s] the views of Intervenors" on essential questions of law in the litigation. *United States v. Philip Morris USA Inc.*, 566 F.3d 1095, 1146 (D.C. Cir. 2009).

The States here have "raised sufficient doubt concerning the adequacy" of the Federal Defendants' representation of their interests. The Federal Defendants' stay motion certainly did not assure the Court that they would "continue to prosecute the appeal." *Price*, 2017 WL 3271445, at *2. On the contrary, they assured the Court the opposite was true. And Federal Defendants' representation to the Western District of Louisiana clearly stated that they intend to "begin processing all noncitizens entering the United States pursuant to Title 8" after this Court's stay has elapsed.

Federal Defendants have essentially abandoned their defense of Title 42, and it is doubtful that they will make any further arguments in support of it, let alone make all arguments that the States would press. *Guernsey*, 45 F.4th at 432. Thus, the Federal Defendants fail to adequately represent the State's interests in the continued validity of Title 42.

II. PERMISSIVE INTERVENTION IS WARRANTED.

Even if the Court declines to grant the States' motion to intervene as of right, this is precisely the type of case where permissive intervention is warranted. An applicant for permissive intervention should present the Court with "(1) an independent ground for subject matter jurisdiction; (2) a timely motion; and (3) a claim or defense that has a question of law or fact in common with the main action." *EEOC v. Nat'l Children's Ctr., Inc.*, 146 F.3d 1042, 1046 (D.C. Cir. 1998).

First, the States have standing to protect their unique interests in this litigation, and there is subject-matter jurisdiction because this case presents a federal question. *See* 7C Charles Alan Wright et al., Federal Practice and Procedure § 1916 (3d ed. 2007) ("[T]he need for independent jurisdictional grounds is almost entirely a problem of diversity litigation. In federal-question cases there should be no problem of jurisdiction with regard to an intervening defendant.").

Second, as discussed, the States' motion to intervene is timely. It became clear only this week that Federal Defendants do not seek to challenge this Court's ruling on appeal.

Third, the States' position that the Title 42 policy validly authorizes Federal Defendants to expel aliens has perfect overlap with the issues presented in this case and so easily satisfies the requirement to show a "common question of law or fact" with the main action. *National Children's Ctr.*, 146 F.3d at 1046.

At bottom, the important issues in this case should be decided on the merits, rather than through surrender. A central issue in this case is the costs imposed on the States. Allowing intervention will ensure those interests are represented. A favorable exercise of discretion is therefore warranted.

CONCLUSION

For the foregoing reasons, the States' motion to intervene should be granted.[4]

Respectfully submitted,

Dated: November 21, 2022

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[4] The States also respectfully seek leave from the requirement of Rule 24(c) to attach a responsive pleading. Such an omission without seeking leave "is a purely technical defect which does not result in the disregard of any substantial right." *Westchester Fire Ins. v. Mendez*, 585 F.3d 1183, 1188 (9th Cir. 2009) (quotation marks omitted). "Courts ... have approved intervention motions without a pleading where the court was otherwise apprised of the grounds for the motion." *Beckman Indus. Inc., v. Int'l Ins. Co.*, 966 F.2d 470, 474 (9th Cir. 1992).

A responsive pleading—which would overwhelmingly consist of *pro forma* denials—would not serve any meaningful purpose at this time. But to the extent that this might be otherwise, the States will adopt by reference the answer of Federal Defendants.

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, *Plaintiffs,* *v.* ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al*, *Defendants.*	NO: Civil Action No. 21-100 (EGS) Hon. Emmet G. Sullivan Oral Argument Requested

ORDER

The Matter came before the Court on _____, 2022 on the motion of the States to intervene under Federal Rule of Procedure 24, both as of right and permissively. The Court being fully advised in the premises, IT IS HEREBY ORDERED that the State's Motion to Intervene is GRANTED.

IT IS SO ORDERED.

ENTERED:
By the Court:

Date:_____

_____
Hon. Emmet G. Sullivan
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

s/ Drew C. Ensign
Attorney for the State of Arizona

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, *et al*., Plaintiffs, *v.* ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al*., Defendants.	Civ. A. No. 21-100 (EGS)

DECLARATION OF ATTORNEY JOSEPH ST. JOHN

I serve as a Deputy Solicitor General in the Louisiana Department of Justice. I am counsel for the State of Louisiana in *Louisiana v. Centers for Disease Control*, No. 6:22-cv-885 (W.D. La.). I make this declaration in support of Louisiana's Motion to Intervene in the above-captioned litigation. This declaration is based on my personal knowledge, and I could competently testify to its contents if called to do so.

1. Exhibit 1 is a true and accurate copy of preliminary injunction briefing filed in *Texas v. Biden*, No. 4:21-cv-579 (N.D. Tex.), as obtained from Westlaw.

2. Exhibit 2 is a true and accurate copy of an Appendix to Texas's Renewed Motion for Preliminary Injunction filed in *Texas v. Biden*, No. 4:21-cv-579 (N.D. Tex.), as obtained from Westlaw.

3. Exhibit 3 is a true and accurate copy of Plaintiff States' Motion for Preliminary Injunction and to Expedite, a supporting brief, and supporting evidence filed in *Louisiana v.*

Centers for Disease Control, No. 6:22-cv-885 (W.D. La.), as obtained from Westlaw. Bates numbering has been added to the lower right corner for ease of reference.

4. Exhibit 4 is a true and accurate copy of a Preliminary Injunction entered in *Louisiana v. Centers for Disease Control*, No. 6:22-cv-885 (W.D. La.), as obtained from Westlaw.

5. Exhibit 5 is a true and accurate copy of an Order by the U.S. Court of Appeals for the Fifth Circuit filed to the docket in *Louisiana v. Centers for Disease Control*, No. 6:22-cv-885 (W.D. La.), as obtained from Westlaw.

6. Exhibit 6 is a true and accurate copy of Defendants' Notice of Decision Vacating Title 42 Orders filed in *Louisiana v. Centers for Disease Control*, No. 6:22-cv-885 (W.D. La.), as obtained from Westlaw.

7. Exhibit 7 is a true and accurate copy of a letter filed in *Louisiana v. CDC et al*, No. 22-30303 (5th Cir.), as obtained from Westlaw.

8. Exhibit 8 is a true and accurate copy of a transcript of the videotaped deposition of Raul L. Ortiz, as obtained from the State of Florida.

9. Exhibit 9 is a true and accurate copy of a document obtained from the State of Florida. I am informed and believe Exhibit 9 was produced to Florida by the United States.

10. Exhibit 10 is a true and accurate copy of a Supplemental Declaration of Stephen W. Manning filed in *East Bay Sanctuary Covenant v. Barr*, No. 4:19-cv-4073 (N.D. Cal.), as obtained from Westlaw.

11. Further declarant sayeth naught.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA AND THE STATE OF LOUISIANA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in New Orleans, Louisiana, this 21st day of November 2022.

/s/ Joseph Scott St. John

United States District Court
Northern District of Texas
Fort Worth Division

STATE OF TEXAS,
Plaintiff,
v.
JOSEPH R. BIDEN, JR., *et al.*;
Defendants.

Case 4:21-cv-00579-P

Brief Supporting Renewed Motion for Preliminary Injunction

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Contents

Introduction **1**

Facts **1**

A. Governing laws 1

1. Detention of aliens not lawfully admitted 2

2. Detention of aliens to protect public health 3

B. The COVID-19 pandemic and the federal response 3

1. Federal guidance on COVID-19 4

2. Restrictions at the U.S.–Mexico border 6

C. The Title 42 process 7

1. The Final Rule 7

2. The scope of the October Order 9

3. The Defendants' use of Title 42 slumps 10

D. Defendants violate their detention obligations 12

1. Mandatory detention generally 12

2. Detention for public-health reasons 13

E. Texas sues, and the Defendants issue new orders 14

1. The July Order 14

2. The August Order 15

3. The Defendants' procedures 17

F. The Defendants' refusal to detain aliens harms Texas 18

1. Hidalgo County 18

2. Webb County 20

3. Texans' health 20

4. Texas's healthcare spending 21

5. Other harms to Texas 22

Argument: Texas is entitled to a preliminary injunction requiring the Defendants to comply with their mandatory duties and prohibiting their abandonment of Title 42 ..... **22**

A. Preliminary injunction standard 22

B. Texas is likely to prevail on the merits 23

1. The Defendants' decisions to turn their backs on the Title 42 process were unreasoned. 23

2. The Defendants' refusal to detain aliens arriving at the southwest border to determine whether they carry the COVID-19 virus is not in accordance with law. 27

C. Texas is suffering irreparable harm. 29

D. The public interest and the equities favor an injunction. 31

Prayer for Relief 32

Table of Authorities

Cases

Alabama Assn. of Realtors v. Dept. of Health & Human Services
No. 20-cv-3377, 2021 WL 1779282 (D.D.C. May 5, 2021)
No. 21A23, 594 U.S. ___, 2021 WL 3783142 (Aug. 26, 2021) 6

Alfred L. Snapp & Son v. Puerto Rico ex rel. Barez
458 U.S. 592 (1982) 30

Arizona v. United States,
567 U.S. 387 (2012) 31

Capital Area Immigrants' Rights Coalition v. Trump
471 F. Supp. 3d 25 (D.D.C. 2020) 26

Daniels Health Sciences, LLC v. Vascular Health Sciences, LLC
710 F.3d 579 (5th Cir. 2013) 22, 23

Dept. of Homeland Sec. v. Thuraissigiam
140 S.Ct. 1959 (2020) 2

Janvey v. Alguire
647 F.3d 585 (5th Cir. 2011) 23

Jennings v. Rodriguez
138 S. Ct. 830 (2018) 3, 28

League of Women Voters v. Newby
838 F.3d 1 (D.C. Cir. 2016) 31

Natural Resources Defense Council v. Wheeler
955 F.3d 68 (D.C. Cir. 2020) 25

Nken v. Holder
556 U.S. 418 (2009) 31

P.J.E.S. v. Pekoske
No. 20-5357 (D.C. Cir. Jan. 29, 2021).....10

P.J.E.S. v. Wolf
502 F. Supp. 3d 492 (D.D.C. 2020) 10

Sierra Club v. U.S. Environmetal Protection Agency
939 F.3d 649 (5th Cir. 2019) 23

Texas Food Industry Assn. v. U.S. Dept. of Agriculture
842 F. Supp. 254 (W.D. Tex. 1993) 26

Texas v. Biden, No. 2:21-cv-067-Z
2021 WL 3603341 (N.D. Tex. Aug. 13, 2021) 28

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2021 WL 3674780 (5th Cir. Aug. 19, 2021) 28

Texas v. United States
86 F. Supp. 3d 591 (S.D. Tex. 2015) 30

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809 F.3d 134 (5th Cir. 2015) 22

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___ F. Supp. 3d ___, 2021 WL 2096669 (S.D. Tex. Feb. 23, 2021) 27

U.S. Steel Corp. v. Environmental Protection Agency
595 F.2d 207 (5th Cir. 1979) 26

Statutes

42 U.S.C. § 265 7

42 U.S.C. § 268 9

5 U.S.C. § 553 ..... 25, 26

5 U.S.C. § 706(2) 23, 29

8 U.S.C. § 1158 3

8 U.S.C. § 1182 ..... 2, 3, 13, 32

8 U.S.C. § 1222 ..... 3, 27, 28

8 U.S.C. § 1225 ..... 2, 3, 27, 28

8 U.S.C. § 1229a 2

8 U.S.C. § 1231 28

Homeland Security Act of 2002
Pub. L. 107-296, 116 Stat. 2135 2

Immigration and Nationality Act
8 U.S.C. § 1101 *et seq.* 2

Other Authorities

Adam Shaw & Bill Melugin
Texas border city says more than 7,000 COVID-positive migrants released since February, 1,500 in last week
FOX NEWS (Aug. 4, 2021) 17

CBP Directive No. 2210-004
U.S. CUSTOMS AND BORDER PROT. (Dec. 30, 2019) 13, 14

CENTERS FOR DISEASE CONTROL AND PREVENTION, *COVID Data Tracker*
https://covid.cdc.gov/covid-data-tracker (last visited Sep. 7, 2021) 4

ICE Detention Statistics, U.S. Immig. & Customs Enforcement
https://www.ice.gov/doclib/detention/FY21_detentionStats07222020.xlsx
(downloaded Aug. 23, 2021) 13

Joshua Skinner & Kate Porter
Midland leaders blindsided by arrival of migrants at holding facility
CBS7 (Mar. 14, 2021) 15

Julia Ainsley
18 percent of migrant families leaving Border Patrol custody tested positive for Covid, document says
NBC NEWS (Aug. 7, 2021) 18

Nomaan Merchant & Jake Bleiberg
Immigrant teens to be housed at Dallas convention center
ASSOCIATED PRESS (Mar. 15, 2021) 15

Southwest Border Land Encounters
U.S. CUSTOMS AND BORDER PROTECTION https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters (last visited Sep. 7, 2021) 10

TEXAS DEPT. OF STATE HEALTH SERVICES, *DSHS COVID-19 Dashboard* https://dshs.texas.gov/coronavirus/cases.aspx (last visited Sep. 7, 2021) 4

Regulations

1 TEX. ADMIN. CODE § 355.8201 *et seq.* 22

1 TEX. ADMIN. CODE § 366.903 22

42 C.F.R. § 34.7 22

42 C.F.R. § 71.40 7

Constitutional Provisions

U.S. CONST. art. II, § 3 29

Federal Register entries

Notice of Temporary Exception From Expulsion of Unaccompanied Noncitizen Children
86 Fed. Reg. 9,942 (Feb. 17, 2021) 11, 25

Notification of Temporary Travel Restrictions Between the U.S. and Mexico
85 Fed. Reg. 16547 (Mar. 24, 2020) 6

Notification of Temporary Travel Restrictions Between the U.S. and Mexico
86 Fed. Reg. 46,964 (Aug. 23, 2021) 6, 7

Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists
85 Fed. Reg. 65,806 (Oct. 13, 2020) ..... passim

Public Health Determination Regarding an Exception for Unaccompanied Noncitizen Children
86 Fed. Reg. 38,717 (July 22, 2021) ..... passim

Public Health Reassessment & Order Suspending the Right to Introduce Certain Persons
86 Fed. Reg. 42,828 (Aug. 5, 2021) ..... passim

Introduction

Agencies must justify their actions with reason. And they must comport with the strictures that Congress has placed on them and perform the duties Congress has demanded of them. The Defendants have failed these tests. They have not justified the exceptions they have written into a generally applicable rule, and they have not obeyed the mandate that Congress has given them. The Court should hold them to the law and require them to act as they should have been acting since before this case was filed.

Facts

A. Governing laws.

DHS is charged with enforcing the United States' immigration laws. This case concerns DHS's obligations to detain aliens in accordance with those laws—to detain them during the removal process and to detain them to determine whether they are carrying the COVID-19 virus into Texas from abroad. At issue are:

- Portions of the ***Immigration and Nationality Act*** requiring that DHS detain aliens pending their removal and to determine whether they pose a threat to public health;
- A ***Final Rule***, *see* Appx. 1–3, adopted by the CDC allowing it to exclude from the country aliens who pose a serious threat of introducing a communicable, quarantinable disease;
- An ***October Order***, *see* Appx. 4–10, putting that rule into effect and allowing for rapid removal of covered aliens;
- A ***February Order***, *see* Appx. 11–12, excepting unaccompanied alien children from the October Order;

- A ***de facto policy*** excepting members of alien family units from the October Order;
- A ***July Order***, *see* Appx. 13–15, making the February Order permanent; and
- An ***August Order***, *see* Appx. 16–29, largely confirming both the February and July Orders.

1. Detention of aliens not lawfully admitted.

The Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135, and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq*., charge DHS with enforcing the nation's immigration laws, including the removal of aliens who are not lawfully present in the United States. Among the aliens who "are 'inadmissible' and therefore 'removable'" are those who lack a valid entry document when they apply for admission. *Dept. of Homeland Sec. v. Thuraissigiam*, 140 S.Ct. 1959, 1964 (2020) (citing 8 U.S.C. §§ 1182(a)(7)(A)(i)(l), 1229a(e)(2)(A)). Aliens who arrive in the United States without having been admitted, and aliens who are present in the United States without having been lawfully admitted, are deemed to have applied for admission, and there are expedited procedures for removing these aliens. 8 U.S.C. § 1225(a)(1). They are subject to expedited removal if they (1) are inadmissible because they lack a valid entry document; (2) have not been continuously physically present in the United States for the two years preceding their inadmissibility determination; or (3) are among those whom the Secretary of Homeland Security has designated for expedited removal. *Id.* § 1225(b)(1)(A). Once an immigration officer determines that such an alien is inadmissible, the alien must be ordered "removed from the United States

without further hearing or review." *Id.* § 1225(b)(1)(A)(i). Otherwise, the standard removal procedures apply.

Whether subject to standard or expedited removal, aliens placed in removal proceedings must be detained until the proceedings are complete. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 844–45 (2018) (citing 8 U.S.C. § 1225(b)(1), (2)). Similarly, aliens who intend to claim asylum or who claim a credible fear of persecution if deported must be detained until their entitlement to asylum is determined. *See* 8 U.S.C. §§ 1158, 1225(b)(1)–(2). DHS may "for urgent humanitarian reasons or significant public benefit" temporarily parole these aliens, but it may do so "only on a case-by-case basis." 8 U.S.C. § 1182(d)(5)(A).

2. Detention of aliens to protect public health.

Also inadmissible are those aliens who have a "communicable disease of public health significance," as defined by "regulations prescribed by the Secretary of Health and Human Services." 8 U.S.C. § 1182(a)(1)(A)(i). Aliens must be detained to determine whether they are inadmissible for public-health reasons under two circumstances. First, they must be detained if DHS has reason to believe they are "afflicted with" such a disease. 8 U.S.C. § 1222(a). Second, they must be detained if DHS "has received information showing that [they] are coming from a country or have embarked at a place" where such a disease is "prevalent or epidemic[.]" This detention must enable "immigration officers and medical officers" to conduct "observation and an examination sufficient to determine whether" the aliens are inadmissible. *Id.*

B. The COVID-19 pandemic and the federal response.

In the CDC's own words, COVID-19 "is a quarantinable communicable disease caused by the SARS-CoV-2 virus." *Pub. Health Reassessment & Order Suspending the Right to Introduce Certain Persons*, 86 Fed. Reg. 42,828, 42,830

(Aug. 5, 2021) (Appx. 18). Since it emerged in late 2019, "SARS–CoV–2, the virus that causes COVID–19, has spread throughout the world, resulting in a pandemic." *Id.* It has upended lives across the planet, with governments imposing curfews, shuttering businesses, and closing schools. Since early 2020, more than 35 million U.S. residents have been infected with COVID-19, including more than 2.6 million in Texas. Nearly 645,000 U.S. residents have died from COVID-related causes, more than 57,000 of them in Texas. *See* CTRS. FOR DISEASE CONTROL AND PREVENTION, *COVID Data Tracker*, https://covid.cdc.gov/covid-data-tracker (last visited Sep. 7, 2021); TEX. DEPT. OF STATE HEALTH SVCS., *DSHS COVID-19 Dashboard*, https://dshs.texas.gov/coronavirus/cases.aspx (last visited Sep. 7, 2021).

1. Federal guidance on COVID-19.

The CDC recommends a 14-day quarantine for those who "have been in close contact (within 6 feet of someone for a cumulative total of 15 minutes or more over a 24-hour period) with someone who has COVID-19…." *Quarantine and Isolation*, CTRS. FOR DISEASE CONTROL AND PREVENTION, https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html (July 29, 2021) (last visited Sep. 7, 2021). This "does not apply to those who have been fully vaccinated … unless they have symptoms," but even those people "should get tested 3–5 days after their exposure, even if they don't have symptoms," and they should "wear a mask indoors in public for 14 days following exposure or until their test result is negative." *Id.*

Since COVID-19 was first declared a public-health emergency in January 2020, the federal government has implemented a number of COVID–19 mitigation and response measures. "Recent concerns regarding the spread of the Delta variant prompted CDC to release updated guidance calling for

vaccinated persons to wear a mask indoors in public when in an area of substantial or high transmission." Appx. 19 (footnotes omitted). The "other measures" currently in effect include:

- Requiring the use of masks by federal employees and on federal property, *see* Exec. Order No. 13991, 86 Fed. Reg. 7,045 (Jan. 25, 2021);
- Recommending that teachers, staff, and students in K-12 schools wear masks, *see* CTRS. FOR DISEASE CONTROL AND PREVENTION, *Guidance for COVID-19 Prevention in K-12 Schools* (July 9, 2021);[1]
- Continuing to require individuals to wear masks while in airports and on airplanes, *see* TRANSP. SEC. ADMIN., *TSA extends face mask requirement at airports and throughout the transportation network* (Apr. 30, 2021);[2]
- Requiring that all civilian federal employees show proof of vaccination status, *see* THE WHITE HOUSE, *FACT SHEET: President Biden to Announce New Actions to Get More Americans Vaccinated and Slow the Spread of the Delta Variant* (July 29, 2021);[3] and
- Ordering a moratorium on evictions for failure to pay rent, *see Temp. Halt in Residential Evictions*, 86 Fed. Reg. 43244 (Aug. 6, 2021). *But see Ala. Assn. of Realtors v. Dept. of Health & Human Svcs.*, No. 20-cv-3377, 2021 WL 1779282 (D.D.C. May 5, 2021) (vacating moratorium); No.

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1 https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html

2 https://www.tsa.gov/news/press/releases/2021/04/30/tsa-extends-face-mask-requirement-airports-and-throughout

3 https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/29/fact-sheet-president-biden-to-announce-new-actions-to-get-more-americans-vaccinated-and-slow-the-spread-of-the-delta-variant/

21A23, 594 U.S. ___, 2021 WL 3783142 (Aug. 26, 2021) (denying stay of vacatur).

2. Restrictions at the U.S.–Mexico border.

"Other mitigation measures have involved restrictions on international travel and migration." Appx. 19 (footnotes omitted). The Defendants have imposed or continued four Presidential Proclamations suspending the entry of individuals from thirty-three countries across the world—including almost all of the nation's NATO allies—based on the threat posed by the potential spread of COVID-19. *See generally* U.S. DEPT. OF STATE, *COVID-19 Travel Restrictions and Exceptions* (June 24, 2021).[4]

Another restriction has been to limit all but essential travel between the United States and Mexico. *See Notif. of Temp. Travel Restrictions Between the U.S. and Mex.*, 85 Fed. Reg. 16547 (Mar. 24, 2020) (Appx. 30–31). In the latest notice continuing these restrictions, DHS reiterated that it had "determined that the risk of continued transmission and spread of the virus associated with COVID-19 between the United States and Mexico poses an ongoing 'specific threat to human life or national interests,'" *Notif. of Temp. Travel Restrictions Between the U.S. and Mex.*, 86 Fed. Reg. 46,964 (Aug. 23, 2021) (Appx. 32), and additionally observed that "the Delta variant is driving an increase in cases, hospitalizations, and deaths in the United States." *Id.* DHS and its Mexican counterparts had "determined that non-essential travel between the United States and Mexico … places the populace of both nations at increased risk of contracting the virus associated with COVID–19." Appx. 33. DHS additionally justified the continued suspension of non-essential travel to and from Mexico

[4] https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/covid-19-travel-restrictions-and-exceptions.html

because "the sustained human-to-human transmission of the virus, coupled with risks posed by new variants, returning to previous levels of travel between the two nations [would place] the personnel staffing land ports of entry between the United States and Mexico, as well as the individuals traveling through these ports of entry, at increased risk of exposure to the virus associated with COVID–19." *Id.*

C. The Title 42 process.

1. The Final Rule.

On September 11, 2020, the CDC published a final rule that "establishe[d] final regulations under which the Director [of the CDC] may suspend the right to introduce and prohibit, in whole or in part, the introduction of persons into the United States for such period of time as the Director may deem necessary to avert the serious danger of the introduction of a quarantinable communicable disease into the United States." 85 Fed. Reg. 56,424 (Sep. 11, 2020) (codified at 42 C.F.R. § 71.40). This Final Rule, issued under the authority granted by the Public Health Service Act, 42 U.S.C. § 265, became effective on October 13, 2020. The day the Final Order became effective, the CDC issued the October Order, which suspended the right of persons traveling from countries where COVID-19 is endemic to enter the United States. *See Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists*, 85 Fed. Reg. 65,806 (Oct. 13, 2020) (Appx. 4–10). Collectively, the Final Rule and this October Order work together in a process generally known as "Title 42."

Though issued under the Final Rule, the October Order was the latest in a series of orders issued under the interim final rule.[5] As had the earlier orders, the October Order suspended introducing covered aliens into the United States, a suspension lasting until CDC determined that "the danger of further introduction of COVID-19 into the United States has ceased to be a serious danger to the public health[.]" Appx. 7. The suspension was based on findings that:

- COVID-19 is a communicable disease that poses a danger to the public health;
- COVID-19 is present in numerous foreign countries, including Canada and Mexico;
- Because COVID-19 is so globally widespread, there is a serious danger that it will be carried into the land points of entry and Border Patrol stations at or near the United States' borders with Canada and Mexico, and from there into the interior of the country;
- If their entry were not suspended, covered aliens would be go through immigration processing at the land points of entry and Border Patrol stations that would require many of them (typically aliens who lack valid travel documents and are therefore inadmissible) to be held in the congregate areas of the facilities, in close proximity to one another, for hours or days;
- Holding them in such settings would increase the already serious danger to the public health of the United States; and

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[5] CDC issued an interim final rule on March 24. 85 Fed. Reg. 16,559 (Mar. 24, 2020). It also issued a series of orders that initially covered only 30 days apiece before being amended to require review every 30 days. *Id.* at 17,060 (Mar. 26, 2020); 22,424 (Apr. 22, 2020); 31,503, 31,507–08 (May 26, 2020).

- This increased danger rose to the level that it required a temporary suspension of the introduction of covered aliens into the United States.

Appx. 8.

Customs and Coast Guard officers have the duty to "aid in the enforcement of quarantine rules and regulations," 42 U.S.C. § 268, and the Order noted that CDC had requested "that DHS aid in the enforcement [of] this Order because CDC does not have the capability, resources, or personnel needed to do so." Appx. 10. CDC needed this assistance because of its own public health tools' not being "viable mechanisms given CDC resource and personnel constraints, the large numbers of covered aliens involved, and the likelihood that covered aliens do not have homes in the United States." *Id.*

2. The scope of the October Order.

The October Order applied to all covered aliens, defined as aliens "seeking to enter the United States … who lack proper travel documents," "whose entry is otherwise contrary to law," or "who are apprehended at or near the border seeking to unlawfully enter the United States." Appx. 5.

Among other exceptions, the October Order did not apply to those "whom customs officers determine, with approval from a supervisor, should be excepted based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests." *Id.* In those limited circumstances, DHS was required to "consult with CDC concerning how these types of case-by-case, individualized exceptions" were to be made to help "ensure consistency with current CDC guidance and public health assessments." *Id.*

The October Order noted that expulsions under CDC's prior orders had "reduced the risk of COVID-19 transmission in [points of entry] and Border

Patrol Stations, and thereby reduced risks to DHS personnel and the U.S. health care system." *Id.* It further noted that "[t]he public health risks to the DHS workforce—and the erosion of DHS operational capacity—would have been greater" without the initial suspension order. Appx. 8. Further, the suspension orders "significantly reduced the population of covered aliens in congregate settings in [points of entry] and Border Patrol stations, thereby reducing the risk of COVID-19 transmission for DHS personnel and others within these facilities." Appx. 8.

DHS began using its Title 42 authority to expel aliens in March 2020, and the population of aliens processed under Title 8 (the ordinarily applicable immigration rules) plummeted. Out of more than 253,000 total southwest border encounters under Title 8 in Fiscal Year 2020, fewer than 25,000 occurred in the last six months of the year.[6] During that same six-month period, nearly 200,000 aliens were rapidly expelled under Title 42.

3. The Defendants' use of Title 42 slumps.

a. unaccompanied alien children are placed outside Title 42.

On November 18, 2020, the U.S. District Court for the District of Columbia issued a preliminary injunction that enjoined the Defendants from applying Title 42 to unaccompanied alien children. *P.J.E.S. v. Wolf*, 502 F. Supp. 3d 492 (D.D.C. 2020). The D.C. Circuit stayed that injunction in late January. *P.J.E.S. v. Pekoske*, No. 20-5357 (D.C. Cir. Jan. 29, 2021).

The stay enabled the Defendants once again to apply Title 42 to unaccompanied alien children. Rather than do so, however, CDC announced

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[6] The CBP statistics cited in this First Amended Complaint are available at *Sw. Border Land Encounters*, U.S. CUSTOMS AND BORDER PROT., https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters (last visited Sep. 7, 2021).

that it would except them from the October Order, and backdated the exception to the date the stay was lifted. *Not. of Temp. Exception From Expulsion of Unaccompanied Noncitizen Children*, 86 Fed. Reg. 9,942 (Feb. 17, 2021) (Appx. 11).

The retroactive order noted that COVID-19 continued to pose a "highly dynamic public health emergency" and that the CDC was "in the process of reassessing the overall public health risk at the United States' borders and [the October Order] based on the most current information…." *Id.* Other than those general statements, the order did not explain why CDC had decided not to apply Title 42 to unaccompanied alien children.

Unsurprisingly, after excepting them from Title 42, the number of unaccompanied alien children encountered at the southwest border increased, reaching roughly 9,500 in February (a 61% increase over the number encountered in January and 105% more than November). The number rose sharply to 18,890 in March and has remained elevated ever since: more than 17,000 encounters in April; more than 14,000 in May; more than 15,000 in June; and nearly 19,000 in July.

b. Those claiming to be family groups are *de facto* placed outside Title 42.

As unaccompanied alien children were placed outside the purview of Title 42, the Defendants slowly stopped applying Title 42 to members of family units. Unlike the exception for unaccompanied alien children, however, this was neither announced nor formalized. Instead, it happened *sub silentio*, becoming a *de facto* policy as, among other things, Mexico's government began refusing to accept the return of certain aliens who would have been expelled from certain ports of entry. *See* Appx. 39 at ¶ 19–20.

The total encounters with family units spiked following January 2020. But rather than spiking along with it, the Defendants' application of Title 42 has cratered:

Month	Family-unit encounters	Title 42 applications to family units	
		Absolute	Percentage
November 2020	4,302	3,641	84.6
December 2020	4,404	3,332	75.7
January 2021	7,296	4,546	62.3
February 2021	19,588	9,476	48.4
March 2021	54,116	21,430	39.6
April 2021	50,089	17,799	35.5
May 2021	44,746	9,145	20.4
June 2021	55,805	8,070	14.5
July 2020	82,966	9,948	12.0

Put differently, between November 2020 and July 2021, the number of family-unit members rapidly expelled under Title 42 almost tripled—but encounters with members of family units increased more than six times as fast, growing *19-fold*.

All told, between family-unit members and unaccompanied alien children, DHS has during the current fiscal year placed into Title 8 proceedings roughly 345,000 aliens who otherwise would have been rapidly expelled under Title 42.

D. Defendants violate their detention obligations.

1. Mandatory detention generally.

With limited exceptions, the duty to detain aliens pending removal falls not to CBP, but to ICE. ICE's own data shows that it is not complying with the requirement that it detain all persons who appear at the border without

permission to enter into the United States. The overwhelming majority of family-unit members are not detained at all; the few who are detained are released into the United States in a matter of days.

To date in Fiscal Year 2021, ICE processed roughly 9,500 aliens into Family Residential Centers.[7] From March–July 2021, the average detainee in a Family Residential Center was there for approximately a week. As of its last report, ICE was detaining only 1,118 family-unit aliens in those centers.

If CBP has processed nearly 236,000 family-unit aliens this fiscal year under Title 8 but ICE has processed only 9,500 of them into a Family Residential Center, DHS has released 96% of family-unit aliens into the United States rather than detaining them as the law requires. DHS can release such aliens only on a case-by-case basis for urgent humanitarian reasons or significant public benefit. 8 U.S.C. § 1182(d)(5)(A). Given the number of aliens released, for this case-by-case analysis to have occurred is all but impossible.

2. Detention for public-health reasons.

CBP's Directive 2210-004 guides the agency's "medical support for individuals in CBP custody along the [Southwest Border]." CBP Directive No. 2210-004, U.S. CUSTOMS AND BORDER PROT., at ¶ 2 (Dec. 30, 2019) (Appx. 111). Under that directive, "[c]onsistent with short-term detention standards and applicable legal authorities," CBP does not detain individuals "in CBP facilities for the sole purpose of completing non-emergency medical tasks." *Id.* at ¶ 3.

The Directive mentions neither screening for COVID-19 nor detention to screen for public-health inadmissibility. Given that CBP does not detain aliens

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[7] Statistics regarding ICE detentions are taken from *ICE Detention Statistics*, U.S. Immig. & Customs Enft., https://www.ice.gov/doclib/detention/FY21_detentionStats07222020.xlsx (downloaded Aug. 23, 2021).

so it can complete "non-emergency medical tasks," *id.*, those screenings must be accomplished elsewhere—for family-unit members, at least, at ICE. But given that ICE processed only 9,500 such aliens into its facilities, the other 225,000 of them—more than entire population of Amarillo; nearly the population of Irving or Garland—were certainly not detained for the CDC-recommended three-to-five days for even a vaccinated person to be tested for possible exposure to COVID-19.

E. Texas sues, and the Defendants issue new orders.

1. The July Order.

Texas filed this suit on April 22, and the Court heard Texas's motion for a preliminary injunction on July 13. ECF Nos. 1, 49. Six days later, the CDC issued a new order excepting unaccompanied alien children from the October Order. *See Pub. Health Determ. Regarding an Exception for Unaccompanied Noncitizen Children*, 86 Fed. Reg. 38,717 (July 22, 2021) (signed July 19, 2021) (Appx. 13–15).

The July Order stated that it was based on findings related to the mitigation measures DHS had put in place for unaccompanied alien children. Appx. 13–14. These measures included using masks, testing, cohorting unaccompanied alien children according to test status, vaccinating staff, making the vaccination available to unaccompanied alien children over 12 years of age, and expanding the capacity at facilities where unaccompanied alien children are held. According to the July Order, these were sufficient "to protect the children, caregivers, and local communities from elevated risk of COVID-19 transmission," and "U.S. healthcare resources" would therefore not be significantly affected by the need to furnish care to those unaccompanied alien children. Appx. 15.

DHS simultaneously conceded, however, that more than 15,000 of the children in its care—either in its own facilities or those in which they had been placed by the Office of Refugee Resettlement—had tested positive for COVID-19. Appx. 14. And it simultaneously conceded that unaccompanied alien children are quarantined upon arriving at CBP facilities for only 7 days rather than the 14 recommended by the CDC; that children who test positive for COVID-19 are isolated for only 10 days, rather than the 14 recommended by the CDC; and that children exposed to COVID-19 are isolated for only 10 days, rather than the 14 recommended by the CDC. Appx. 14 fn. 19. It gave no reason for these deviations from the CDC's recommendations.

More, DHS does not keep these children near the ports of entry where they are processed into DHS custody. Rather, they are transported across the country. HHS has opened makeshift emergency shelters across the country, including one at a converted oilfield workers' camp in Midland and another at the Hutchison Convention Center in Dallas. *See* Joshua Skinner & Kate Porter, *Midland leaders blindsided by arrival of migrants at holding facility*, CBS7 (Mar. 14, 2021);[8] Nomaan Merchant & Jake Bleiberg, *Immigrant teens to be housed at Dallas convention center*, ASSOCIATED PRESS (Mar. 15, 2021).[9]

2. The August Order.

On August 3, 2021, CDC issued an order superseding the October Order and incorporating the July Order by reference. *Pub. Health Reassessment and Order Suspending the Right to Introduce Certain Persons*, 86 Fed. Reg. 48,828

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[8] https://www.cbs7.com/2021/03/14/gov-abbott-federal-hhs-sending-some-migrants-to-midland

[9] https://apnews.com/article/dallas-health-coronavirus-pandemic-immigration-border-patrols-fa567f671faa0e9eb33e37f30746f1b6

(Aug. 5, 2021) (Appx. 16–29). The August Order included no further findings or conclusions regarding those children. Appx. 26.

The August Order summarized the current state of emergency and nature of the pandemic:

- "78 countries continue to experience high or substantial incidence rates (≥50 cases per 100,000 people in the last seven days) and 123 countries, including the United States, are experiencing an increasing incidence of reported new cases." Appx. 19.
- In the week preceding the August Order, Mexico—through which all aliens appearing for entrance at the southwest border must travel—"experienced a 30.2% increase in new cases" of COVID-19. *Id.*
- "Congregate settings, particularly detention facilities with limited ability to provide adequate physical distancing and cohorting, have a heightened risk of COVID-19 outbreaks." Appx. 21. CBP facilities themselves have "[s]pace constraints [that] preclude implementation of cohorting and consequence management such as quarantine and isolation." Appx. 25.
- "The rapid spread of the highly transmissible Delta variant is leading to worrisome trends in healthcare and community resources. Signs of stress are already present in the southern regions of the United States." Appx. 23.
- "Countries of origin for the majority of incoming covered [aliens] have markedly lower vaccination rates." Of the top five originating countries, El Salvador, at 22%, had the highest rate of vaccinated persons; Guatemala and Honduras, the two lowest, had 1.6% and 1.8%, respectively. Appx. 22 & n.57.

- "At the time [the order was issued], over 70% of U.S. counties along the U.S.-Mexico border were classified as experiencing high or substantial levels of community transmission." *Id.* & fn. 61. None of Texas's 14 border counties were "experiencing low levels of community transmission." Two of them were "experiencing moderate levels of community transmission[.]" The other twelve? "[H]igh levels of community transmission[.]" *Id.*

The August Order concedes that "the flow of migration directly impacts not only border communities and regions, but also destination communities and healthcare resources of both." Appx. 23. The Order came only days after the Defendants released more than 1,500 COVID-positive illegal aliens into the city of McAllen, Texas. *See* Adam Shaw & Bill Melugin, *Texas border city says more than 7,000 COVID-positive migrants released since February, 1,500 in last week*, FOX NEWS (Aug. 4, 2021);[10] *see also* Facts § F.1.

The August Order did not authorize or attempt to justify excepting family-unit members from the Title 42 expedited-removal proceedings. Indeed, it concluded that "the continued suspension of the right to introduce" family-unit members into the United States "is appropriate…." Appx. 26.

3. The Defendants' procedures.

As the Defendants routinely admit, they do not test any of the aliens they apprehend for COVID-19 unless the alien already shows symptoms of the disease. *See*, *e.g.*, Julia Ainsley, *18 percent of migrant families leaving Border Patrol custody tested positive for Covid, document says*, NBC NEWS (Aug. 7,

[10] https://www.foxnews.com/politics/texas-border-city-covid-positive-migrants-released-february-last-week

2021).[11] Rather, they "coordinate[] with NGOs upon the release" of aliens so the aliens "receive prompt COVID-19 testing prior to being released into the community[.]" Appx. 123 at ¶ 24. If an alien tests positive for COVID-19, they "coordinate[] with appropriate NGOs for the provision of non-congregate accommodations so that the family members released from CBP custody can properly isolate and/or quarantine[.]" *Id.*

F. The Defendants' refusal to detain aliens harms Texas.

Texas has suffered and continues to suffer irreparable harm because of the Defendants' actions. The October Order acknowledged as much: "[S]everal cities and states, including several located at or near U.S. borders, continue to experience widespread, sustained community transmission that has strained their healthcare and public health systems." Appx. 10. And the August Order recognized that the "flow of migration directly impacts not only border communities and regions, but also destination communities and healthcare resources of both." Appx. 23. The Defendants themselves agreed that Texas will suffer "concrete injuries" as a result of "a decrease in any immigration enforcement." Appx. 42 § II.A.1. These harms are most manifest along Texas's southwest border.

1. Hidalgo County.

Hidalgo County declared a state of disaster "because of the growing threat of COVID-19 that may be present among the ongoing surge" of illegal immigrants being released into the county. Appx. 51. That threat was due to DHS's "releasing an alarmingly substantial number of immigrants into the City of McAllen …, including individuals that are positive for COVID-19,"

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[11] https://www.nbcnews.com/politics/immigration/18-percent-migrant-families-leaving-border-patrol-custody-tested-positive-n1276244

which had "overwhelmed" the ability of local governments and aid organizations to "adequately feed, house, provide medical attention[,] or otherwise accommodate" them. Appx. 52. Among the overtaxed resources were local hospitals, which were dealing with COVID-19 hospitalization rates of more than 18 percent. Appx. 51. This came only a day before the City of McAllen itself built a temporary emergency shelter "for the overwhelming number of immigrants stranded in McAllen by U.S. Customs and Border Protection." Appx. 54–56. As the city noted in announcing the shelter, when these aliens "are released, the federal government does not test them for COVID-19 or provide assistance … to make arrangements for temporary housing." Appx. 54. From mid-February 2021 until August 4, when it announced the shelter, more than "7,000 confirmed COVID-19 positive immigrants [had been] released into the City of McAllen by CBP, including over 1,500 new cases in the past seven days." Appx. 55.

All of this followed a nationally reported incident on July 26. Appx. 57–62. That afternoon, police were called to a Whataburger in La Joya due to complaints about a family of four that was coughing, sneezing, and not wearing masks. Appx. 60. The family were illegal immigrants who were suffering from COVID-19, had been apprehended by DHS, and had been released to the care of Catholic Charities of the Rio Grande Valley. *Id.* The family was supposed to be quarantining in a nearby hotel, but had been told that they were free to leave if they wished, as others staying at the hotel said they had been told. Appx. 60–61. The hotel manager owner stated that the entire hotel had been rented by Catholic Charities and was used to house aliens with COVID-19; an employee stated that more than half of the people who had been placed at the hotel had left. Appx. 61. The DHS agent in charge of the Rio Grande Sector disclaimed any control over Catholic Charities or how it handled the sick

people remanded to its care. *Id.* The officer who investigated the hotel estimated that between 20 and 30 people were walking about the property, the majority without masks, *id.*, and was later informed that Catholic Charities would be placing security guards at the hotel to keep sick aliens from leaving the property. Appx. 62.

2. Webb County.

Webb County proclaimed a state of disaster as a result of DHS's "transportation of large numbers of individuals (refugees, immigrants and/or migrants, a significant portion of whom are unvaccinated, untested for the COVID-19 virus and COVID positive who have been apprehended from outside Webb County and [] transported into Webb County … for the purpose of processing and release into the community…." Appx. 63. This "unanticipated influx" of aliens by DHS had "overwhelmed local resources and services to the extent that they [could] no longer adequately feed, house, provide medical attention or otherwise accommodate" those aliens. *Id.* The City of Laredo estimated that 40 to 50 percent of the aliens bused into the city by DHS were positive for COVID-19. Appx. 68. More, its shelters cannot accommodate the number of aliens being sent to the city in a manner that is safe and consistent with CDC guidelines. *Id.*

3. Texans' health.

The release of aliens who have not been treated or screened for COVID-19 furthers the spread of that pandemic throughout the United States in general and Texas in particular, increasing the risk to Texans of infection and compounding the difficulties already faced by Texas's public-health officials. As the July Order admitted, more than 15,000 unaccompanied alien children

have tested positive for COVID-19 while under the care of CBP or an Office of Refugee Resettlement facility. Appx. 14.

One need not take Texas's word for this—DHS has confirmed it. Among the justifications for the October Order was the reduction in "the risk of COVID-19 transmission … to DHS personnel and the U.S. health care system." Appx. 8. Further, DHS's Assistant Secretary for Border and Immigration Policy, David Shahoulian, has sworn to the increased risk of COVID-19 infections posed by permitting illegal aliens into the United States from the southwestern border: Due to "the highly transmissible COVID-19 Delta variant," the "rates at which encountered noncitizens are testing positive for COVID-19 have increased significantly in recent weeks." Appx. 75. And indeed, "the rate of infection among CBP officers … recently began increasing again, even though the percentage of officers and agents who have been fully vaccinated has grown significantly since January," leading "to increasing numbers of CBP personnel being isolated and hospitalized." *Id.* The threat to Texas's residents and visitors is no less.

4. Texas's healthcare spending.

The most direct financial impact of the Defendants' non-enforcement of their detention obligations is on Texas's healthcare spending. Aliens seeking medical care from providers in Texas—particularly emergency medical care—cost Texas tens of millions of dollars per year. For Fiscal Year 2015—the last year that a report is available—the Texas Health and Human Services Commission estimated that Texas spent roughly $80 million on emergency Medicaid services for illegal aliens. Appx. 83.

These expenditures represent the most direct financial impact because DHS pays for aliens' medical care only while the aliens are actually in DHS's

custody. *See* 42 C.F.R. § 34.7(a). For released aliens, it is Texas—through Emergency Medicaid, *see* 1 TEX. ADMIN. CODE § 366.903, and other programs that reimburse healthcare providers for otherwise-unpaid services, *see id.* §§ 355.8201–355.8202, 355.8212–355.8215—that pays these costs.

5. Other harms to Texas.

In addition, releasing aliens who are not entitled to be released imposes upon Texas harms that have been regularly recognized. For example, Texas incurs costs to furnish drivers licenses to illegal aliens whose presence DHS has temporarily regularized; Texas incurs costs to furnish education to alien minors; and Texas incurs costs to incarcerate aliens who are convicted of crimes while they are not legally present in the United States. *See* Appx. 88–95 (education); Appx. 96–107 (driver's licenses); Appx. 108–110 (incarceration); *Texas v. United States*, 809 F.3d 134, 155–56 (5th Cir. 2015).

Argument: Texas is entitled to a preliminary injunction requiring the Defendants to comply with their mandatory duties and prohibiting their abandonment of Title 42.

A. Preliminary injunction standard.

Texas is entitled to a preliminary injunction because it satisfies each factor of the familiar four-factor test. *See, e.g., Daniels Health Scis., LLC v. Vascular Health Scis., LLC*, 710 F.3d 579, 582 (5th Cir. 2013). First, it is likely to prevail on the merits; the Defendants have a mandatory duty to perform, and they aren't performing it. Second, there is a substantial threat—actually, an ongoing suffering—of irreparable injury; Texas and Texans are currently being exposed to a virulent disease as a result of the Defendants' inaction, and they cannot recover money damages for it. Finally, the balance of harms and the public interest favor the injunction Texas seeks; the public is always served by

holding the government to its legal obligations, and the benefit to the public of containing the potential spread of COVID-19 outweighs the benefit of allowing the Defendants to continue to shirk their duties.

B. Texas is likely to prevail on the merits.

"Likely to prevail on the merits" is a term of art that merely requires that Texas make a prima facie case on each element of its claim. *See Daniels Health*, 710 F.3d at 582 (citing *Janvey v. Alguire*, 647 F.3d 585, 595–96 (5th Cir. 2011)). Texas easily clears that bar; the Defendants' decision was both unreasoned and contrary to the duties that Congress has mandated.

1. The Defendants' decisions to turn their backs on the Title 42 process were unreasoned.

Both the July Order (incorporated into the August Order) removing unaccompanied alien children from the purview of Title 42 and the *de facto* policy of not placing family-unit members into the Title 42 process are final agency actions. Both of them are arbitrary, capricious, abuses of discretion, and otherwise not in accordance with the law. *See* 5 U.S.C. § 706(2)(A). To satisfy that requirement, the Defendants had to engage in "reasoned decisionmaking," meaning that their process had to be "logical and rational," with their decision being lawful "only if it rests on a consideration of the relevant factors" that "includ[es] a rational connection between the facts found and the choice made." *Sierra Club v. U.S. Envtl. Prot. Agency*, 939 F.3d 649, 664 (5th Cir. 2019) (cleaned up). Under this standard, unexplained inconsistencies in the rulemaking records are grounds for striking down the action. *Id.*

a. The July Order is inconsistent with and not rationally connected to the concerns addressed in the October Order.

It is inconsistency that dooms the July Order—in excepting unaccompanied alien children from the October Order, it answers a question that the October Order never asked. The October Order was "intended to help mitigate the continued risks of transmission and spread of COVID-19 to CBP personnel, U.S. citizens, lawful permanent residents, and other persons in the [ports of entry] and Border Patrol stations;" the "further transmission and spread of COVID-19 in the interior of the United States;" and the increased strain on the healthcare system that those transmissions and spreads would cause. Appx. 6. Protecting against those transmissions requires that aliens be removed from the United States "as rapidly as possible, with as little time spent in congregate settings as practicable," to minimize the risk of "introducing, transmitting, or spreading COVID-19 into [DHS facilities], other congregate settings, and the interior." Appx. 10.

Yet it is not these harms that the July Order claims to have overcome. Rather, the July Order proclaims that it is appropriate to except unaccompanied alien children from the October Order because DHS has gotten better at preventing those children from spreading COVID-19 *to each other*. Appx. 13. Indeed, the July Order concedes that the children still spend, on average, more than a day clustered at a DHS facility, where they are able to expose other detainees, DHS personnel, and American citizens and residents to whatever viruses they are carrying. Appx. 14. Rather than attempting to prevent any viruses the children are carrying from reaching the interior, the Defendants send the children away from facilities where they can monitor them and their health, sending them into the very interior of the country that the October Order is designed to protect. *Id.* And, again, CDC concedes that

more than 15,000 unaccompanied alien children have been diagnosed with COVID-19—roughly 8,500 of them in the custody of someone other than DHS. *Id.*

Testimony suggests that this lack of connection is because the July Order was not an explanation, but a justification used to backfill the conclusion on which the Defendants had already decided. Rodney Scott, the former Chief of the U.S. Border Patrol, attests that he was instructed to stand down from re-instating the Title 42 program for unaccompanied minors the day after the stay preventing that re-instatement was lifted—18 days before the February Order created a backdated exception for unaccompanied minors. Appx. 37–38 at ¶ 9. When he posed questions to the Acting Commissioner of CBP regarding that stand-down order, Appx. 38 at ¶ 10, he was met with silence—a "significant departure from well-established practices and protocols," which would have included the Chief "in detailed briefings and deliberations to facilitate informed decision-making prior to implementing a significant policy decision such as this." Appx. 38 at ¶ 12.

b. The July Order was promulgated without the necessary notice-and-comment period.

The July Order is additionally void because it was adopted without the required notice-and-comment proceedings, a failure for which the Defendants have no excuse. *See* 5 U.S.C. § 553(b)–(c). This "fundamental flaw … normally requires vacatur of the rule." *Nat. Res. Def. Council v. Wheeler*, 955 F.3d 68, 85 (D.C. Cir. 2020).

- The press of time was not a concern. *Cf.* 5 U.S.C. § 553(b)(B). The five months that passed between the February Order's suspension and the July Order's permanent exception were more than enough time for the Defendants to field and consider input from the public, and the good-

cause exception to the APA's notice-and-comment requirement is intended for situations when there is true danger in not acting, not when the agency simply finds them inconvenient. *See U.S. Steel Corp. v. EPA*, 595 F.2d 207, 214 (5th Cir. 1979) (vacating air-quality determinations); *Tex. Food Indus. Assn. v. U.S. Dept. of Ag.*, 842 F. Supp. 254, 256–57 (W.D. Tex. 1993) (vacating labeling rules for un- and partially cooked meat).

- Nor does the July Order's purported relation to foreign affairs except it from the notice-and-comment rules. *Cf.* 5 U.S.C. § 553(a)(1). The July Order does not "involve the mechanisms through with the United States conducts relations with foreign states," nor was it the product of an "agreement between the United States and another country[.]" *Capital Area Immigrants' Rights Coalition v. Trump*, 471 F. Supp. 3d 25, 55 (D.D.C. 2020). Downstream effects on foreign relations are not enough; to qualify for the exception, the July Order would have to directly target a foreign-affairs function of the federal government. *See id.* It does not.

c. The *de facto* policy excepting family-unit members from Title 42 is inconsistent with the law and must be struck down.

For the same reasons, the Defendants' *de facto* policy of excepting family-unit members from the Title 42 procedures must be set aside. Far from announcing the proposed policy to the public and inviting comment, the Defendants have coasted into this policy through a course of action designed to avoid attention. The policy has necessarily not been justified through reasoned explanation, and the Defendants have in fact insisted that the policy does not exist—that its individualized, case-by-case analysis of each family-unit member's situation has resulted in a whopping *eighty-eight percent* of those

aliens being shunted out of Title 42. *Compare* ECF No. 28 at 31–32 *with* Facts § C.3.b.

2. The Defendants' refusal to detain aliens arriving at the southwest border to determine whether they carry the COVID-19 virus is not in accordance with law.

a. DHS's obligation to detain aliens is mandatory.

The Immigration and Nationality Act does not mince words: If aliens arrive at the United States after DHS has received information that those aliens are coming from a country where a communicable, quarantinable disease is endemic, those aliens "shall be detained … for a sufficient time to enable the immigration officers and medical officers" to determine whether they are unadmissible because they carry that disease. 8 U.S.C. § 1222(a). "Shall" is mandatory; it imposes a duty, including—perhaps especially—where the government is being commanded to "to protect the public or private interests of innocent third parties." *See Texas v. United States*, No. 6:21-cv-003, ___ F. Supp. 3d ___, 2021 WL 2096669, at *34 (S.D. Tex. Feb. 23, 2021). Indeed, "Fifth Circuit—as well as sister Circuit—caselaw makes clear that 'shall' means *must*" in the nearby command to deport an alien who is subject to a final order of removal. *Id.* (citing cases). The upshot is that if DHS knows that an alien traveling to the United States is traveling through a country where a disease such as COVID-19 is endemic, DHS has no choice but to detain the alien when he arrives at the border seeking admission into the United States.

That Section 1222(a) is mandatory is also supported by multiple courts' interpretations of the identical "shall be detained" language in Section 1225. Just three years ago in *Jennings v. Rodriguez*, the Supreme Court observed that "[r]ead most naturally," the "shall be detained" language in both Section 1225(b)(1)(B)(ii) and Section 1225(b)(2)(A) "mandate[s] detention of applicants

for admission until certain proceedings have concluded." 138 S. Ct. 830, 842 (2018). The Court's majority commented of the dissent's attempt to construe "shall" as something other than a mandate, "The contortions needed to reach these remarkable conclusions are a sight to behold." *Id.* at 848.

And just last month, in denying a stay requested by many of these Defendants, the Fifth Circuit construed "shall" in two locations in Section 1225 as a restraint on DHS's authority. *Texas v. Biden*, No. 21-10806, 2021 WL 3674780, at *7 (5th Cir. Aug. 19, 2021). The district court in that case characterized the "shall be detained" language in yet another subsection of Section 1225 as imposing a mandatory obligation to detain. *Texas v. Biden*, No. 2:21-cv-067-Z, 2021 WL 3603341, at *16 (N.D. Tex. Aug. 13, 2021). There is no reason to treat the identical "shall be detained" language in Section 1222(a) any differently.

So it is when dealing with the Immigration and Nationality Act, where Congress has repeatedly demonstrated that it knows how to grant discretion when it wants to, a contrast the Supreme Court has specifically drawn. The "may be detained" language in Section 1231 might be ambiguous because it does not describe the extent of discretion conferred, but the same cannot be said about the "shall be detained" language in Section 1225, which "mandate detention until a certain point and authorize release prior to that point only under limited circumstances." *Jennings*, 138 S. Ct. at 844. Sections 1225(b)(1) and (b)(2), by using "shall be detained," are an "unequivocal[] mandate that aliens falling within their scope 'shall' be detained." *Id.* The demands of Section 1222(a) are similarly unequivocal.

The statute's history further compels this conclusion. As originally enacted in 1917, the precursor to Section 1222(a) granted discretion; it stated that "the Commissioner General of Immigration … may direct that such aliens shall be

detained." However, Congress stripped this discretion from the law in 1952, deleting the "may direct" language while leaving the phrase "such aliens shall be detained." Congress knows how to grant immigration discretion; here, it has affirmatively erased that discretion from the Executive's ambit.

b. DHS is not complying with its mandatory duty to detain.

DHS's is obliged to detain subject aliens until it determines whether they are inadmissible due to COVID-19. It is not doing so. It frankly admits that it is not doing so. Even without that admission it would be obvious that it is not doing so; multiple municipalities in Texas have complained that the Defendants are dropping COVID-positive illegal aliens off in the middle of their cities and leaving them there to fend for themselves. A police officer in La Joya encountered a COVID-positive woman and her COVID-positive children unmasked, sneezing and coughing, in a Whataburger rather than in the care of the charity that was supposed to be watching over her.

The Defendants' refusal to detain aliens until they are clear of potential COVID-19 infections is not in keeping with the law. *See* 5 U.S.C. § 706(2)(A). Moreover, it is a dereliction of their duty to take care that the laws be faithfully discharged. *See* U.S. Const. art. II, § 3. They should be compelled to satisfy their legal obligation to ensure that aliens attempting to enter the United States are not carrying additional supplies of the virus that has caused the global pandemic that the nations of the world are trying to eradicate.

C. Texas is suffering irreparable harm.

Texas has already described the millions of dollars it spends on healthcare for those illegally in the country, including the pools from which it is drawn and why COVID-positive aliens admitted into the state will be a drain on those pools. *See* Facts § F.4. That financial harm is irreparable—once Texas has

spent money to care for an alien with COVID-19, it is gone. The federal government is under no obligation to repay Texas for what it spends, and it cannot be forced to do so. The quintessential reparable harm—an ability to recover money damages—is absent.

But more vital and more delicate than that is Texas's *parens patriae* interest in Texans' health and well-being. *See Texas v. United States*, 86 F. Supp. 3d 591, 625 (S.D. Tex. 2015) ("states may rely on the doctrine of *parens patriae* to maintain suits against the federal government … to *enforce* the rights guaranteed by a federal statute") (emphasis in original). Texas cannot recover money damages from the federal government; neither can individual Texans who catch, suffer from, and perhaps die from COVID-19 that is passed to them by a COVID-positive alien who should have been detained by the Defendants until the viral incubation period had passed. Texas workers cannot recover the wages they lose as a result of missing work with a COVID infection; Texas business owners cannot recover the profits they lose due to absent employees (or their own absences); Texas healthcare workers cannot recover the time or emotional fortitude they must spend to treat each additional COVID patient.

This is in addition to the harms that Texas's local governments, each exercising Texas's delegated police power to ensure the health and welfare of their citizens, are suffering as a result of the Defendants' derelictions. *Cf. Texas*, 86 F. Supp. 3d at 627 (noting state's "quasi-sovereign interest 'in the health and well-being—both physical and economic—of its residents'") (quoting *Alfred L. Snapp & Son v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 607 (1982)). Expenditures to care for aliens who should have been rapidly expelled; shrinking availability of healthcare services because due to crowding out; and an increased number of hosts that the COVID-19 virus can use to launch itself

at new patients—these are all costs, monetary, psychic, and economic, imposed by the Defendants' refusal to enforce their laws.

This is not idle speculation by Texas; it is admitted by the Defendants. As DHS itself wrote earlier this year, its failure to enforce federal immigration laws results in "concrete injuries" to Texas. Appx.42. Just last month, CDC acknowledged that "healthcare systems in local communities" are victims of the surge of aliens across the southwest border. Appx. 18. At this point, it cannot be gainsaid that states "bear[] many of the consequences of unlawful immigration." *Arizona v. United States*, 567 U.S. 387, 397 (2012) .

D. The public interest and the equities favor an injunction.

Because this is a case with a State on one side and the federal government on the other, the public-interest and balance-of-equities factors collapse into a single consideration. *See, e.g., Nken v. Holder*, 556 U.S. 418, 435 (2009). The balancing act here requires little delicacy: Congress has imposed an affirmative duty on the Defendants, and they aren't following it. "There is generally no public interest in the perpetuation of unlawful agency action"—or, in this case, inaction. *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016). The harms to Texas and her citizens should an injunction not be granted are increased imposition on the resources of local governments, charities, and the State's fisc and the increased chance of the spread of one of the most virulent diseases of modern times. The imposition on the Defendants should the injunction be granted, on the other hand, are that they will be held to the duties that the law already imposes on them. Their preferences are irrelevant in the face of a Congressional command.

Prayer for Relief

Texas prays that the Court issue a preliminary injunction prohibiting the Defendants from excepting unaccompanied alien children from the Title 42 procedures solely on their status as unaccompanied alien children; prohibiting the Defendants from excepting from the Title 42 procedures those family-unit members who meet the definition of "covered aliens" given in the October Order; and requiring the Defendants to detain aliens arriving on the southwest border for a period sufficient to determine, in accordance with the requirements of 8 U.S.C. § 1182 and with the guidance of the Department of Health and Human Services, that those aliens are not carriers of the SARS-CoV-2 virus.

Dated September 7, 2021.

Respectfully submitted,

/s/ Aaron F. Reitz

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Counsel for the State of Texas

United States District Court
Northern District of Texas
Fort Worth Division

STATE OF TEXAS,
Plaintiff,
v.
JOSEPH R. BIDEN, JR., *et al.*;
Defendants.

Case 4:21-cv-00579-P

Texas's Renewed Motion for Preliminary Injunction

As set forth in its accompanying brief, the State of Texas moves that the Court issue a preliminary injunction requiring the Defendants to cease their exclusion of certain aliens from the Title 42 rapid-expulsion procedures and to detain qualifying aliens for a period sufficient to determine whether they are carrying the SARS-CoV-2 virus.

Dated September 7, 2021.

Respectfully submitted,

/s/ Aaron F. Reitz

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Certificate of Conference

I certify that I conferred with Brian Stoltz, counsel for the Defendants, on August 16, 2021. He informed me that the Defendants oppose this motion.

/s/ Leif A. Olson

Certificate of Service

I certify that on September 7, 2021, I filed with the Court's CM/ECF system, which serves filed documents on all counsel of record, (a) this Renewed Motion for Preliminary Injunction, (b) the brief supporting this motion, and (c) the appendix to this motion.

/s/ Leif A. Olson

United States District Court
Northern District of Texas
Fort Worth Division

STATE OF TEXAS, *Plaintiff,* v. JOSEPH R. BIDEN, JR., *et al.*; *Defendants.*	Case 4:21-cv-00579-P

[Proposed] Preliminary Injunction

A. Findings.

Texas has demonstrated that it has a substantial chance of prevailing on the merits of its claims; that it is experiencing, and is immediately threatened with, irreparable harm as a result of the defendants' conduct; and that the public interest and the balance of the equities favor an injunction.

B. Conduct enjoined.

Based on these findings, the Defendants are:

- Enjoined from exempting unaccompanied alien children from the Title 42 procedures solely on their status as unaccompanied children.
- Enjoined from exempting from the Title 42 procedures to those family-unit members who meet the definition of "covered aliens" given in the October Order.
- Enjoined to detain aliens arriving on the southwest border who meet the standards set forth in 8 U.S.C. § 1182(a)(1) for a period sufficient to determine, in accordance with the requirements of 8 U.S.C. § 1222 and with the guidance of the Department of Health and Human Services, that those aliens are not carriers of the SARS-CoV-2 virus.

C. Duration.

This injunction is in effect until further order of the Court.

D. Waiver of bond.

Because there is no likelihood that the defendants will be harmed if this injunction is erroneous, the requirement to post a bond is dispensed with.

E. Future proceedings.

The parties will confer and, by _____, file a report of that conference proposing a schedule for the final resolution of this case.

Signed on _____, 2021, at Fort Worth, Texas.

_____
Mark T. Pittman
United States District Judge

United States District Court
Northern District of Texas
Fort Worth Division

STATE OF TEXAS, *Plaintiff,* v. JOSEPH R. BIDEN, JR., *et al.*; *Defendants.*	Case 4:21-cv-00579-P

Appendix to Texas's Renewed Motion for Preliminary Injunction

1	Final Rule (42 C.F.R. § 71.40)	Appx. 1
2	October Order *Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists*, 85 Fed. Reg. 65806 (Oct. 16, 2020)	Appx. 4
3	February Order *Notice of Temporary Exception From Expulsion of Unaccompanied Noncitizen Children Pending Forthcoming Public Health Determination*, 86 Fed. Reg. 9942 (Feb. 17, 2021)	Appx. 11
4	July Order *Public Health Determination Regarding an Exception for Unaccompanied Noncitizen Children From the Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists*, 86 Fed. Reg. 28717 (July 22, 2021)	Appx. 12
5	August Order *Public Health Reassessment and Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists*, 86 Fed. Reg. 42828 (Aug. 5, 2021)	Appx. 16

6	*Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico*, 85 Fed. Reg. 16547 (Mar. 24, 2020)	Appx. 30
7	*Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico*, 86 Fed. Reg. 46963 (Aug. 23, 2021)	Appx. 32
8	Declaration of Rodney S. Scott	Appx. 34
9	Agreement Between Department of Homeland Security and the State of Texas	Appx. 42
10	"Hidalgo County Judge declares local state of disaster because of growing numbers of migrants seeking asylum," Office of County Judge Richard F. Cortez (Aug. 2, 2021)	Appx. 51
11	Hidalgo County Declaration of a Local State of Disaster (Aug. 2, 2021)	Appx. 52
12	"City of McAllen Approves Setting Up Temporary Emergency Shelter in Response to Migrant Surge," City of McAllen (Aug. 4, 2021)	Appx. 54
13	Declaration of Sgt. Joel Villarreal	Appx. 57
14	Webb County Corrected Declaration of Local State of Disaster (July 20, 2021)	Appx. 63
15	Declaration of Dr. Victor Treviño	Appx. 66
16	Declaration of David Shahoulian	Appx. 71
17	Declaration of Lisa Kalakanis	Appx. 81
18	Declaration of Leonardo Lopez	Appx. 88
19	Declaration of Sheri Gipson	Appx. 96

20	Declaration of Rebecca Waltz	Appx. 108
21	CBP Directive No. 2210-004 (Dec. 20, 2019)	Appx. 111
22	Declaration of Brian S. Hastings	Appx. 116

Code of Federal Regulations
Title 42. Public Health
Chapter I. Public Health Service, Department of Health and Human Services (Refs & Annos)
Subchapter F. Quarantine, Inspection, Licensing
Part 71. Foreign Quarantine (Refs & Annos)
Subpart D. Health Measures at U.S. Ports: Communicable Diseases

42 C.F.R. § 71.40

§ 71.40 Suspension of the right to introduce and prohibition of the introduction of persons into the United States from designated foreign countries or places for public health purposes.

Effective: October 13, 2020
Currentness

<See P.J.E.S. by & through Escobar Francisco v. Wolf, No. CV 20-2245, 2020 WL 6770508 (D.D.C. Nov. 18, 2020), recommending to grant a preliminary injunction prohibiting expulsion of class members from the United States under 42 C.F.R. 71.40. See 85 FR 65806-01, summarized as announcing "the issuance of an Order suspending the right to introduce certain persons into the United States from countries where a quarantinable communicable disease exists". For additional judicial decisions and information regarding this rule, see KeyCite citing references for this section on Westlaw.>

(a) The Director may prohibit, in whole or in part, the introduction into the United States of persons from designated foreign countries (or one or more political subdivisions or regions thereof) or places, only for such period of time that the Director deems necessary to avert the serious danger of the introduction of a quarantinable communicable disease, by issuing an order in which the Director determines that:

(1) By reason of the existence of any quarantinable communicable disease in a foreign country (or one or more political subdivisions or regions thereof) or place there is serious danger of the introduction of such quarantinable communicable disease into the United States; and

(2) This danger is so increased by the introduction of persons from such country (or one or more political subdivisions or regions thereof) or place that a suspension of the right to introduce such persons into the United States is required in the interest of public health.

(b) For purposes of this section:

(1) Introduction into the United States means the movement of a person from a foreign country (or one or more political subdivisions or regions thereof) or place, or series of foreign countries or places, into the United States so as to bring the person into contact with persons or property in the United States, in a manner that the Director determines to present a risk of transmission of a quarantinable communicable disease to persons, or a risk of contamination of property with a quarantinable communicable disease, even if the quarantinable communicable disease has already been introduced, transmitted, or is spreading within the United States;

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(2) Prohibit, in whole or in part, the introduction into the United States of persons means to prevent the introduction of persons into the United States by suspending any right to introduce into the United States, physically stopping or restricting movement into the United States, or physically expelling from the United States some or all of the persons;

(3) Serious danger of the introduction of such quarantinable communicable disease into the United States means the probable introduction of one or more persons capable of transmitting the quarantinable communicable disease into the United States, even if persons or property in the United States are already infected or contaminated with the quarantinable communicable disease;

(4) The term Place includes any location specified by the Director, including any carrier, as that term is defined in 42 CFR 71.1, whatever the carrier's flag, registry, or country of origin; and

(5) Suspension of the right to introduce means to cause the temporary cessation of the effect of any law, rule, decree, or order pursuant to which a person might otherwise have the right to be introduced or seek introduction into the United States.

(c) Any order issued by the Director under this section shall include a statement of the following:

(1) The foreign countries (or one or more political subdivisions or regions thereof) or places from which the introduction of persons shall be prohibited;

(2) The period of time or circumstances under which the introduction of any persons or class of persons into the United States shall be prohibited;

(3) The conditions under which that prohibition on introduction shall be effective in whole or in part, including any relevant exceptions that the Director determines are appropriate;

(4) The means by which the prohibition shall be implemented; and

(5) The serious danger posed by the introduction of the quarantinable communicable disease in the foreign country or countries (or one or more political subdivisions or regions thereof) or places from which the introduction of persons is being prohibited.

(d) When issuing any order under this section, the Director shall, as practicable under the circumstances, consult with all Federal departments or agencies whose interests would be impacted by the order. The Director shall, as practicable under the circumstances, provide the Federal departments or agencies with a copy of the order before issuing it. In circumstances when it is impracticable to engage in such consultation before taking action to protect the public health, the Director shall consult with the Federal departments or agencies as soon as practicable after issuing his or her order, and may then modify the order as he or she determines appropriate. In addition, the Director may, as practicable under the circumstances, consult with any State or local authorities that he or she deems appropriate in his or her discretion.

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(1) If the order will be implemented in whole or in part by State and local authorities who have agreed to do so under 42 U.S.C. 243(a), then the Director shall explain in the order the procedures and standards by which those authorities are expected to aid in the enforcement of the order.

(2) If the order will be implemented in whole or in part by designated customs officers (including any individual designated by the Department of Homeland Security to perform the duties of a customs officer) or Coast Guard officers under 42 U.S.C. 268(b), or another Federal department or agency, then the Director shall, in coordination with the Secretary of Homeland Security or other applicable Federal department or agency head, explain in the order the procedures and standards by which any authorities or officers or agents are expected to aid in the enforcement of the order, to the extent that they are permitted to do so under their existing legal authorities.

(e) This section does not apply to:

(1) Members of the armed forces of the United States and associated personnel if the Secretary of Defense provides assurance to the Director that the Secretary of Defense has taken or will take measures such as quarantine or isolation, or other measures maintaining control over such individuals, to prevent the risk of transmission of the quarantinable communicable disease into the United States; or

(2) Other United States government employees or contractors on orders abroad, or their accompanying family members who are on their orders or are members of their household, if the Director receives assurances from the relevant head of agency and determines that the head of the agency or department has taken or will take, measures such as quarantine or isolation, to prevent the risk of transmission of a quarantinable communicable disease into the United States.

(f) This section shall not apply to U.S. citizens, U.S. nationals, and lawful permanent residents.

(g) Any provision of this section held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to continue to give the maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be severable from this section and shall not affect the remainder thereof or the application of the provision to persons not similarly situated or to dissimilar circumstances.

Credits
[85 FR 16566, March 24, 2020; 85 FR 56458, Sept. 11, 2020]

SOURCE: 21 FR 9870, Dec. 12, 1956; 50 FR 1519, Jan. 11, 1985; 68 FR 17559, April 10, 2003, unless otherwise noted.

AUTHORITY: Secs. 215 and 311 of Public Health Service (PHS) Act. as amended (42 U.S.C. 216, 243); secs. 361–369, PHS Act, as amended (42 U.S.C. 264–272).

Current through September 2, 2021; 86 FR 49260.

End of Document

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EARLY TERMINATIONS GRANTED—Continued

[July 1, 2020 thru July 31, 2020]

20201217	G	Oaktree Power Opportunities Fund V, L.P.; Montrose Environmental Group, Inc.; Oaktree Power Opportunities Fund V, L.P.
20201220	G	General Atlantic Partners 100, L.P.; Doctor on Demand, Inc.; General Atlantic Partners 100, L.P.
		07/16/2020
20201198	G	Enviva Partners, LP; RWE Aktiengesellschaft; Enviva Partners, LP.
		07/17/2020
20201192	G	Vista Equity Partners Fund V, L.P.; 4C Insights, Inc.; Vista Equity Partners Fund V, L.P.
20201207	G	Genstar Capital Partners IX, L.P.; Sentinel Capital Partners V, L.P.; Genstar Capital Partners IX, L.P.
		07/27/2020
20201218	G	Fiera Infrastructure Fund; CSC CUB Holdings, LP; Fiera Infrastructure Fund.
20201219	G	Stichting Pensioenfonds ABP; CSC CUB Holdings, LP; Stichting Pensioenfonds ABP.
20201221	G	Citadel Kensington Global Strategies Fund Ltd.; UP Energy Corporation; Citadel Kensington Global Strategies Fund Ltd.
20201222	G	Sony Corporation; Timothy D. Sweeney; Sony Corporation
20201223	G	Crescent Acquisition Corp; F45 Training Holdings Inc.; Crescent Acquisition Corp.
20201224	G	VPI Holding Company, LLC; Centerbridge Capital Partners III, L.P.; VPI Holding Company, LLC.
20201231	G	Thomas Tull; Acrisure Holdings, Inc.; Thomas Tull.
20201234	G	Temasek Holdings (Private) Limited; LegalApp Holdings, Inc.; Temasek Holdings (Private) Limited.
20201235	G	Authentic Brands Group LLC; LBD Parent Holdings, LLC; Authentic Brands Group LLC.
		07/29/2020
20201233	G	Roark Capital Partners III LP; Roark Capital Partners IV Cayman AIV LP; Roark Capital Partners III LP.
20201238	G	Insurance Acquisition Corp.; Shift Technologies, Inc.; Insurance Acquisition Corp.
20201241	G	GT Polaris Holdings, L.P.; I. Charles Widger; GT Polaris Holdings, L.P.
20201242	G	GT Polaris Holdings, L.P.; NorthStar Topco, LLC; GT Polaris Holdings, L.P.
20201248	G	KIA X (Breathe), L.P.; GlaxoSmithKline plc; KIA X (Breathe), L.P.
20201249	G	Eppendorf AG; Promega Corporation; Eppendorf AG.
20201250	G	Naspers Limited; Remitly Global, Inc.; Naspers Limited.
20201251	G	Blackstone Capital Partners VII L.P.; Gregory Burgess; Blackstone Capital Partners VII L.P.
20201258	G	Hargray Acquisition Holdings, LLC; Cable One, Inc.; Hargray Acquisition Holdings, LLC.
		07/31/2020
20201252	G	EQT VIII (No. 1) SCSp; Rancher Labs, Inc.; EQT VIII (No. 1) SCSp.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry (202–326–3100), Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024.

By direction of the Commission.

April J. Tabor,

Acting Secretary.

[FR Doc. 2020–22944 Filed 10–15–20; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services (HHS), announces the issuance of an Order suspending the right to introduce certain persons into the United States from countries where a quarantinable communicable disease exists. This Order is based on the CDC Director's determination that introduction of aliens, regardless of their country of origin, migrating through Canada and Mexico into the United States creates a serious danger of the introduction of COVID–19 into the United States, and the danger is so increased by the introduction of such aliens that a temporary suspension is necessary to protect the public health.

DATES: This action took effect October 13, 2020.

FOR FURTHER INFORMATION CONTACT: Nina B. Witkofsky, Office of the Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS V18–2, Atlanta, GA 30329. Phone: 404–639–7000. Email: *cdcregulations@cdc.gov.*

SUPPLEMENTARY INFORMATION: The Director of the CDC (Director) is issuing this Order pursuant to Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265, 268, and their implementing regulations,[1] which authorize the Director of the Centers for Disease Control and Prevention (CDC) to

[1] 85 FR 56424.

suspend the right to introduce [2] persons into the United States when the Director determines that the existence of a quarantinable communicable disease in a foreign country or place creates a serious danger of the introduction of such disease into the United States and the danger is so increased by the introduction of persons from the foreign country or place that a temporary suspension of the right of such introduction is necessary to protect public health. This Order replaces the Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, issued on March 20, 2020 (March 20, 2020 Order), extended on April 20, 2020, and amended May 19, 2020, which were based on the prior interim final rule.[3]

This Order applies to persons traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a land or coastal Port of Entry (POE) or Border Patrol station at or near the United States borders with Canada or Mexico, subject to the exceptions detailed below.

This Order does not apply to U.S. citizens and lawful permanent residents; members of the armed forces of the United States, and associated personnel, and their spouses and children; persons from foreign countries who hold valid travel documents and arrive at a POE; or persons from foreign countries in the visa waiver program who are not otherwise subject to travel restrictions and arrive at a POE. Additionally, this Order does not apply to any alien who must test negative for COVID–19 before they are expelled to their home country. Further, this Order does not apply to persons whom customs officers determine, with approval from a supervisor, should be excepted based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests. DHS shall consult with CDC concerning how these types of case-by-case, individualized exceptions shall be made to help ensure consistency with current CDC guidance and public health assessments.

DHS has informed CDC that persons who are traveling from Canada or Mexico (regardless of their country of origin), and who must be held longer in congregate settings in POEs or Border Patrol stations to facilitate immigration processing, would typically be aliens seeking to enter the United States at POEs who do not have proper travel documents, aliens whose entry is otherwise contrary to law, and aliens who are apprehended at or near the border seeking to unlawfully enter the United States between POEs. This Order is intended to cover all such aliens. For simplicity, I shall refer to the persons covered by this Order as ''covered aliens.''

This Order, which is substantially the same as the amended and extended March 20, 2020 Order, is necessary to continue to protect the public health from an increase in the serious danger of the introduction of Coronavirus Disease 2019 (COVID–19) into the POEs, and the Border Patrol stations between POEs, at or near the United States borders with Canada and Mexico. Those facilities are operated by U.S. Customs and Border Protection (CBP), an agency within DHS. This Order is intended to help mitigate the continued risks of transmission and spread of COVID–19 to CBP personnel, U.S. citizens, lawful permanent residents, and other persons in the POEs and Border Patrol stations; further transmission and spread of COVID–19 in the interior of the United States; and the increased strain that further transmission and spread of COVID–19 would put on the United States healthcare system and supply chain during the current public health emergency.[4]

There is a serious danger of the introduction of COVID–19 into the POEs and Border Patrol stations at or near the United States borders with Canada and Mexico, and into the interior of the country as a whole, because COVID–19 exists in Canada, Mexico, and the other countries of origin of persons who migrate to the United States across the United States land and coastal borders with Canada and Mexico. Those persons are subject to immigration processing in the POEs and Border Patrol stations. Many of those persons (typically aliens who lack valid travel documents and are therefore inadmissible) are held in the common areas of the facilities, in close proximity to one another, for hours or days, as they undergo immigration processing. The common areas of such facilities were not designed for, and are not equipped to, quarantine, isolate, or enable social distancing by persons who are or may be infected with COVID–19. The introduction into congregate settings in land and coastal POEs and Border Patrol stations of persons from Canada or Mexico increases the already serious danger to the public health to the point of requiring a temporary suspension of the right of introduction of such persons into the United States.

The public health risks of inaction include transmission and spread of COVID–19 to CBP personnel, U.S. citizens, lawful permanent residents, and other persons in the POEs and Border Patrol stations; further transmission and spread of COVID–19 in the interior; and the increased strain that further transmission and spread of COVID–19 would put on the United States healthcare system and supply chain during the current public health emergency.

These risks are troubling because POEs and Border Patrol stations were not designed and are not equipped to deliver medical care to numerous persons exposed to or infected with a quarantinable communicable disease, nor are they capable of providing the level of medical care that would be necessary in the cases of serious COVID–19 infection that occur with greater frequency in vulnerable populations like the elderly and those with certain pre-existing conditions. Indeed, CBP transfers persons with acute presentations of illness to local or regional healthcare providers for treatment. Outbreaks of COVID–19 in POEs or Border Patrol stations would lead to transfers of such persons to local or regional health care providers, which would exhaust the local or regional healthcare resources, or at least reduce the availability of such resources to the domestic population, and further expose local or regional healthcare workers to COVID–19. The continuing availability of healthcare resources to the domestic population is a critical component of the federal government's overall public health response to COVID–19.

Based on these ongoing concerns and to protect the public health, I hereby suspend the introduction of all covered aliens into the United States until I determine that the danger of further introduction of COVID–19 into the United States has ceased to be a serious danger to the public health, and continuation of the Order is no longer necessary to protect the public health. Every 30 days, CDC shall review the latest information regarding the status of the COVID–19 pandemic and associated

[2] *Suspension of the right to introduce* means to cause the temporary cessation of the effect of any law, rule, decree, or order pursuant to which a person might otherwise have the right to be introduced or seek introduction into the United States. 42 CFR 71.40(b)(5).

[3] 85 FR 16559, 85 FR 17060, 85 FR 22424, 85 FR 31503.

[4] As of October 1, 2020, CBP has had 2,195 employees contract COVID–19. In addition, 13 employees and one USBP transportation contractor have died due to the virus. Any outbreak of COVID–19 among CBP personnel in land POEs or Border Patrol stations would impact CBP operations negatively. Although not part of the CDC public health analysis, it bears emphasizing that the impact on CBP could reduce the security of U.S. land borders and the speed with which cargo moves across the same.

public health risks to ensure that the Order remains necessary to protect the public health. Upon determining that the further introduction of COVID–19 into the United States is no longer a serious danger to the public health necessitating the continuation of this Order, I will publish a notice in the **Federal Register** terminating this Order and its Extensions. I may amend this Order as necessary to protect the public health.

A copy of the Order is provided below and a copy of the signed Order can be found at *https://www.cdc.gov/coronavirus/2019-ncov/order-suspending-introduction-certain-persons.html.*

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Order Under Sections 362 & 365 of the Public Health Service Act

(42 U.S.C. 265, 268):

Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

I. Purpose and Application

I issue this Order pursuant to Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265, 268, and their implementing regulations,[5] which authorize the Director of the Centers for Disease Control and Prevention (CDC) to suspend the right to introduce[6] persons into the United States when the Director determines that the existence of a quarantinable communicable disease in a foreign country or place creates a serious danger of the introduction of such disease into the United States and the danger is so increased by the introduction of persons from the foreign country or place that a temporary suspension of the right of such introduction is necessary to protect public health. This Order replaces the Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, issued on March 20, 2020 (March 20, 2020 Order), extended on April 20, 2020, and amended May 19, 2020, which were based on the prior interim final rule.[7]

This Order applies to persons traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a land or coastal Port of Entry (POE) or Border Patrol station at or near the United States borders with Canada or Mexico, subject to the exceptions detailed below.

This Order does not apply to U.S. citizens and lawful permanent residents; members of the armed forces of the United States or U.S. government personnel serving overseas, and associated personnel, and their spouses and children; persons from foreign countries who hold valid travel documents and arrive at a POE; or persons from foreign countries in the visa waiver program who are not otherwise subject to travel restrictions and arrive at a POE. Additionally, this Order does not apply to any alien who must test negative for COVID–19 before they are expelled directly to their home country. Further, this Order does not apply to persons whom customs officers determine, with approval from a supervisor, should be excepted based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests. DHS shall consult with CDC concerning how these types of case-by-case, individualized exceptions shall be made to help ensure consistency with current CDC guidance and public health assessments.

DHS has informed CDC that persons who are traveling from Canada or Mexico (regardless of their country of origin), and who must be held longer in congregate settings in POEs or Border Patrol stations to facilitate immigration processing, would typically be aliens seeking to enter the United States at POEs who do not have proper travel documents, aliens whose entry is otherwise contrary to law, and aliens who are apprehended at or near the border seeking to unlawfully enter the United States between POEs. This Order is intended to cover all such aliens. For simplicity, I shall refer to the persons covered by this Order as ''covered aliens.''

This Order, which is substantially the same as the amended and extended March 20, 2020 Order, is necessary to continue to protect the public health from an increase in the serious danger of the introduction of Coronavirus Disease 2019 (COVID–19) into the POEs, and the Border Patrol stations between POEs, at or near the United States borders with Canada and Mexico. Those facilities are operated by U.S. Customs and Border Protection (CBP), an agency within the U.S. Department of Homeland Security (DHS). This Order is intended to help mitigate the continued risks of transmission and spread of COVID–19 to CBP personnel, U.S. citizens, lawful permanent residents, and other persons in the POEs and Border Patrol stations; further transmission and spread of COVID–19 in the interior of the United States; and the increased strain that further transmission and spread of COVID–19 would put on the United States healthcare system and supply chain during the current public health emergency.[8]

There is a serious danger of the introduction of COVID–19 into the POEs and Border Patrol stations at or near the United States borders with Canada and Mexico, and into the interior of the country as a whole, because COVID–19 exists in Canada, Mexico, and the other countries of origin of persons who migrate to the United States across the United States land and coastal borders with Canada and Mexico. Those persons are subject to immigration processing in the POEs and Border Patrol stations. Many of those persons (typically aliens who lack valid travel documents and are therefore inadmissible) are held in the common areas of the facilities, in close proximity to one another, for hours or days, as they undergo immigration processing. The common areas of such facilities were not designed for, and are not equipped to, quarantine, isolate, or enable social distancing by persons who are or may be infected with COVID–19. The introduction into congregate settings in land and coastal POEs and Border Patrol stations of persons from Canada or Mexico increases the already serious danger to the public health to the point of requiring a temporary suspension of the right of introduction of such persons into the United States.

The public health risks of inaction include transmission and spread of COVID–19 to CBP personnel, U.S. citizens, lawful permanent residents, and other persons in the POEs and Border Patrol stations; further transmission and spread of COVID–19 in the interior; and the increased strain that further transmission and spread of COVID–19 would put on the United States healthcare system and supply chain during the current public health emergency.

[5] 85 FR 56424, 42 CFR 71.40.

[6] *Suspension of the right to introduce* means to cause the temporary cessation of the effect of any law, rule, decree, or order pursuant to which a person might otherwise have the right to be introduced or seek introduction into the United States. 42 CFR 71.40(b)(5).

[7] 85 FR 17060, 85 FR 22424, 85 FR 31503.

[8] As of October 1, 2020, CBP has had 2,195 employees contract COVID–19. In addition, 13 employees and one USBP transportation contractor have died due to the virus. Any outbreak of COVID–19 among CBP personnel in land and coastal POEs or Border Patrol stations would impact CBP operations negatively. Although not part of the CDC public health analysis, it bears emphasizing that the impact on CBP could reduce the security of U.S. borders and the speed with which cargo moves across the same.

These risks are troubling because POEs and Border Patrol stations were not designed and are not equipped to deliver medical care to numerous persons exposed to or infected with a quarantinable communicable disease, nor are they capable of providing the level of medical care that would be necessary in the cases of serious COVID–19 infection that occur with greater frequency in vulnerable populations like the elderly and those with certain pre-existing conditions. Indeed, CBP transfers persons with acute presentations of illness to local or regional healthcare providers for treatment. Outbreaks of COVID–19 in POEs or Border Patrol stations would lead to transfers of such persons to local or regional health care providers, which would exhaust the local or regional healthcare resources, or at least reduce the availability of such resources to the domestic population, and further expose local or regional healthcare workers to COVID–19. The continuing availability of healthcare resources to the domestic population is a critical component of the federal government's overall public health response to COVID–19.

Based on these ongoing concerns and to protect the public health, I hereby suspend the introduction of all covered aliens into the United States until I determine that the danger of further introduction of COVID–19 into the United States has ceased to be a serious danger to the public health, and continuation of the Order is no longer necessary to protect the public health. Every 30 days, CDC shall review the latest information regarding the status of the COVID–19 pandemic and associated public health risks to ensure that the Order remains necessary to protect the public health. Upon determining that the further introduction of COVID–19 into the United States is no longer a serious danger to the public health necessitating the continuation of this Order, I will publish a notice in the **Federal Register** terminating this Order and its Extensions. I may amend this Order as necessary to protect the public health.

II. Factual Basis for Order [9]

1. COVID–19 is a global pandemic that has spread rapidly

COVID–19 is a quarantinable communicable disease caused by a novel (new) coronavirus, SARS–CoV–2, that was first identified as the cause of an outbreak of respiratory illness that began in Wuhan, Hubei Province, People's Republic of China (China). As of October 1, 2020, there were over 34,103,279 cases of COVID–19 globally, resulting in over 1,016,167 deaths.

COVID–19 spreads easily and sustainably within communities.[10] The virus is thought to transfer principally by person-to-person contact through respiratory droplets produced during exhalation, such as breathing, speaking, coughing, and sneezing. Droplets can span a wide spectrum of sizes that can remain airborne from seconds for larger droplets to several hours for smaller droplets and particles. The virus may also transfer through contact with surfaces or objects contaminated with these droplets.[11] There is also evidence of asymptomatic transmission, in which an individual infected with COVID–19 is capable of spreading the virus to others before exhibiting symptoms.[12]

Symptoms may include fever or chills, cough, and shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea, and typically appear 2–14 days after exposure to the virus.[13] Manifestations of severe disease have included severe pneumonia, acute respiratory distress syndrome (ARDS), septic shock, and multi-organ failure.[14] Mortality rates are higher among seniors and those with certain underlying medical conditions, such as chronic obstructive pulmonary disease (COPD), serious heart conditions, cancer, Type 2 diabetes, and those with compromised immune systems.[15]

Unfortunately, at this time, there is no vaccine against COVID–19, although several are in development. While U.S. Food and Drug Administration (FDA) has not approved drugs to treat patients with COVID–19 based on a demonstration of safety and efficacy in randomized controlled trials, FDA has granted an Emergency Use Authorization for the use of VEKLURY® (remdesivir) and other investigational therapeutics in the treatment of COVID–19 infection. Beyond these therapeutics, treatment is currently limited to supportive care to manage symptoms. Hospitalization may be required in severe cases and mechanical respiratory support may be needed in the most severe cases.

Global efforts to slow the spread of COVID–19 have included sweeping travel limitations and lockdowns. Nations such as the European Union (EU) Member States and Schengen Area countries,[16] Australia, New Zealand, and Canada have imposed restrictions on international travelers.[17] In many countries, individuals are being asked to self-quarantine for 14 days—the outer limit of the COVID–19's estimated incubation period—following return from a foreign country with sustained community transmission. For example, all returning citizens and residents of Australia and New Zealand are subject to a mandatory 14-day quarantine at

[9] Given the dynamic nature of the public health emergency, CDC recognizes that the types of facts and data set forth in this section may change rapidly (even within a matter of hours). The facts and data cited by CDC in this order represent a good-faith effort by the agency to present the current factual justification for the order.

[10] *COVID–19 Pandemic Planning Scenarios,* Ctrs. for Disease Control & Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios.html,* (last visited Oct. 3, 2020), (CDC estimates that the viral transmissibility (R_0) of COVID–19 is around 2.5, but may be as high as 4, meaning that a single infected person will on average infect between 2 to 4 others).

[11] *Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 (COVID–19) Pandemic,* Ctrs. for Disease Control & Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Finfection-control%2Fcontrol-recommendations.html* (last visited Sept. 29, 2020),

[12] *COVID–19 Pandemic Planning Scenarios,* Ctrs. for Disease Control & Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios.html,* (last visited Sept. 29, 2020), (CDC's current best estimate is that between 30 to 70% of infections are transmitted prior to symptom onset (pre-symptomatic transmission)).

[13] *Coronavirus Disease 2019 (COVID–19): Symptoms of Coronavirus,* Ctrs. for Disease Control & Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html* (last updated May 13, 2020).

[14] Sevim Zaim, et al., *COVID–19 and Multiorgan Response,* 00 Current Problems in Cardiology 2020, (available at: *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7187881/pdf/main.pdf*).

[15] *Coronavirus Disease 2019 (COVID–19): People with Certain Medical Conditions,* Ctrs. for Disease Control & Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed;-extra-precautions%2Fgroups-at-higher-risk.html* (last updated Sept. 11, 2020).

[16] *Migration and Home Affairs: Schengen Area,* Eur. Comm'n (Jan. 1, 2020), *https://ec.europa.eu/home-affairs/what-we-do/policies/order-and-visas/schengen_en* (''Today, the Schengen Area [of the EU] encompasses most EU States, except for Bulgaria, Croatia, Cyprus, Ireland and Romania. However, Bulgaria, Croatia and Romania are currently in the process of joining the Schengen Area. Of non-EU States, Iceland, Norway, Switzerland and Liechtenstein have joined the Schengen Area.''); *Travel to and from the EU during the pandemic: Travel restrictions,* Eur. Comm'n, *https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/travel-and-transportation-during-coronavirus-pandemic/travel-and-eu-during-pandemic_en* (last visited Aug. 31, 2020).

[17] *See* Andrea Salcedo, Sanam Yar, & Gina Cherelus, *Coronavirus Travel Restrictions, Across the Globe,* N.Y. Times (July 16, 2020), *https://www.nytimes.com/article/coronavirus-travel-restrictions.html.*

designated secure facilities, such as a hotel at their port of arrival.[18]

2. The March 20, 2020 Order has reduced the risk of COVID–19 transmission in POEs and Border Patrol stations

I issued the March 20, 2020 Order pursuant to Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265, 268, and an interim final rule implementing Section 362.[19] The March 20, 2020 Order suspended the introduction of certain ''covered aliens'' into the United States for a period of 30 days. The definition of ''covered aliens'' in the March 20, 2020 Order is substantially the same as in this Order. The March 20, 2020 Order was based on the following determinations:

- COVID–19 is a communicable disease that poses a danger to the public health;
- COVID–19 is present in numerous foreign countries, including Canada and Mexico;
- There is a serious danger of the introduction of COVID–19 into the land POEs and Border Patrol stations at or near the United States borders with Canada and Mexico, and into the interior of the country as a whole, because COVID–19 exists in Canada, Mexico, and the other countries of origin of persons who migrate to the United States across the land borders with Canada and Mexico;
- But for a suspension-of-entry order under 42 U.S.C. § 265, covered aliens would be subject to immigration processing at the land POEs and Border Patrol stations and, during that processing, many of them (typically aliens who lack valid travel documents and are therefore inadmissible) would be held in the congregate areas of the facilities, in close proximity to one another, for hours or days; and
- Such introduction into congregate settings of persons from Canada or Mexico would increase the already serious danger to the public health of the United States to the point of requiring a temporary suspension of the introduction of covered aliens into the United States.

The March 20, 2020 Order was extended on April 20, 2020 and amended on May 19, 2020, to clarify that it applies to all land and coastal POEs and Border Patrol stations[20] at or near the United States' border with Canada or Mexico that would otherwise hold covered aliens in a congregate setting.[21] Pursuant to the May 19, 2020 Amendment, the March 20, 2020 Order was again extended with CDC thereafter conducting reviews every 30 days.[22] Upon conducting these reviews, I have kept the amended Order in place; the current 30 day period lapses on October 17, 2020.

In general, the federal government's overall experience under the March 20, 2020 Order, together with the factual developments since May 20, 2020, sustain the policy rationales for issuing this Order.

Since the March 20, 2020 Order was issued, the daily average population in CBP custody is 1,134 individuals. This is a 64% reduction of daily in custody numbers since the March 20, 2020 Order went into effect and a 67% reduction from the same period in 2019. In the 50 days preceding the March 20, 2020 Order, CBP officers made over 1,600 trips to community hospitals to facilitate advanced medical care for individuals. For the first 80 days after the March 20, 2020 Order's implementation, CBP made only 400 trips for individuals to receive medical care from community hospitals. This represents a 75% decrease in utilization. In the 60 days preceding September 16, 2020, CBP made 746 trips for individuals to receive medical care from community hospitals. The increase in hospital utilization corresponds with a month-over-month increase in CBP enforcement encounters, including encounters with covered aliens who have subsequently tested positive for COVID–19. The risks of COVID–19 transmission and overutilization in community hospitals serving domestic populations would have been greater absent the March 20, 2020 Order.

The March 20, 2020 Order has reduced the risk of COVID–19 transmission in POEs and Border Patrol stations, and thereby reduced risks to DHS personnel and the U.S. health care system. The public health risks to the DHS workforce—and the erosion of DHS operational capacity—would have been greater absent the March 20, 2020 Order. DHS data shows that the March 20, 2020 Order has significantly reduced the population of covered aliens held in congregate settings in POEs and Border Patrol stations, thereby reducing the risk of COVID–19 transmission for DHS personnel and others within these facilities.

By significantly reducing the number of covered aliens held in POEs and Border Patrol stations, the March 20, 2020 Order reduced the density of covered aliens held in congregate custody within these facilities, which reduced the risk of exposure to COVID–19 for DHS personnel and others in POEs and Border Patrol stations.

3. Conditions in Canada, Mexico, and the United States warrant issuing this Order

COVID–19 has continued to spread since the March 20, 2020 Order. Canada, Mexico, and the countries of origin of many of the individuals who travel to the United States through Canada or Mexico continue to see increasing numbers of COVID–19 infections and deaths.

i. Canada

As detailed in the March 20, 2020 Order, approximately 33 million individuals crossed the Canadian border into the United States in 2017. Historically, inadmissible aliens attempting to unlawfully enter the United States from Canada have included not only Canadian nationals, but also nationals of countries experiencing, or suspected of experiencing, widespread COVID–19 transmission such as the member countries of the Schengen Area, China, and Iran.[23] From March through August, 2020, CBP has processed 28,841 inadmissible aliens at POEs at the U.S.-Canadian border, and CBP has apprehended 2,014 inadmissible aliens attempting to unlawfully enter the United States between POEs, of which DHS determined 1,126 were covered aliens subject to the March 20, 2020 Order.[24]

As of October 6, 2020, Canada reported over 171,300 cases of COVID–19 and over 9,500 confirmed deaths with a seven day average of 1,797 new

[18] *Id.; COVID–19 and the border: Travel restrictions,* Cmlth. of Austl, Dep't of Home Aff., *https://covid19.homeaffairs.gov.au/travel-restrictions-0* (last updated Aug. 28, 2020); *COVID–19: New Zealanders in the UK—Frequently Asked Questions,* N.Z. Foreign Aff. & Trade, *https://www.mfat.govt.nz/en/countries-and-regions/europe/united-kingdom/new-zealand-high-commission/living-in-the-uk/covid-19-coronavirus/* (last visited Aug. 28, 2020).

[19] 85 FR 16559.

[20] As explained below, air POEs are excluded from the Amended Order and Extension because they do not present the same public health risk as land and coastal POEs.

[21] 85 FR 22424.

[22] 85 FR 31503.

[23] *U.S. Border Patrol Nationwide Apprehensions by Citizenship and Sector in Fiscal Years 2007 to 2019,* U.S. Border Patrol, U.S. Dep't. of Homeland Security, *https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Nationwide%20Apprehensions%20by%20Citizenship%20and%20Sector%20%28FY2007%20-%20FY%202019%29_1.pdf* (last visited Oct. 9, 2020).

[24] *Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions,* U.S. Customs and Border Protection, U.S. Dep't. of Homeland Security, *https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics* (last visited Oct. 9, 2020).

cases.[25] In response to increases in the level of community transmission, authorities in Toronto, Ottawa, and several other Ontario cities have mandated indoor mask use. On September 19, 2020, Ontario issued new restrictions limiting indoor gatherings to 10 people and outdoor gatherings to 25.[26] In Quebec masks have been mandated in all indoor public places since July 27, 2020. In an effort to slow the transmission and spread of the virus, the Canadian government banned most foreign nationals from entry and mandated that returning Canadians and excepted foreign nationals (including Americans) self-monitor for COVID–19 symptoms for 14 days following their return.[27] Canadian public health officials have expressed alarm at the recent increase in new COVID–19 cases after several months of low level community transmission, particularly as Canada begins to enter influenza season.[28]

ii. Mexico

As of October 1, 2020, Mexico has 738,163 confirmed cases, and 77,163 reported deaths.[29] While Mexico's official statistics for COVID–19 infections and number of deaths provide insights to general trends, they have serious deficiencies that greatly understate actual totals. COVID–19 infections and deaths are likely multiples of what is reported as Mexico has the lowest diagnostic testing per capital of OECD countries. Mexico's positivity rate is estimated to be around 44% based on confirmed positive cases, confirmed negative tests, and suspected cases. This is an improvement from a positivity rate of approximately 50% in mid-July. However, Mexico's Health Ministry, SALUD, reported on September 4, 2020 excess mortality totals of 122,765 deaths through August 28, 2020 as compared to 2019 totals. This figure includes confirmed cases of COVID–19 and deaths confirmed from other causes, but the excess suggests the true number of deaths from COVID–19 in Mexico is much higher than official counts.

While the data on Mexico is more limited, there are signs that the rate of COVID–19 community transmission in Mexico is slowing as the overall public health situation improves somewhat. As of September 25, 2020, under SALUD's ''stoplight'' designation system, none of Mexico's 32 states are red, 15 are orange, 16 are yellow and 1, Colima, is green. According to SALUD, Mexico City has the most lab-confirmed cases with 121,087 and the most deaths with 11,814 as of September 24, 2020. Hospital occupancy rates have also improved in recent weeks—the national hospital occupancy rate is 28 percent—hospital occupancy rates remain elevated in Mexican border-states such as Nuevo Leon (47 percent). As of September 25, 2020, several Mexican border states report relatively high numbers of active COVID–19 infections: Tamaulipas (3,566 active cases), Nuevo Leon (6,028 actives cases) and Baja California (1,440 active cases).

The COVID–19 pandemic in Mexican states along the U.S.-Mexico border region presents increased concerns for the United States because all covered aliens crossing the U.S.-Mexico border necessarily travel through that region and the level of migration is so high. From March to August, 2020, DHS has processed 54,503 inadmissible aliens at POEs along the border, and U.S. Border Patrol has apprehended 345,267 aliens attempting to unlawfully enter the United States between POEs.[30] DHS determined 153,569 were covered aliens subject to the March 20, 2020 Order, of which over 70% were Mexican nationals. With the continued growth of COVID–19 cases in Central and South America, the overwhelming majority of covered aliens encountered on the U.S.-Mexico border are nationals of countries experiencing sustained human to human transmission of COVID–19.

The continued prevalence of COVID–19 in Mexico continues to present a serious danger of the introduction of COVID–19 into the United States. If community transmission in the Mexican border region accelerates, experience shows then the numbers of COVID–19 cases in that region are likely to increase, as are the numbers of infected covered aliens who seek to introduce themselves into the United States. The introduction of more infected covered aliens would likely have a negative impact on community transmission in the United States.

iii. United States

While pandemic conditions have improved, community transmission of COVID–19 is continuing across the United States. The United States has recorded over 7,200,000 cumulative confirmed cases; and more than 200,000 deaths.[31] The country is averaging around 36,000 to 40,000 new cases a day.[32] Nationally, since mid-July, there has been an overall decreasing trend in the percentage of specimens testing positive and a decreasing or stable (change of ≤0.1%) trend in the percentage of hospitalizations.[33] To wit, as of October 3, 2020, the seven day average of new cases and deaths are down 35.8% and 40.3% respectively from their peak levels. Similarly, the seven day positivity rate, as of October 3, 2020, was 4.6%. This low positivity rate is not shared uniformly, Arizona and Texas both report positivity rates of between 11–20%.[34]

Millions of Americans are subject to local and state public health restrictions and precautions calculated to slow the spread of, and protect others from, COVID–19. CDC continues to recommend that all Americans practice vigorous hand hygiene, engage in social distancing,[35] limit non-essential travel,[36] and wear cloth face coverings or masks when out in public.[37] Public health measures intended to slow the spread of COVID–19 in order to avoid

[25] *Coronavirus Disease (COVID–19): Outbreak Update,* Gov't of Can., *https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection.html* (last updated Oct. 6, 2020).

[26] *Reopening Ontario in Stages: Gathering Limits,* Gov't of Ontario, *https://www.ontario.ca/page/reopening-ontario-stages#restrictions* (last updated Oct. 2, 2020).

[27] *Travel Restriction Measures: COVID–19 Program Delivery Travel Restriction Exemptions for Those Departing From a Country Other Than the U.S.,* Gov't of Canada, *https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/service-delivery/coronavirus/travel-restrictions.html#travel-restriction-exemptions* (last updated Jul. 23, 2020).

[28] *Statement from the Chief Public Health Officer of Canada on October 3, 2020,* Gov't of Canada, *https://www.canada.ca/en/public-health/news/2020/10/statement-from-the-chief-public-health-officer-of-canada-on-october-3-2020.html* (last updated Oct. 3, 2020).

[29] *WHO Coronavirus Disease (COVID–19) Dashboard,* WHO, *https://covid19.who.int/table* (last visited Oct. 2, 2020).

[30] *Supra,* note 21.

[31] *CDC COVID Data Tracker: United States COVID–19 Cases and Deaths by State,* Ctrs. for Disease Control & Prevention *https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days* (last visited Oct. 6, 2020).

[32] *Id.*

[33] *COVID View: A Weekly Summary of U.S. COVID–19 Activity Week 39,* Ctrs. for Disease Control & Prevention *https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html* (last visited Oct. 6, 2020).

[34] *CDC COVID Data Tracker: United States Laboratory Testing,* Ctrs. for Disease Control & Prevention *https://covid.cdc.gov/covid-data-tracker/#testing_totalpercentpositive* (last visited Oct. 6, 2020).

[35] *How to Protect Yourself & Others,* Ctrs. for Disease Control & Prevention *https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html* (last visited Oct. 6, 2020).

[36] *Travel During the COVID–19 Pandemic,* Ctrs. for Disease Control & Prevention *https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html* (last visited Oct. 6, 2020).

[37] *COVID–19: Use of Cloth Face Coverings to Help Slow the Spread of COVID–19,* Ctrs. for Disease Control & Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html* (last reviewed Oct. 6, 2020).

overwhelming healthcare systems have largely proven successful. However, several cities and states, including several located at or near U.S. borders, continue to experience widespread, sustained community transmission that has strained their healthcare and public health systems. Furthermore, continuing to slow the rate of COVID–19 transmission is critical as states and localities ease public health restrictions on businesses and public activities in an effort to mitigate the economic and other costs of the COVID–19 pandemic.

III. Determination and Implementation

Based on the foregoing, I find that COVID–19 is a quarantinable communicable disease [38] and that there is a serious danger of the introduction of COVID–19 into the POEs and Border Patrol stations at or near the United States borders with Canada and Mexico, and the interior of the country as a whole, because COVID–19 exists in Canada, Mexico, and the countries or places of origin of the covered aliens who migrate to the United States across the land and coastal borders with Canada and Mexico. I also find that the introduction into land and coastal POEs and Border Patrol stations of covered aliens increases the seriousness of the danger to the point of requiring a temporary suspension of the right to introduce covered aliens into the United States. Therefore, I am suspending the right to introduce and prohibiting the introduction of covered aliens travelling into the United States from Mexico and Canada.

In making this determination, I have considered facts including the overall number of cases of COVID–19 reported in Mexico, Canada, and the countries or places of origin of the covered aliens who migrate to the United States across the land and coastal borders with Canada and Mexico, the influx of cases in areas near the U.S.-Mexico border, epidemiological factors including the viral transmissibility and asymptomatic transmission of the disease, the morbidity and mortality associated with the disease for individuals in certain risk categories, and the negative effects of the disease already experienced by CBP. Therefore, it is necessary for the United States to continue the suspension of the right to introduce covered aliens at this time.

The continued suspension of the right to introduce covered aliens requires the movement of all such aliens to the country from which they entered the United States, their country of origin, or another practicable location outside the United States, as rapidly as possible, with as little time spent in congregate settings as practicable under the circumstances. The faster a covered alien is returned to the country from which they entered the United States, to their country of origin, or another location as practicable, the lower the risk the alien poses of introducing, transmitting, or spreading COVID–19 into POEs, Border Patrol stations, other congregate settings, and the interior.

I consulted with DHS and other federal departments as needed before I issued this Order, and requested that DHS aid in the enforcement this Order because CDC does not have the capability, resources, or personnel needed to do so. As part of the consultation, CBP developed an operational plan for implementing this Order. The plan is generally consistent with the language of this Order directing that covered aliens spend as little time in congregate settings as practicable under the circumstances. Additionally, DHS will continue to use repatriation flights as necessary to move covered aliens on a space-available basis, as authorized by law. In my view, DHS's assistance with implementing the Order is necessary, as CDC's other public health tools are not viable mechanisms given CDC resource and personnel constraints, the large numbers of covered aliens involved, and the likelihood that covered aliens do not have homes in the United States.[39]

This Order is not a rule subject to notice and comment under the Administrative Procedure Act (APA). Notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and the opportunity to comment on this Order and a delay in effective date. Given the public health emergency caused by COVID–19, it would be impracticable and contrary to public health practices—and, by extension, the public interest—to delay the issuing and effective date of this Order. In addition, because this Order concerns the ongoing discussions with Canada and Mexico on how best to control COVID–19 transmission over our shared border, it directly ''involve[s] . . . a . . . foreign affairs function of the United States.'' 5 U.S.C. 553(a)(1). Notice and comment and a delay in effective date would not be required for that reason as well.

* * * * *

This Order shall remain effective until I determine that the danger of further introduction of COVID–19 into the United States has ceased to be a serious danger to the public health, and continuation of this Order is no longer necessary to protect public health. Every 30 days, the CDC shall review the latest information regarding the status of the COVID–19 pandemic and associated public health risks to ensure that the Order remains necessary to protect public health.

Upon determining that the further introduction of COVID–19 into the United States is no longer a serious danger to the public health necessitating the continuation of this Order, I will publish a notice in the **Federal Register** terminating this Order and its Extensions. I retain the authority to extend, modify, or terminate the Order, or implementation of this Order, at any time as needed to protect public health.

Authority

The authority for this Order is Sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265, 268) and 42 CFR 71.40.

Nina B. Witkofsky,

Acting Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2020–22978 Filed 10–13–20; 4:15 pm]

BILLING CODE 4163–18–P

[38] COVID–19 is a severe acute respiratory syndrome, which is one of the diseases included in the ''Revised List of Quarantinable Communicable Diseases.'' Exec. Order 13295 (Apr. 4, 2003), as amended by Exec. Order 13375 (Apr. 1, 2005) and Exec. Order 13674 (July 31, 2014).

[39] CDC relies on the Department of Defense, other federal agencies, and state and local governments to provide both logistical support and facilities for federal quarantines. CDC lacks the resources, manpower, and facilities to quarantine covered aliens.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3399–FN]

Medicare and Medicaid Programs: Application from DNV–GL Healthcare USA, Inc. for Continued Approval of its Critical Access Hospital Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), Health and Human Services (HHS).

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve DNV–GL Healthcare USA, Inc. (DNV–GL) for continued recognition as a national accrediting organization for critical access hospitals that wish to participate in the Medicare or Medicaid programs.

Dated: February 10, 2021.

Dharmesh Vashee,

Acting General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2021–03102 Filed 2–16–21; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Temporary Exception From Expulsion of Unaccompanied Noncitizen Children Pending Forthcoming Public Health Determination

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: General Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) announces a temporary exception from expulsion for unaccompanied noncitizen children to its Order issued October 13, 2020 suspending the right to introduce certain persons from countries where a quarantinable communicable disease exists.

DATES: The temporary exception went into effect on or about January 30, 2021.

FOR FURTHER INFORMATION CONTACT: Jennifer Buigut, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16–4, Atlanta, Georgia 30329. Telephone: 404–498–1600. Email: *dgmqpolicyoffice@cdc.gov*.

SUPPLEMENTARY INFORMATION: On October 13, 2020, the CDC Director issued an Agency Order titled 'Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists' (85 FR 65806; pub. Oct. 16, 2020). The CDC Order was based on the most current information at that time regarding the COVID–19 pandemic and the situation at the Nation's borders. The Order implemented a final rule published September 11, 2020 entitled ''Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right to Introduce and Prohibition of Introduction of Persons From Designated Countries or Places for Public Health Purposes'' (85 FR 56424). The final rule was effective October 13, 2020.

CDC has decided to exercise its discretion to temporarily except from expulsion unaccompanied noncitizen children encountered in the United States pending the outcome of its forthcoming public health reassessment of the Order. This temporary exception from expulsion went into effect on or about Saturday, January 30, 2021, and will remain in effect until CDC has completed its public health assessment and published any notice or modified Order. All other terms of the Order, including its application to adults, remain in place until such time as any modified Order is issued.

Separately, on February 2, 2021 the President signed Executive Order 14010, 'Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Through Norther and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border' (86 FR 8267). This Executive Order requires a review of the CDC Order to determine whether the CDC Order should be terminated, rescinded, or modified.

A copy of the Notice can be found at *https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/CDCPauseNotice-ExceptfromExpulsion.pdf*

U.S. Department of Health and Human Services

Centers for Disease Control and Prevention (CDC)

Order Under Sections 362 & 365 of the Public Health Service Act (42 U.S.C. 265, 268):

Notice of Temporary Exception From Expulsion of Unaccompanied Noncitizen Children Encountered in the United States Pending Forthcoming Public Health Determination

* * *

Pursuant to its authority under 42 U.S.C. 265, 268, and implementing regulations, and due to the COVID–19 pandemic, CDC issued an Order suspending the right to introduce and prohibiting the introduction of covered aliens travelling into the United States from Mexico and Canada.[1] On November 18, 2020, the United States District Court for the District of Columbia entered a preliminary injunction in *PJES* v. *Mayorkas* (''*PJES* injunction''),[2] enjoining the expulsion of unaccompanied noncitizen children pursuant to the Order. On Friday, January 29, 2021, the United States Court of Appeals for the District of Columbia Circuit granted a stay pending appeal of the District Court's *PJES* preliminary injunction.[3]

The current COVID–19 pandemic continues to be a highly dynamic public health emergency. CDC is in the process of reassessing the overall public health risk at the United States' borders and its ''Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists'' based on the most current information regarding the COVID–19 pandemic as well as the situation at the Nation's borders.[4] Although the D.C. Circuit's stay pending appeal permits the CDC to enforce its order and immediately expel unaccompanied noncitizen children, CDC has exercised its discretion to temporarily except from expulsion unaccompanied noncitizen children[5] encountered in the United States pending the outcome of its forthcoming public health reassessment of the Order. This temporary exception went into effect on or about Saturday, January 30, 2021, and will remain in effect until CDC has completed its public health assessment and published any notice or modified Order. All other terms of the Order, including its application to adults, remain in place until such time as any modified Order is issued.[6]

In testimony whereof, the Director, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, has hereunto set her hand at Atlanta, Georgia, this 11th day of February, 2021.

Sherri Berger,

Acting Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2021–03227 Filed 2–12–21; 11:15 am]

BILLING CODE 4163–18–P

[1] *See* Notice of Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists, 85 FR 65,806, 65,812 (Oct. 16, 2020; eff. Oct. 13, 2020), replacing the Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 17,060 (Mar. 26, 2020; eff. Mar. 20, 2020), as extended, 85 FR 22,424 (Apr. 22, 2020; eff. Apr. 20, 2020), and as amended and extended, 85 FR 31,503 (May 26, 2020; eff. May 21, 2020).

[2] No. 1:20–cv–02245 (D.D.C.), Dkt. Nos. 79–80.

[3] No. 20–5357, Doc. No. 1882899.

[4] Review of CDC's 265 Order is also directed by Executive Order 14010, Sec. 4(a)(ii)(A), ''Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border,'' Feb, 2, 2021, 86 FR 8267 (Feb. 5, 2021).

[5] Unaccompanied noncitizen children are unaccompanied children who do not hold valid travel documents and who are encountered by the U.S. Department of Homeland Security (DHS) in the United States or otherwise upon introduction into the United States. CDC understands ''unaccompanied noncitizen children'' as the class of individuals subject to the *PJES* litigation (''all unaccompanied noncitizen children who (1) are or will be detained in U.S. government custody in the United States, and (2) are or will be subjected to expulsion from the United States under the CDC Order Process''). It is also CDC's understanding that this class of individuals is similar to or the same as those individuals who would be considered ''unaccompanied alien children'' for purposes of HHS Office of Refugee Resettlement custody, were DHS to make the necessary immigration determinations under Title 8 of the United States Code.

[6] *See* 85 FR 65,806.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN—Continued

Form name	Number of respondents	Total burden hours	Average hourly wage rate	Total cost burden
Electronic Health Record (EHR) Extracts				
Initial data pull for 10% of hospitals that do not confer rights to their NHSN data (once at baseline for ICU and non-ICU cohorts, 800 units total)	27	135	^35.17	4,747.95
Initial data pull for hospital onset bacteremia (including MSSA) and MRSA-positive clinical cultures (not available in NHSN) (once at baseline for ICU and non-ICU cohorts, 800 units total)	267	935	^35.17	32,866.37
Initial data pull for 10% of units that submit point prevalence survey data (once at baseline for ICU and non-ICU cohorts, 800 units total)	27	14	^35.17	474.80
Initial data pull for 20% of surgical settings that do not confer rights to NHSN data (once at baseline for Surgical cohort, 300 settings total)	20	10	^35.17	351.70
Initial data pull (once at baseline for LTC cohort, 300 facilities total)	100	500	^35.17	17,585.00
Quarterly data (quarterly during 18 months of implementation for ICU and non-ICU cohorts, 1,100 units total)	267	801	^35.17	28,171.17
Quarterly data collection of monthly data for 20% of hospitals that do not confer rights to their NHSN data (quarterly during 18 months of implementation for surgical cohorts, 300 units total)	20	60	^35.17	2,110.20
Monthly data (monthly per facility during 18 months of implementation for LTC cohort, 100 facilities total)	100	900	^35.17	31,653.00
Total	13,429	11,552		540,325.83

*This is an average of the average hourly wage rate for physician, nurse, nurse practitioner, physician's assistant, and nurse's aide from the May 2019 National Occupational Employment and Wage Estimates, United States, U.S. Bureau of Labor Statistics (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).

^This is an average of the average hourly wage rate for nurse and IT specialist from the May 2019 National Occupational Employment and Wage Estimates, United States, U.S. Bureau of Labor Statistics (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: July 19, 2021.

Marquita Cullom,

Associate Director.

[FR Doc. 2021–15621 Filed 7–21–21; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Public Health Determination Regarding an Exception for Unaccompanied Noncitizen Children From the Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services (HHS), announces an Order excepting unaccompanied noncitizen children (UC) from the Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, issued on October 13, 2020 (October Order). CDC finds that, at this time, there is appropriate infrastructure in place to protect the children, caregivers, and local communities from elevated risk of COVID–19 transmission as a result of the introduction of UC, and U.S. healthcare resources are not significantly impacted by providing UC necessary care. CDC believes the COVID–19-related public health concerns associated with UC introduction can be adequately addressed without the UC being subject to the October Order, thereby permitting the government to better address the humanitarian challenges for these children. Therefore, CDC is fully excepting UC from the October Order, and the Notice regarding the temporary exception of UC published February 17, 2021 is hereby superseded.

DATES: This Order went into effect July 16, 2021.

FOR FURTHER INFORMATION CONTACT: Tiffany Brown, Deputy Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–10, Atlanta, GA 30329. Phone: 404–639–7000. Email: *cdcregulations@cdc.gov.*

SUPPLEMENTARY INFORMATION: As part of government efforts to mitigate the introduction, transmission, and spread of COVID–19, CDC issued the October Order,[1] suspending the right to

[1] Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, 85 FR 65806 (Oct. 16, 2020). The October Order replaced the Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, issued on March 20, 2020. 85 FR 17060 (Mar. 26, 2020); Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists,

Continued

introduce certain persons into the United States (U.S.) from countries or places where a quarantinable communicable disease exists to protect the public's health from an increase in risk of the introduction of COVID–19. The Order applied specifically to certain noncitizens as defined [2] who would otherwise be introduced into a congregate setting in land or coastal ports of entry (POE) or Border Patrol stations at or near the U.S. borders with Canada and Mexico. On February 17, 2021,[3] CDC published a notice announcing the temporary exception from expulsion of unaccompanied noncitizen children [4] (UC) encountered in the United States from the October Order.[5]

As detailed in the Order, CDC has reviewed the current situation with regards to the COVID–19 public health emergency and UC in immigrations facilities and has concluded that it is appropriate to fully except UC from the October Order given the measures in place to prevent and mitigate transmission of COVID–19 in this population. CDC finds that the robust network UC care facilities operated by the Office of Refugee Resettlement (ORR), a component of HHS, the testing and medical care available therein, as well as COVID–19 mitigation protocols including vaccination for personnel and eligible UC, result in very low likelihood that processing UC in accordance with existing immigration procedures under Title 8 of the U.S. Code will result in undue strain on the U.S. healthcare system or healthcare resources. Moreover, UC released to a vetted sponsor or placed in a permanent ORR shelter do not pose a significant level of risk for COVID–19 spread into the community because they are released after having undergone testing, quarantine and/or isolation, and vaccination when possible, and their sponsors are provided with appropriate medical and public health direction.

A copy of the Order is provided below, and a copy of the signed Order can be found at *https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/NoticeUnaccompaniedChildren.pdf.*

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Order Under Sections 362 & 365 of the Public Health Service Act (42 U.S.C. 265, 268) and 42 CFR 71.40

Public Health Determination Regarding an Exception for Unaccompanied Noncitizen Children From the Order Suspending the right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

As part of U.S. government efforts to mitigate the introduction, transmission, and spread of COVID–19, CDC issued an Order on March 20, 2020 (March Order), later replaced on October 13, 2020 (October Order),[6] suspending the right to introduce [7] certain persons into the United States from countries or places where a quarantinable communicable disease [8] exists in order to protect the public health from an increase in risk of the introduction of COVID–19. The Orders applied specifically to covered noncitizens [9] who would otherwise be introduced into a congregate setting in land or coastal ports of entry (POE) or Border Patrol stations at or near the U.S. borders [10] with Canada and Mexico. On February 17, 2021, CDC published a notice [11] (February Notice) announcing the temporary exception of unaccompanied noncitizen children from the October Order; the February Notice stated that CDC would complete a public health assessment and publish an additional notice or a modified Order. As explained below, CDC has concluded that it is appropriate to except unaccompanied noncitizen children [12] (UC) from the October Order given the measures in place to prevent and mitigate transmission of COVID–19 in this population.

Under the March and October Orders, UC were included as part of the covered noncitizens for whom the right of introduction into the United States was suspended; however, UC largely have been excepted from the application of the Order, first pursuant to judicial

85 FR 22424 (Apr. 22, 2020); Amendment and Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 31503 (May 26, 2020).

[2] *See* 85 FR 65806, 65807.

[3] Notice of Temporary Exception from Expulsion of Unaccompanied Noncitizen Children Encountered in the United States Pending Forthcoming Public Health Determination, 86 FR 9942 (Feb. 17, 2021).

[4] CDC's understanding is that this class of individuals is similar to or the same as those individuals who would be considered ''unaccompanied alien children'' (see 6 U.S.C. 279) for purposes of HHS ORR custody, were DHS to make the necessary immigration determinations under Title 8 of the U.S. Code.

[5] Notice of Temporary Exception from Expulsion of Unaccompanied Noncitizen Children Encountered in the United States Pending Forthcoming Public Health Determination, 86 FR 9942 (Feb. 17, 2021).

[6] Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, 85 FR 65806 (Oct. 16, 2020). The October Order replaced the Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, issued on March 20, 2020, extended on April 20, 2020, and amended May 19, 2020. Notice of Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 17060 (Mar. 26, 2020); Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists, 85 FR 22424 (Apr. 22, 2020); Amendment and Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 31503 (May 26, 2020).

[7] ''Suspension of the right to introduce'' means to cause the temporary cessation of the effect of any law, rule, decree, or order pursuant to which a person might otherwise have the right to be introduced or seek introduction into the United States. 42 CFR 71.40(b)(5).

[8] Quarantinable communicable diseases are any of the communicable diseases listed in Executive Order, as provided under § 361 of the Public Health Service Act (42 U.S.C. 264). 42 CFR 71.1. The list of quarantinable communicable diseases currently includes cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers (Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named), severe acute respiratory syndromes (including Middle East respiratory syndrome and COVID–19), and influenza caused by novel or reemergent influenza viruses that are causing, or have the potential to cause, a pandemic. *See* Exec. Order 13295, 68 FR 17255 (Apr. 4, 2003), as amended by Exec. Order 13375, 70 FR 17299 (Apr. 1, 2005) and Exec. Order 13674, 79 FR 45671 (July 31, 2014).

[9] This Order is using the term ''covered noncitizens'' to have the same meaning as ''covered aliens'' in the October Order. *See* October Order, 85 FR 65806, 65807 (defining ''covered aliens'' as ''persons traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a land or coastal Port of Entry (POE) or Border Patrol station at or near the United States borders with Canada or Mexico,'' subject to certain exceptions. These persons ''would typically be aliens seeking to enter the United States at POEs who do not have proper travel documents, aliens whose entry is otherwise contrary to law, and aliens who are apprehended near the border seeking to unlawfully enter the United States between POEs.'').

[10] When U.S. Customs and Border Protection (CBP) or the U.S. Department of Homeland Security (DHS) partner agencies encounter noncitizens off the coast closely adjacent to the land borders, it transfers the noncitizens for processing in POE or Border Patrol stations closest to the encounter. Absent the October Order, such noncitizens would be held in the same congregate settings and holding facilities as any encounters along the land border, resulting in similar public health concerns related to the introduction, transmission, and spread of COVID–19.

[11] Notice of Temporary Exception from Expulsion of Unaccompanied Noncitizen Children Encountered in the United States Pending Forthcoming Public Health Determination, 86 FR 9942 (Feb. 17, 2021).

[12] CDC's understanding is that this class of individuals is similar to or the same as those individuals who would be considered ''unaccompanied alien children'' (see 6 U.S.C. 279) for purposes of HHS ORR custody, were DHS to make the necessary immigration determinations under Title 8 of the U.S. Code.

action,[13] and later under the February Notice. As a result, since November 18, 2020, UC have generally been processed under regular immigration processes under Title 8 of the U.S. Code and therefore referred from U.S. Customs and Border Protection (CBP), an agency within the U.S. Department of Homeland Security (DHS), to the Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services' (HHS) Administration for Children and Families (ACF) for care and custody, according to the usual legal framework governing such referrals.[14] Pursuant to these requirements, UC encountered in the United States by CBP generally are transferred to ORR within 72 hours of intake at a POE or Border Patrol station.[15] Upon transfer to ORR custody, UC are transported to facilities that operate under cooperative agreements or contracts with HHS and must meet ORR requirements to ensure a high level of quality, child-focused care by appropriately trained staff. ORR operates 210 facilities in 22 states. At these facilities, case managers work to identify and ultimately place UC with vetted sponsors (usually family members within the United States).

Beginning in mid-2020, the United States began experiencing an increase in the number of UC arriving daily at the southern border. By February 2021, due to the record numbers of transfers to ORR, UC being held in CBP custody awaiting ORR transfer increased due to a lack of available space in ORR facilities. ORR and other government agencies responded to the influx of UC by rapidly expanding capacity and developing robust, safe COVID–19 protocols in consultation with CDC.

In conjunction with the Federal Emergency Management Agency (FEMA) and with the assistance of the Department of Defense, HHS and ORR opened temporary intake facilities along the U.S. southern border and in the interior to add capacity. A total of 14 Emergency Intake Sites (EIS)[16] were opened across the United States. CDC assisted ORR by sending medical epidemiologists and other public health professionals to provide technical assistance on COVID–19 mitigation protocols. ORR now has a capacity of over 20,000 beds; currently, over 15,100 children are in its care. ORR has successfully processed and discharged over 55,000 UC since January 20, 2021. The successful efforts to expand capacity for UC have resulted in sufficient capacity at ORR sites—both along the border and in the interior—significantly reducing the length of time that UC remain in CBP custody. As of July 13, 2021, the current average time a UC remained in CBP custody before transferring to ORR custody was 26 hours, and four UC have been in CBP custody for over 72 hours.[17] This represents a substantial improvement from early 2021.[18] While the number of UC encountered may remain at elevated levels, expanded ORR capacity and improved processing methods have resulted in UC remaining in CBP custody for shorter periods of time.

The processes in place at the EIS and at ORR's regular facilities afford sufficient resources and time to identify SARS–CoV–2 cases and implement environmental controls to attenuate the risk of COVID–19 infection and spread.[19] With CDC's assistance and guidance, ORR also has implemented COVID–19 testing regimes for UC in its care and continues to practice other mitigation measures to further prevent and curtail any transmission of the SARS–CoV–2 virus among UC in its care. These strategies include universal and proper wearing of masks, physical distancing, frequent hand washing, cleaning and disinfection, improved ventilation, staff vaccination, and cohorting UC according to their COVID–19 test status. Per CDC recommendation, ORR conducts serial testing of staff to allow early detection of a possible outbreak.[20] ORR contract staff working in facilities serving UC are encouraged to receive the COVID–19 vaccine.[21] As advised by CDC, ORR restricts movement of unvaccinated personnel between facilities to reduce potential outbreaks resulting from transfer of unvaccinated staff between shelters. These measures help reduce the spread of COVID–19 among UC prior to being introduced into U.S. communities.

In addition to the mitigation measures at EIS and ORR facilities outlined above, following FDA expansion of the emergency use authorization for the Pfizer-BioNTech COVID–19 vaccine for adolescents 12 to 15 years of age, CDC provided updated recommendations to ORR regarding the vaccination of UC ages 12 and older. ORR subsequently approved the administration of COVID–19 vaccine for age-eligible children. Under ORR care, children ages 12 and over are offered a COVID–19 vaccine as soon as possible, as long as there are no contraindications and vaccination does not delay unification of UC with sponsors. Of the total population of UC in ORR care, approximately 90% are eligible for vaccination and, as of July 12, 2021, ORR has administered at least one dose of the COVID–19 vaccine to 10,124 UC. CDC considers these vaccination efforts to be a critical risk reduction measure that supports excepting UC from the October Order.

Although 8,435 UC have tested positive for COVID–19 while at ORR shelters during the period of March 24, 2020 to July 8, 2021, 8,081 of those UC testing positive have successfully completed medical isolation, with few requiring medical treatment. Similarly, 6,590 COVID–19 cases have been reported among 14 EIS as of July 7, 2021; however only 14 (0.5%) of the UC in this group have required hospitalization (including two severe

[13] Dkt. No. 80, *P.J.E.S.* v. *Mayorkas et al.,* No. 1:20–cv–02245 (D.D.C. Nov. 18, 2020).

[14] *See* 8 U.S.C. 1232; Stipulated Settlement Agreement, *Flores* v. *Reno,* No. CV 85–cv–4544 (C.D. Cal. Jan. 17, 1997).

[15] 8 U.S.C. 1232(b)(3).

[16] EIS are intended to be a temporary measure providing a standard of care consistent with the best interest of children during an emergency situation. When fully operational with appropriate staffing and basic medical resources, EIS provide a safer, less crowded environment where UC are cared for, processed as quickly as possible, and are either released to a sponsor or transferred to an appropriate ORR facility for longer-term care. When no longer necessary, EIS facilities are demobilized.

[17] HHS Executive Leadership Information Brief (internal document). Published July 12, 2021.

[18] For comparison, on March 29, 2021, nearly 5,500 UC were in CBP custody, with 3,540 of those UC in custody for longer than 72 hours; as of March 31, 2021, the average time in CBP custody for UC was 131 hours.

[19] Specifically, ORR currently uses the following COVID–19 protocols for UC at EIS: UC are tested for COVID–19 by CBP prior to being transported to an EIS and then are also tested upon arrival to EIS. UC are required to quarantine for the first 7 days after admission to an EIS and can be released from quarantine on the morning of day 8 if they remain asymptomatic and had a negative COVID–19 test in the 48 hours prior. In addition to testing at admission and during quarantine, UC are routinely tested during their stay at EIS (*e.g.,* every three days), and any UC that develops symptoms consistent with COVID–19 infection is immediately tested. UC who test positive for COVID–19 are required to be isolated for 10 days from the date the positive test was collected, or 10 days from the date of symptom onset if asymptomatic. Contact tracing is conducted whenever anyone tests positive for COVID–19; UC exposed to COVID–19 are quarantined for seven days, tested on the 5th, 6th, or 7th day of their quarantine, and are released upon receiving a negative test result. ORR has also issued similar COVID–19 guidance to licensed facilities.

[20] In ORR facilities where the risk of transmission is moderate to high, public health officials working collaboratively with ORR facilities can determine the appropriateness of offering screening and repeat testing of randomly selected asymptomatic staff and children at the facility, as feasible, to identify cases and prevent secondary transmission.

[21] Additional criteria (*e.g.,* continued symptom monitoring and correct and consistent wearing of masks) should be met by ORR as outlined on CDC's website. *See* Science Brief: Options to Reduce Quarantine for Contacts of Persons with SARS–CoV–2 Infection Using Symptom Monitoring and Diagnostic Testing, Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/more/scientific-brief-options-to-reduce-quarantine.html* (last updated Dec. 2, 2020).

cases requiring intensive care). These numbers indicate that the risk of overburdening the local healthcare systems by UC presenting with severe COVID–19 disease remains low. Based on the robust network of ORR care facilities and the testing and medical care available therein, as well as COVID–19 mitigation protocols including vaccination for personnel and eligible UC, there is very low likelihood that processing UC in accordance with existing Title 8 procedures will result in undue strain on the U.S. healthcare system or healthcare resources. Moreover, UC released to a vetted sponsor or placed in a permanent ORR shelter do not pose a significant level of risk for COVID–19 spread into the community because they are released after having undergone testing, quarantine and/or isolation, and vaccination when possible, and their sponsors are provided with appropriate medical and public health direction.

CDC thus finds that, at this time,[22] there is appropriate infrastructure in place to protect the children, caregivers, and local communities from elevated risk of COVID–19 transmission as a result of the introduction of UC, and U.S. healthcare resources are not significantly impacted by providing UC necessary care. CDC believes the COVID–19-related public health concerns associated with UC introduction can be adequately addressed without UC being subject to the October Order, thereby permitting the government to better address the humanitarian challenges for these children. Based on the foregoing, CDC is fully excepting UC from the October Order,[23] and the February Notice is hereby superseded. This Order shall be immediately effective. I consulted with DHS and other federal departments as needed before I issued this Order and requested that DHS continue to aid in the enforcement of this Order because CDC does not have the capability, resources, or personnel needed to do so.[24]

This Order is not a rule subject to notice and comment under the Administrative Procedure Act (APA). Even if it were, notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and the opportunity to comment on this Order and a delayed effective date. Given the public health emergency caused by COVID–19 and the highly unpredictable nature of its transmission and spread, it would be impracticable and contrary to public health practices and the public interest to delay the issuing and effective date of this Order with respect to UC. In addition, because this Order concerns the ongoing discussions with Canada and Mexico on how best to control COVID–19 transmission over our shared borders, it directly ''involve[s] . . . a . . . foreign affairs function of the United States.'' 5 U.S.C. 553(a)(1). Notice and comment and a delay in effective date would not be required for that reason as well.

Authority

The authority for this Order is Sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265, 268) and 42 CFR 71.40.

Dated: July 19,2021.

Sherri Berger,

Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2021–15699 Filed 7–20–21; 4:15 pm]

BILLING CODE 4163–18–P

[22] This situation could change based on an increased influx of UC, changes in COVID–19 infection dynamics among UC, or unforeseen reductions in housing capacity.

[23] *See* 86 FR 9942.

[24] 42 U.S.C. 268; 42 CFR 71.40(d).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0071; NIOSH–341]

World Trade Center Health Program; Request for Information

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Request for information.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH), within the Centers for Disease Control and Prevention (CDC), is soliciting public comment on the scope of an upcoming funding announcement for FY2022 regarding the World Trade Center (WTC) Health Program's research priorities involving WTC survivors. The WTC Health Program's research program helps answer critical questions about potential 9/11-related physical and mental health conditions as well as diagnosing and treating health conditions on the List of WTC-Related Health Conditions.

DATES: Comments must be received by August 23, 2021.

ADDRESSES: Comments may be submitted through either of the following two methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* (follow the instructions for submitting comments), or
- *By Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS C–34, 1090 Tusculum Avenue, Cincinnati, Ohio 45226–1998.

Instructions: All written submissions received in response to this notice must include the agency name (Centers for Disease Control and Prevention, HHS) and docket number (CDC–2021–0071; NIOSH–341) for this action. All relevant comments, including any personal information provided, will be posted without change to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst, 1090 Tusculum Avenue, MS: C–48, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov.*

SUPPLEMENTARY INFORMATION: Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347, as amended by Pub. L. 114–113 and Pub. L. 116–59), added Title XXXIII to the Public Health Service (PHS) Act,[1] establishing the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits for health conditions on the List of WTC-Related Health Conditions (List) [2] to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders). The Program also provides benefits to eligible persons who were present in the dust or dust cloud on September 11, 2001, or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors).

The Zadroga Act also requires that the Program establish a research program on health conditions resulting from the September 11, 2001, terrorist attacks, addressing the following topics: [3]

- Physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks;

[1] Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm–61. Those portions of the James Zadroga 9/11 Health and Compensation Act of 2010 found in Titles II and III of Public Law 111–347 do not pertain to the WTC Health Program and are codified elsewhere.

[2] The List of WTC-Related Health Conditions is established in 42 U.S.C. 300mm–22(a)(3)–(4) and 300mm–32(b); additional conditions may be added through rulemaking and the complete list is provided in WTC Health Program regulations at 42 CFR 88.15.

[3] 42 U.S.C. 300mm–51(a).

state, local and courtroom requirements and seek a commitment to adhere to those requirements. The requirements apply to all attorneys, assistants, parties, and witnesses. The discussion will also address who may enter the courtroom, when, and what safety measures, such as masks and social distancing, must be implemented. No person may enter the courtroom, or the witness room without the permission of the Judge. The Judge may consider allowing persons who are not fully vaccinated to enter the courtroom, but they must wear masks and practice social distancing.

All court reporters will be notified that they must be vaccinated.

The Judge may consider all factors, in totality, in determining if a remote hearing will be held and who may be present for the hearing. No single factor is dispositive. These procedures shall be in place until December 31, 2021, unless extended or modified by order. The order shall be posted on the Commission's website (*www.fmshrc.gov*) and the contents of the order will be published in a notice appearing in the **Federal Register**.

Authority: 30 U.S.C. 823; 29 CFR part 2700.

Dated: July 30, 2021.

Sarah L. Stewart,

Deputy General Counsel, Federal Mine Safety and Health Review Commission.

[FR Doc. 2021–16661 Filed 8–4–21; 8:45 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Solicitation of Statements of Interest for Membership on the Insurance Policy Advisory Committee

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice.

SUMMARY: The Economic Growth, Regulatory Relief, and Consumer Protection Act established at the Board an Insurance Policy Advisory Committee (IPAC). This notice advises individuals who wish to serve as IPAC members of the annual opportunity to be considered for the IPAC.

DATES: Individuals that submit a Statement of Interest that is received by the Board from the first Monday in August through the first Monday in October of each year will be considered for appointments to the IPAC announced in the fourth calendar quarter of the same year. Statements of Interest received outside the period from the first Monday in August through the first Monday in October generally will not be considered.

ADDRESSES: Individuals seeking an appointment to the IPAC may send a Statement of Interest by email to *IPAC@frb.gov.* The Statement of Interest contains only contact information. Candidates also may choose to provide additional information. Candidates may send this information by email to *IPAC@frb.gov.* The Privacy Act Statement for IPAC Member Selection, which describes the purposes, authority, effects of nondisclosure, and uses of this information, can be found at *https://www.federalreserve.gov/aboutthefed/ipac-privacy.htm.*

Individuals also may mail Statements of Interest and any additional information to the Board of Governors of the Federal Reserve System, Attn: Insurance Policy Advisory Committee, 20th Street and Constitution Ave. NW, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: Jan Bauer, Senior Insurance Policy Analyst, (202) 475–7697 or Thomas Sullivan, Senior Associate Director, (202) 452–3000, Division of Supervision and Regulation; or *IPAC@frb.gov.*

SUPPLEMENTARY INFORMATION: The Economic Growth, Regulatory Relief, and Consumer Protection Act established at the Board an Insurance Policy Advisory Committee (IPAC) to advise the Board on international capital standards and other insurance matters. This notice advises individuals of the opportunity to be considered for appointment to the IPAC. To assist with the appointment of IPAC members, the Board considers information submitted by the candidate, public information, and any other relevant information the Board determines to consider.

Council Size and Terms

The IPAC has at most 21 members. IPAC members serve staggered three-year terms. Members are appointed to three-year terms unless the Board appoints a member to fill a vacant unexpired term. A member that is appointed to serve a three-year term begins his or her service on the first January 1 occurring after his or her appointment. A member appointed to fill an vacant unexpired term serves for the remaining time of the term. The Board provides a nominal honorarium and reimburses members only for their actual travel expenses, subject to Board policy.

Statement of Interest

A Statement of Interest must contain the following information:

- Full name;
- Address;
- Phone number; and
- Email address

At their option, candidates may provide additional information for consideration.

Qualifications

IPAC candidates should be insurance experts. The Board provides equal appointment opportunity to all persons without regard to race, color, religion, sex (including sexual orientation, gender identity, and pregnancy), national origin, age, disability, genetic information, or military service. In addition, the Board is committed to a diverse committee and seeks a diverse set of expert perspectives from the various sectors of the U.S. insurance industry including life insurance, property and casualty insurance and reinsurance, agents and brokers, academics, consumer advocates, and experts on issues facing underserved insurance communities and consumers. The Board also seeks relevant actuarial, legal, regulatory, and accounting expertise, as well as expertise on lines of business underwritten by its currently supervised population of insurance institutions.

Members must be willing and able to participate in conference calls and prepare for and attend meetings in person. Membership and attendance is not delegable.

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Supervision and Regulation under delegated authority.

Ann Misback,

Secretary of the Board.

[FR Doc. 2021–16669 Filed 8–4–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Public Health Reassessment and Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services (HHS), announces an Order to replace and supersede the Order Suspending the Right to Introduce Certain Persons from

Countries Where a Quarantinable Communicable Disease Exists, issued on October 13, 2020 (''October Order''). Following an assessment of the current status of the COVID–19 public health emergency and the situation in congregate settings where noncitizens seeking to enter the United States are processed and held, CDC has determined that an Order remains appropriate at this time for all ''covered noncitizens'' as defined in the order. Unaccompanied noncitizen children, already excepted under a July 16, 2021 order, remain excepted from the order's coverage. In addition, CDC is continuing an exception for individuals on a case-by-case basis, based on the totality of the circumstances, and is incorporating an additional exception for programs approved by the U.S. Department of Homeland Security (DHS) that incorporate appropriate COVID–19 mitigation protocols as recommended by CDC.

DATES: This Order went into effect August 2, 2021.

FOR FURTHER INFORMATION CONTACT: Tiffany Brown, Deputy Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–10, Atlanta, GA 30329. Phone: 404–639–7000. Email: *cdcregulations@cdc.gov.*

SUPPLEMENTARY INFORMATION: CDC has determined that an Order under 42 U.S.C. 265 remains necessary to protect U.S. citizens, U.S. nationals, lawful permanent residents, personnel and noncitizens at the ports of entry (POE) and U.S. Border Patrol stations, and destination communities in the United States during the COVID–19 public health emergency. This Order reflects the current, highly dynamic conditions regarding COVID–19, including variants of concern and levels of vaccination, as well as evolving circumstances specific to the U.S. borders. As facts change, CDC may further modify the Order. This Order will remain in place until either the expiration of the Secretary of HHS' declaration that COVID–19 constitutes a public health emergency, or the CDC Director determines that the danger of further introduction of COVID–19 into the United States has declined such that continuation of the Order is no longer necessary to protect public health, whichever occurs first. The circumstances necessitating the Order will be reassessed at least every 60 days. This Order continues the suspension of the right to introduce ''covered noncitizens,'' [1] into the United States along the U.S. land and adjacent coastal borders. In recognition of the specific COVID–19 mitigation measures available in facilities providing care for Unaccompanied Noncitizen Children (UC), CDC excepted UC from the October Order [2] on July 16, 2021 (July Exception) and continues that exception herein.[3] In addition, CDC is continuing an exception for individuals on a case-by-case basis, based on the totality of the circumstances, and is incorporating an additional exception for programs approved by the U.S. Department of Homeland Security (DHS) that incorporate appropriate COVID–19 mitigation protocols as recommended by CDC.

A copy of the Order is provided below, and a copy of the signed Order can be found at *https://www.cdc.gov/coronavirus/2019-ncov/downloads/CDC-Order-Suspending-Right-to-Introduce-_Final_8-2-21.pdf.*

[1] The term ''covered noncitizens'' is defined as persons traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a POE or U.S. Border Patrol station at or near the U.S. land and adjacent coastal borders subject to certain exceptions detailed below; this includes noncitizens who do not have proper travel documents, noncitizens whose entry is otherwise contrary to law, and noncitizens who are apprehended at or near the border seeking to unlawfully enter the United States between POE.

[2] Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, 85 FR 65806 (Oct. 16, 2020). The October Order replaced the Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, issued on March 20, 2020 (March Order) and subsequently extended and amended. Notice of Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 17060 (Mar. 26, 2020); Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists, 85 FR 22424 (Apr. 22, 2020); Amendment and Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 31503 (May 26, 2020).

[3] Public Health Determination Regarding an Exception for Unaccompanied Noncitizen Children from Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/NoticeUnaccompaniedChildren.pdf* (July 16, 2021); *see* 86 FR 38717 (July 22, 2021). The July Exception relating to UC is hereby made a part of this Order and incorporated by reference as if fully set forth herein.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)

Order Under Sections 362 & 365 of the Public Health Service Act

(42 U.S.C. 265, 268) and 42 CFR 71.40

Public Health Reassessment and Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

Executive Summary

The Centers for Disease Control and Prevention (CDC), a component of the U.S. Department of Health and Human Services (HHS), is hereby replacing and superseding the Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, issued on October 13, 2020 (October Order). The instant Order continues the suspension of the right to introduce ''covered noncitizens,'' as defined herein,[4] into the United States along the U.S. land and adjacent coastal borders. In recognition of the specific COVID–19 mitigation measures available in facilities providing care for Unaccompanied Noncitizen Children (UC), CDC excepted UC from the October Order on July 16, 2021 (July Exception) and continues that exception herein.[5] Following an assessment of the current status of the COVID–19 public health emergency and the situation in congregate settings where noncitizens seeking to enter the United States are processed and held, CDC has determined that an Order remains appropriate at this time for all other covered noncitizens as described herein. As outlined below, CDC is continuing an exception for individuals on a case-by-case basis, based on the totality of the circumstances, and is incorporating an additional exception for programs approved by the U.S. Department of Homeland Security (DHS) that incorporate appropriate COVID–19 mitigation protocols as recommended by CDC.

CDC has determined that an Order under 42 U.S.C. 265 remains necessary

[4] *See infra* Section III.A.

[5] Public Health Determination Regarding an Exception for Unaccompanied Noncitizen Children from Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/NoticeUnaccompaniedChildren.pdf* (July 16, 2021); *see* 86 FR 38717 (July 22, 2021). The July Exception relating to UC is hereby made a part of this Order and incorporated by reference as if fully set forth herein.

to protect U.S. citizens, U.S. nationals, lawful permanent residents, personnel and noncitizens at the ports of entry (POE) and U.S. Border Patrol stations, and destination communities in the United States during the COVID–19 public health emergency. This Order reflects the current, highly dynamic conditions regarding COVID–19, including variants of concern and levels of vaccination, as well as evolving circumstances specific to the U.S. borders. As facts change, CDC may further modify the Order. This Order will remain in place until either the expiration of the Secretary of HHS' declaration that COVID–19 constitutes a public health emergency, or the CDC Director determines that the danger of further introduction of COVID–19 into the United States has declined such that continuation of the Order is no longer necessary to protect public health, whichever occurs first. The circumstances necessitating the Order will be reassessed at least every 60 days.

Outline of Reassessment and Order

I. Background
A. Current Status of COVID–19 Public Health Emergency
B. Public Health Factors Related to COVID–19
1. Manner of COVID–19 Transmission
2. Emerging Variants of the SARS–CoV–2 Virus
3. Risks of COVID–19 Transmission Specific To Congregate Settings
4. Availability of Testing, Vaccines, and Other Mitigation Measures
5. Impact on U.S. Communities and Healthcare Resources
II. Public Health Reassessment
A. Immigration Processing and Public Health Impacts
B. Public Health Assessment of Single Adults and Family Units
C. Comparison to Unaccompanied Noncitizen Children
D. Summary of Findings
III. Legal Basis for the Order
IV. Issuance and Implementation of the Order
A. Covered Noncitizens
B. Exceptions
C. APA, Review, and Termination

I. Background

Coronavirus disease 2019 (COVID–19) is a quarantinable communicable disease [6] caused by the SARS–CoV–2 virus. As part of U.S. government efforts to mitigate the introduction, transmission, and spread of COVID–19, CDC issued an Order on October 13, 2020 (October Order), replacing an Order initially issued on March 20, 2020 (March Order),[7] suspending the right to introduce [8] certain persons into the United States from countries or places where the quarantinable communicable disease exists in order to protect the public health from an increase in risk of the introduction of COVID–19. The October Order applied specifically to covered noncitizens who would otherwise be introduced into a congregate setting in land or coastal POE or U.S. Border Patrol stations at or near the U.S. borders [9] with Canada and Mexico. On February 17, 2021, CDC published a notice announcing the temporary exception of unaccompanied noncitizen children (UC) [10] encountered in the United States from the October Order.[11] The exception of UC from the October Order was confirmed with the publication of the July Exception.[12]

POE and U.S. Border Patrol stations are operated by U.S. Customs and Border Protection (CBP), an agency within DHS. The March and October Orders were intended to reduce the risk of COVID–19 introduction, transmission, and spread in POE and U.S. Border Patrol stations by significantly reducing the number and density of covered noncitizens held in these congregate settings, thereby reducing risks to U.S. citizens and residents, DHS/CBP personnel and noncitizens at the facilities, and the healthcare systems in local communities overall. Because of the congregate nature of these facilities and the sustained community transmission of COVID–19, including the highly transmissible B.1.617.2 (Delta) variant, in both the United States and migrants' countries of origin and transit, at this time, there continues to be a high risk of COVID–19 outbreaks in these facilities following the introduction of an infected person. Upon reassessment of the current situation with respect to the pandemic and the situation at the U.S. borders, CDC finds an Order under 42 U.S.C. 265 for Single Adults (SA) [13] and Family Units (FMU) [14] remains necessary at this time, as discussed in detail below. CDC also recognizes the availability of testing, vaccines, and other mitigation protocols can minimize risk in this area. As the ability of DHS facilities to employ mitigation measures to address the COVID–19 public health emergency increases, CDC anticipates additional lifting of restrictions.

A. Current Status of COVID–19 Public Health Emergency

Since late 2019, SARS–CoV–2, the virus that causes COVID–19, has spread throughout the world, resulting in a pandemic. As of July 28, 2021, there have been over 195 million confirmed cases of COVID–19 globally, resulting in over 4.1 million deaths.[15] The United

[6] Quarantinable communicable diseases are any of the communicable diseases listed in Executive Order, as provided under § 361 of the Public Health Service Act (42 U.S.C. 264). 42 CFR 71.1. The list of quarantinable communicable diseases currently includes cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers (Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named), severe acute respiratory syndromes (including Middle East respiratory syndrome and COVID–19), and influenza caused by novel or reemergent influenza viruses that are causing, or have the potential to cause, a pandemic. *See* Exec. Order 13295, 68 FR 17255 (Apr. 4, 2003), as amended by Exec. Order 13375, 70 FR 17299 (Apr. 1, 2005) and Exec. Order 13674, 79 FR 45671 (July 31, 2014).

[7] Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, 85 FR 65806 (Oct. 16, 2020). The October Order replaced the Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, issued on March 20, 2020 (March Order), and subsequently extended and amended. Notice of Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 17060 (Mar. 26, 2020); Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists, 85 FR 22424 (Apr. 22, 2020); Amendment and Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists, 85 FR 31503 (May 26, 2020).

[8] *Suspension of the right to introduce* means to cause the temporary cessation of the effect of any law, rule, decree, or order pursuant to which a person might otherwise have the right to be introduced or seek introduction into the United States. 42 CFR 71.40(b)(5).

[9] When U.S. Customs and Border Protection (CBP) or the U.S. Department of Homeland Security (DHS) partner agencies encounter noncitizens off the coast closely adjacent to the land borders, it transfers the noncitizens for processing in POE or U.S. Border Patrol stations closest to the encounter. Absent the October Order, such noncitizens would be held in the same congregate settings and holding facilities as any encounters along the land border, resulting in similar public health concerns related to the introduction, transmission, and spread of COVID–19.

[10] As stated in the July Exception, CDC's understanding is that UC are a class of individuals similar to or the same as those individuals who would be considered ''unaccompanied alien children'' (see 6 U.S.C. 279) for purposes of HHS Office of Refugee Resettlement custody, were DHS to make the necessary immigration determinations under Title 8 of the U.S. Code. 86 FR 38717, 38718 at note 4.

[11] Notice of Temporary Exception from Expulsion of Unaccompanied Noncitizen Children Pending Forthcoming Public Health Determination, 86 FR 9942 (Feb. 17, 2021).

[12] *Supra* note 2.

[13] A single adult (SA) is any noncitizen adult 18 years or older who is not an individual in a ''family unit,'' *see infra* note 11.

[14] An individual in a family unit (FMU) includes any individual in a group of two or more noncitizens consisting of a minor or minors accompanied by their adult parent(s) or legal guardian(s). Any statistics regarding FMU count the number of individuals in a family unit rather than counting the groups.

[15] *Coronavirus disease (COVID–19) pandemic,* World Health Organization, *https://covid19.who.int/* (last visited July 28, 2021).

States has reported over 34 million cases resulting in over 609,000 deaths due to the disease [16] and is currently averaging around 61,976 new cases of COVID–19 a day as of July 27, 2021 with high community transmission.[17] Although several of the key indicators of transmission and spread of COVID–19 in the United States improved during the first half of 2021, variants of concern, particularly the more transmissible Delta variant, have driven a stark increase in COVID–19 cases, hospitalizations, and deaths. COVID–19 cases increased approximately 400% between June 19 and July 28, 2021.[18]

Many countries have begun widespread vaccine administration; however, 78 countries continue to experience high or substantial incidence rates (≥50 cases per 100,000 people in the last seven days) and 123 countries, including the United States, are experiencing an increasing incidence of reported new cases.[19] It is imperative that individuals and communities stay vigilant and that vaccination and other COVID–19 mitigation efforts are maintained. As the Delta variant continues to spread, both the United States and Mexico are experiencing high or substantial incidence rates with 137.9 and 68.6 daily cases per 100,000 persons over a seven-day average, respectively; in Canada, the incidence rate is 8.0. The United States saw a 91.0% increase in new cases over the past week, Mexico experienced a 30.2% increase in new cases. During the same time period, the incidence rate in Canada increased by 14.8%.[20]

COVID–19 was first declared a public health emergency in January 2020 [21] and the U.S. government and CDC have implemented a number of COVID–19 mitigation and response measures since that time. Many of these mitigation measures have involved restrictions on international travel and migration.[22] Other measures have focused on recommending and enforcing COVID–19 mitigation efforts, including physical distancing and mask-wearing.[23] Recent concerns regarding the spread of the Delta variant prompted CDC to release updated guidance calling for vaccinated persons to wear a mask indoors in public when in an area of substantial or high transmission.[24] Furthermore, CDC recommends that all individuals, including those fully vaccinated, continue to wear a well-fitted face mask in correctional and detention facilities.[25]

B. Public Health Factors Related to COVID–19

As directed by Executive Order,[26] CDC conducted a comprehensive reassessment of the October Order to determine whether the suspension of the right to introduce certain persons into the United States remains necessary in light of the current circumstances, including the evolving understanding of the epidemiology of COVID–19 variants and available mitigation measures including testing and vaccination.[27] In conducting this reassessment, CDC examined a number of public health factors, and evaluated how these factors impact POE and U.S. Border Patrol stations and the personnel and noncitizens in those facilities. CDC also scrutinized whether the potential impacts varied by category of noncitizen: SA, FMU, and UC. In carrying out its reassessment, CDC evaluated the following public health factors: (1) The manner of COVID–19 transmission, including asymptomatic and pre-symptomatic transmission; (2) the emerging variants of the SARS–CoV–2 virus; (3) the risks specific to the type of facility or congregate setting; (4) the availability of testing and vaccines and the applicability of other mitigation efforts; and (5) the impact on U.S. communities and healthcare resources. CDC views this public health reassessment as setting forth a roadmap toward the safe resumption of normal processing of arriving noncitizens, taking into account COVID–19 concerns and immigration facilities' ability to implement mitigation measures.

[16] *COVID Data Tracker,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#datatracker-home* (last visited July 28, 2021).

[17] *United States COVID–19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#cases_community* (last visited July 28, 2021).

[18] Christie A, Brooks JT, Hicks LA, et al. Guidance for Implementing COVID–19 Prevention Strategies in the Context of Varying Community Transmission Levels and Vaccination Coverage. MMWR Morb Mortal Wkly Rep. ePub: 27 July 2021. DOI: *http://dx.doi.org/10.15585/mmwr.mm7030e2.*

[19] *See Global Trends, Epidemic Curve trajectory Classification,* WHO, as reported at *https://covid.cdc.gov/covid-data-tracker/#global-trends* (last visited July 28, 2021).

[20] Low/Moderate incidence describes <50 cases per 100,000 people during the past 7 days. Increasing or Decreasing incidence is based on the percentage change in the number of cases reported in the past 7 days compared to the 7 days prior to that (Increasing: >0% change, Decreasing: <0% change).

[21] *Determination that a Public Health Emergency Exists,* U.S. Department of Health and Human Services (Jan. 31, 2020), *https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx* (last visited July 21, 2021). The public health emergency determination has been subsequently renewed at 90-day intervals, most recently on July 28, 2021. *See https://www.phe.gov/emergency/news/healthactions/phe/Pages/COVID-19July2021.aspx* (last visited July 28, 2021).

[22] The President issued proclamations suspending entry into the United States of immigrants or nonimmigrants who were physically present within a number of countries during the 14-day period preceding their entry or attempted entry into the U.S. *See* Proclamation 9984 (Jan. 31, 2020); Proclamation 9992 (Feb. 28, 2020); Proclamation 10143 (Jan. 25, 2021); and Proclamation 10199 (Apr. 30, 2021). Since March 2020, Canada and Mexico have joined with the U.S. to restrict non-essential travel along land borders to prevent the introduction and spread of the virus that causes COVID–19; these restrictions are in place until at least August 21, 2021. Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the U.S. and Canada, 86 FR 38556 (July 22, 2021); Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the U.S. and Mexico, 86 FR 38554 (July 22, 2021). CDC has also issued orders to mitigate risk of further introducing and spreading SARS CoV–2 and its variants into the United States. *See* Framework for Conditional Sailing and Initial Phase COVID–19 Testing Requirements for Protection of Crew, 85 FR 70153 (Nov. 4, 2020) (outlining the process for the phased resumption of cruise ship passenger operations); Requirement for Negative Pre-Departure COVID–19 Test Result or Documentation of Recovery from COVID–19 for all Airline or Other Aircraft Passengers Arriving into the U.S. from Any Foreign Country, 86 FR 7387 (Jan. 28, 2021); and *COVID–19 Travel Recommendations by Destination,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html#travel-1* (last updated July 26, 2021) (COVID–19-related travel recommendations, including 62 Level 4 Travel Health Notices for countries with very high COVID–19 rates).

[23] CDC's Order requiring the wearing of face masks by travelers while on a conveyance entering, traveling within, or departing the United States and in U.S. transportation hubs remains in place for all travelers at indoor settings on public transportation conveyances and at transportation hubs, regardless of vaccination. Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs, 86 FR 8025 (Feb. 3, 2021). *See Requirement for Face Masks on Public Transportation Conveyances and at Transportation Hubs,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/travelers/face-masks-public-transportation.html* (last updated June 10, 2021).

[24] *Supra* note 15 (CDC also recommends fully vaccinated persons consider wearing a mask regardless of transmission level if they or someone in their household is immunocompromised or at increased risk for severe disease, or if someone in their household is unvaccinated (including children currently ineligible for vaccination)); *see also infra* page 11, section 5 (discussion of ''high'' and ''substantial transmission'').

[25] *Interim Public Health Recommendations for Fully Vaccinated People,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html* (last updated May 28, 2021).

[26] Exec. Order 14010, ''Creating a Comprehensive Regional Framework To Address the Causes of Migration, To Manage Migration Throughout North and Central America, and To Provide Safe and Orderly Processing of Asylum Seekers at the United States Border,'' 86 FR 8267 (Feb. 2, 2021).

[27] CDC's reassessment of the public health situation with respect to covered noncitizens and border facilities relies upon information and data provided by DHS, CBP, and HHS' Office of Refugee Resettlement, including information regarding those entities' policies and practices.

1. Manner of COVID–19 Transmission

SARS–CoV–2, the virus that causes COVID–19, spreads mainly from person-to-person through respiratory fluids released during exhalation, such as when an infected person coughs, sneezes, or talks. Exposure to these respiratory fluids occurs in three principal ways: (1) Inhalation of very fine respiratory droplets and aerosol particles, (2) deposition of respiratory droplets and particles on exposed mucous membranes in the mouth, nose, or eye by direct splashes and sprays, and (3) touching mucous membranes with hands that have been soiled either directly by virus-containing respiratory fluids or indirectly by touching surfaces with virus on them.[28] Spread is more likely when people are in close contact with one another (within about 6 feet), especially in crowded or poorly ventilated indoor settings. Unvaccinated persons with asymptomatic and pre-symptomatic infection are significant contributors to community SARS–CoV–2 transmission and occurrence of COVID–19.[29] Asymptomatic cases are currently believed to represent roughly 30% of all COVID–19 infections and the infectiousness of asymptomatic individuals is believed to be about 75% of the infectiousness of symptomatic individuals. CDC's current best estimate is that 50% of infections are transmitted prior to symptom onset (pre-symptomatic transmission).[30] Although rare, as discussed below, breakthrough infections may occur in vaccinated individuals. Due to the variety of source of spread—transmission by asymptomatic, pre-symptomatic, symptomatic, and vaccinated individuals—testing is critical to identify those infected with COVID–19.

Among those who are not vaccinated, serious COVID–19 illness necessitating treatment occurs with greater frequency in older adults and those with certain pre-existing conditions.[31] Although children can be infected with SARS–CoV–2, get sick from COVID–19, and spread the virus to others, when compared with adults, children and adolescents who have COVID–19 are more commonly asymptomatic or have mild, non-specific symptoms. Children are less likely to develop severe illness or die from COVID–19.[32] They typically present with mild symptoms, if any, and have a good prognosis, recovering within one to two weeks after disease onset.[33]

2. Emerging Variants of the SARS–CoV–2 Virus

Like all viruses, SARS–CoV–2 constantly changes through mutation as it circulates, resulting in new virus variants over time.[34] Unchecked transmission of SARS–CoV–2 may result in increased viral mutations and the emergence of new variants. New variants of SARS–CoV–2 have emerged globally,[35] several of which have been identified as variants of concern,[36] including the Alpha, Beta, Gamma, and Delta variants. These variants of concern have evidence of an increase in transmissibility and more severe disease, which may lead to higher incidence, hospitalization, and death rates among exposed persons.[37] Furthermore, findings suggest variants may reduce levels of neutralization by antibodies generated during previous infection or vaccination, resulting in reduced effectiveness of treatments or vaccines, or increased diagnostic detection failures.[38] The ultimate concern is a variant that substantially decreases the effectiveness of available vaccines against severe or deadly disease.

Currently, the Delta variant is the predominant SARS–CoV–2 strain circulating in the United States, accounting for over 82% of cases as of July 17, 2021.[39] Of critical significance for this Order, the Delta variant has demonstrated increased levels of transmissibility among unvaccinated persons and might increase the risk of vaccine breakthrough infections in the absence of other mitigation strategies.[40] For the unvaccinated, Delta remains a formidable threat and rates of infection of the Delta variant are growing more rapidly in U.S. counties with lower vaccination rates.[41] Available evidence suggests all three vaccines currently authorized for emergency use in the United States provide significant protection against variants circulating in the United States.[42] However, a small

[28] *Scientific Brief: SARS–CoV–2 Transmission,* Centers for Disease Control and Prevention (May 7, 2021), *https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/sars-cov-2-transmission.html; Science Brief: SARS–CoV–2 and Surface (Fomite) Transmission for Indoor Community Environments,* Centers for Disease Control and Prevention (Apr. 5, 2021), *https://www.cdc.gov/coronavirus/2019-ncov/more/science-and-research/surface-transmission.html.*

[29] Moghadas SM, Fitzpatrick MC, Sah P, et al. The implications of silent transmission for the control of COVID–19 outbreaks. *Proc Natl Acad Sci U S A.* 2020;117(30):17513–17515.10.1073/pnas.2008373117, available at *https://www.ncbi.nlm.nih.gov/pubmed/32632012;* Johansson MA, Quandelacy TM, Kada S, et al. SARS–CoV–2 Transmission From People Without COVID–19 Symptoms. Johansson MA, et al. JAMA Netw Open. 2021 January4;4(1):e2035057. doi: 10.1001/jamanetworkopen.2020.35057.

[30] *COVID–19 Pandemic Planning Scenarios,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios.html* (last visited July 28, 2021).

[31] *People at Increased Risk and Other People Who Need to Take Extra Precautions,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html* (last updated Apr. 20, 2021).

[32] *Science Brief: Transmission of SARS–CoV–2 in K–12 Schools and Early Care and Education Programs—Updated,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission_k_12_schools.html* (last updated July 9, 2021).

[33] *See* Leeb RT, Price S, Sliwa S, et al. COVID–19 Trends Among School-Aged Children—United States, March 1–September 19, 2020. MMWR Morb Mortal Wkly Rep 2020;69:1410–1415. DOI: *http://dx.doi.org/10.15585/mmwr.mm6939e2;* Leidman E, Duca LM, Omura JD, Proia K, Stephens JW, Sauber-Schatz EK. COVID–19 Trends Among Persons Aged 0–24 Years—United States, March 1–December 12, 2020. MMWR Morb Mortal Wkly Rep 2021;70:88–94. DOI: *http://dx.doi.org/10.15585/mmwr.mm7003e1;* Rankin DA, Talj R, Howard LM, Halasa NB. Epidemiologic trends and characteristics of SARS–CoV–2 infections among children in the United States. Curr Opin Pediatr. 2021 Feb 1;33(1):114–121. doi: 10.1097/MOP.0000000000000971. PMID: 33278112; PMCID: PMC8011299; and Castagnoli R, Votto M, Licari A, et al. Severe Acute Respiratory Syndrome Coronavirus 2 (SARS–CoV–2) Infection in Children and Adolescents: A Systematic Review. JAMA Pediatr. 2020;174(9):882–889. doi:10.1001/jamapediatrics.2020.1467.

[34] *About Variants of the Virus that Causes COVID–19,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html* (last updated Apr. 2, 2021).

[35] Abdool Karim SS, de Oliveira T. New SARS–CoV–2 Variants—Clinical, Public Health, and Vaccine Implications [published online ahead of print, 2021 Mar 24]. *N Engl J Med.* 2021;10.1056/NEJMc2100362. doi:10.1056/NEJMc2100362.

[36] *Id.*

[37] Dougherty K, Mannell M, Naqvi O, Matson D, Stone J. SARS–CoV–2 B.1.617.2 (Delta) Variant COVID–19 Outbreak Associated with a Gymnastics Facility—Oklahoma, April–May 2021. MMWR Morb Mortal Wkly Rep 2021;70:1004–1007. DOI: *http://dx.doi.org/10.15585/mmwr.mm7028e2* (describing a B.1.617.2 (Delta) Variant COVID–19 outbreak associated with a gymnastics facility and finding that the Delta variant is highly transmissible in indoor sports settings and households, which might lead to increased incidence rates).

[38] *SARS–CoV–2 Variant Classifications and Definitions,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/variants/variant-info.html#Concern* (last updated June 29, 2021).

[39] *Variant Proportions,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#variant-proportions* (citing data for the two-week interval ending July 17, 2021).

[40] *About Variants of the Virus that Causes COVID–19,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/variants/variant.html* (last updated June 28, 2021).

[41] COVID Data Tracker Weekly Review, Interpretive Summary for July 23, 2021, Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html* (attributing rising numbers of COVID–19 cases in nearly 90% of U.S. jurisdictions to the rapid spread of the Delta variant).

[42] *Science Brief: COVID–19 Vaccines and Vaccination,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html* (last updated May 27, 2021). Other vaccines, particularly the one manufactured by AstraZeneca, show reduced efficacy against

proportion of people who are fully vaccinated may become infected with the Delta variant (known as breakthrough infection); emerging evidence suggests that fully vaccinated persons who do become infected with the Delta variant are at risk for transmitting it to others.[43]

CDC continues to monitor the situation and may adapt recommendations based on the epidemiology of variants of concern. Given the transmissibility of variant strains and the continued emergence of new variants, ongoing monitoring of vaccine effectiveness is needed to identify mutations that could render vaccines most commonly used in the United States less effective against more transmissible variants.[44]

3. Risks of COVID–19 Transmission Specific to Congregate Settings

Given the manner of transmission, including asymptomatic or pre-symptomatic transmission, the risk of spreading COVID–19 is particularly pronounced among those who are unvaccinated, partially vaccinated, or vaccinated with less effective vaccines.[45] This risk is acutely present in congregate settings, where a number of people reside, meet, or gather in close proximity for either a limited or extended period of time.[46] Facilities must often carefully weigh the risks of increased transmission not only in the facilities, but also in the local community, due to secondary transmission. These congregate facilities must also consider individual facility and community characteristics (*e.g.,* ability to maintain physical distancing, compliance with universal mask-use policies, ability to properly ventilate, proportion of staff and occupants vaccinated, numbers of those who are at increased risk for severe illness from COVID–19, the availability of resources for broad-based vaccination, testing, and outbreak response, and level of community transmission).[47]

Congregate settings, particularly detention facilities with limited ability to provide adequate physical distancing and cohorting, have a heightened risk of COVID–19 outbreaks.[48] CDC has long recognized the risks specific to such settings, including homeless shelters, detention centers, schools, and workplaces and has provided a number of guidance documents to address the concerns in such spaces. Specifically, CDC developed interim guidance for law enforcement agencies that have custodial authority for detained populations, including civil and pre-trial detention settings. Among the recommendations are physical distancing strategies, isolation of individuals with confirmed or suspected COVID–19, quarantine of close contacts, cohorting of individuals when space is limited, testing, healthcare evaluations for individuals with suspected COVID–19, clinical care as needed for individuals with confirmed or suspected COVID–19, and addressing specific considerations for people who are at increased risk for severe illness.[49]

Vaccine coverage in congregate settings varies and infection risk is greater where there is sustained community transmission.[50] In light of this, CDC strongly recommends vaccination against COVID–19 for everyone who is eligible, including people who are incarcerated or detained and staff at correctional and detention facilities.[51] CDC is discussing additional guidance with DHS, highlighting the key metrics to consider before modifying COVID–19 prevention and mitigation measures in facilities that hold or detain migrants.[52]

4. Availability of Testing, Vaccines, and Other Mitigation Measures

The potential for asymptomatic and pre-symptomatic transmission makes testing an essential part of COVID–19 mitigation protocols. With the additional testing capacity available through antigen tests, rapid testing can be implemented to identify infected persons so they can be isolated until they no longer pose a risk of spreading infections and their close contacts can be identified and quarantined.[53] Testing is especially important in congregate settings where even a single asymptomatic case can trigger an outbreak that may quickly exceed a facility's capacity to isolate and quarantine residents. Furthermore, if personnel are infected or exposed, the number of available staff members may be reduced, further stressing facility operations. Testing facility residents and personnel can help facilitate prompt mitigation actions.

COVID–19 vaccines are now widely available in the United States, and vaccination is recommended for all people 12 years of age and up. Three COVID–19 vaccines are currently authorized by the U.S. Food and Drug Administration (FDA) for emergency use: Two mRNA vaccines (produced by Pfizer-BioNTech and Moderna) and one viral vector vaccine (produced by

infection with certain variants but may still protect against severe disease; at the time of the issuance of this Order, the FDA has not authorized the AstraZeneca COVID–19 vaccine for use in the United States.

[43] *Supra* note 15.

[44] *See About Variants of the Virus that Causes COVID–19, supra* note 37.

[45] Vaccines with effectiveness of less than 50% against wildtype strains of COVID–19 are considered less effective.

[46] Notably, COVID–19 has disproportionately affected persons in congregate settings and high-density workplaces. Studies conducted prior to the availability of vaccines showed that a single introduction of SARS–CoV–2 into a facility can result in a widespread outbreak. Lehnertz NB, Wang X, Garfin J, Taylor J, Zipprich J, VonBank B, et al. Transmission Dynamics of Severe Acute Respiratory Syndrome Coronavirus 2 in High-Density Settings, Minnesota, USA, March–June 2020. Emerg Infect Dis. 2021;27(8):2052–2063. *https://doi.org/10.3201/eid2708.204838.* Whole genome sequencing of samples taken following an outbreak at a correctional facility demonstrated that 92.2% of the samples taken from patients were genetically related, indicating that a single case had likely led to the infection of 48 individuals. Similarly, phylogenetic analysis established that 29.6% of cases from an outbreak at a second correctional facility were closely related and genetically identical, indicating that the index case had led to the infection of approximately 60 others. DellaGrotta AL, Molina C, et al. *Limited Secondary Transmission of SARS–CoV–2 in Child Care Programs—Rhode Island, June 1–July 31, 2020.* MMWR Morb Mortal Wkly Rep 2020;69:1170–1172. DOI: *http://dx.doi.org/10.15585/mmwr.mm6934e2.*

[47] *See Recommendations for Quarantine Duration in Correctional Facilities,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/community/quarantine-duration-correctional-facilities.html* (last visited July 28, 2021).

[48] Since March 31, 2020, the U.S. Federal Bureau of Prisons and state departments of corrections have together recorded 416,854 COVID–19 cases among residents and 108,945 cases among staff in correctional and detention facilities, resulting in 2,911 deaths. *Confirmed COVID–19 Cases and Deaths in U.S. Correctional and Detention Facilities by State,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#correctional-facilities* (last visited July 28, 2021).

[49] *See* Guidance for Correctional & Detention Facilities, Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html* (last updated June 9, 2021).

[50] Falk A, Benda A, Falk P, Steffen S, Wallace Z, Høeg TB. *COVID–19 Cases and Transmission in 17 K–12 Schools—Wood County, Wisconsin, August 31–November 29, 2020.* MMWR Morb Mortal Wkly Rep 2021;70:136–140. DOI: *http://dx.doi.org/10.15585/mmwr.mm7004e3. See also* Link-Gelles R,

[51] *COVID–19 Vaccine FAQs in Correctional and Detention Centers,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/vaccine-faqs.html* (last updated June 1, 2021).

[52] *See* CDC memo to DHS ''Considerations for modifying COVID–19 prevention and mitigation measures in Department of Homeland Security migrant holding facilities in response to declining transmission,'' Centers for Disease Control and Prevention (last updated June 11, 2021).

[53] *See* COVID–19 Testing and Diagnostics Working Group (TDWG). U.S. Department of Health and Human Services, *https://www.hhs.gov/coronavirus/testing/testing-diagnostics-working-group/index.html* (last visited July 28, 2021) (defining the role of the COVID–19 TDWG, which develops testing-related guidance and provides targeted investments to expand the available testing supply and maximize testing capacity).

Johnson & Johnson/Janssen), each of which has been determined to be safe and effective against COVID–19. As of July 28, 2021, over 163 million people in the United States (57.6% of the population 12 years or older) have been fully vaccinated and over 189 million people in the United States (66.8% of the population 12 years or older) have received at least one dose.[54] After substantial vaccine uptake in the first months of 2021, however, vaccination uptake has plateaued, particularly in those under the age of 65 years.[55] The combination of reduced vaccine uptake and the extreme transmissibility of the Delta variant has resulted in rising numbers of COVID–19 cases, primarily and disproportionately affecting the unvaccinated population.

The availability of COVID–19 vaccines is rising globally but still dwarfed by the rates of vaccination in the United States and a handful of other countries.[56] Countries of origin for the majority of incoming covered noncitizens have markedly lower vaccination rates.[57] Given this, the increased movement of typically unvaccinated covered noncitizens into the United States presents a heightened risk of morbidity and mortality to this population due to the congregate holding facilities at the border and the practical constraints on implementation of mitigation measures in such facilities. Outbreaks in these settings increase the serious danger of further introduction, transmission, and spread of COVID–19 and variants into the country.

CDC is aware of a rising number of breakthrough SARS–CoV–2 infections[58] in vaccinated individuals; even without variants of concern, more vaccine breakthroughs are to be expected due to the rising number of vaccinated individuals. While the vaccines currently authorized by the FDA are successful in mitigating severe illness from the highly transmissible Delta variant, infection and even mild to moderate illness has been documented in a small percentage of vaccinated persons.[59] The emergence of these more transmissible variants increases the urgency to expand vaccination coverage for everyone and especially those in densely populated congregate settings.[60] Public health agencies and other organizations must collaboratively monitor the status of the pandemic in their communities. As widespread vaccination efforts continue, ongoing use of the full panoply of mitigation measures is nevertheless especially important in congregate settings and remains key to slowing introduction, transmission, and spread of COVID–19.

5. Impact on U.S. Communities and Healthcare Resources

COVID–19 cases are on the rise in nearly 90% of U.S. jurisdictions, and multiple outbreaks are occurring in parts of the country that have low vaccination coverage. A person's risk for SARS–CoV–2 infection is directly related to the risk for exposure to infectious persons, which is largely determined by the extent of SARS–CoV–2 circulation in the surrounding community. Emerging evidence regarding the Delta variant finds that it is more than two times as transmissible as the original strains of SARS–CoV–2 circulating at the start of the pandemic. In light of this, CDC recommends assessing the level of community transmission using, at a minimum, two metrics: New COVID–19 cases per 100,000 persons in the last 7 days and percentage of positive SARS–CoV–2 diagnostic nucleic acid amplification tests in the last 7 days. For each of these metrics, CDC classifies transmission values as low, moderate, substantial, or high. At the time of this Order's issuance, over 70% of the U.S. counties along the U.S.-Mexico border were classified as experiencing high or substantial levels of community transmission.[61] In areas of substantial or high transmission, CDC recommends community leaders encourage vaccination and universal masking in indoor public spaces in addition to other layered prevention strategies to prevent further spread.

Between March and June 2021, rates of hospitalization due to COVID–19 decreased dramatically, easing long endured pressures on the U.S. healthcare system. However, in July 2021, with the rise of the Delta variant, the seven-day average for new hospital admissions in the United States increased 35.8% over the prior seven-day period.[62] Rates of hospitalization are rising most sharply in areas with low vaccination coverage.[63] CDC recommends continuous monitoring of the availability of staffed inpatient and intensive care unit beds, as data on usage of clinical care resources to manage patients with COVID–19 reflect underlying community disease incidence. This information can signal when urgent implementation of layered prevention strategies might be necessary to prevent overloading local and regional health care systems. Strains on

[54] *COVID–19 Vaccinations in the United States,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#vaccinations* (last updated July 28, 2021).

[55] Diesel J, Sterrett N, Dasgupta S, et al. COVID–19 Vaccination Coverage Among Adults—United States, December 14, 2020–May 22, 2021. MMWR Morb Mortal Wkly Rep 2021;70: 922–927. DOI: *http://dx.doi.org/10.15585/mmwr.mm7025e1.* The study found that the lowest vaccination coverage and the intent to be vaccinated among adults aged 18–24 years, non-Hispanic Black adults, and individuals with less education, no insurance, and lower household incomes. Concerns about vaccine safety and effectiveness were commonly cited barriers to vaccination. *See also supra* note 15 (finding that vaccine uptake has slowed nationally with wide variation in coverage by state (range = 33.9%–67.2%) and by county (range = 8.8%–89.0%)).

[56] *See* ''PAHO Director calls for fair and broad access to COVID–19 vaccines for Latin America and the Caribbean,'' Pan American Health Organization, *https://www.paho.org/en/news/7-7-2021-paho-director-calls-fair-and-broad-access-covid-19-vaccines-latin-america-and* (July 7, 2021) (noting the discrepancies in vaccine availability coverage among North, Central, and South American countries).

[57] Thus far in 2021, Ecuador, El Salvador, Guatemala, Honduras, and Mexico constitute the top five countries of origin for covered noncitizens. Rates of vaccination for each country are as follows: Ecuador: 11% fully vaccinated, 30% only partly vaccinated; El Salvador: 22% fully vaccinated, 17% only partly vaccinated; Guatemala: 1.6% fully vaccinated, 5.3% only partly vaccinated; Honduras: 1.8% fully vaccinated, 12% only partly vaccinated; Mexico: 18% fully vaccinated, 14% only partly vaccinated, *https://ourworldindata.org/covid-vaccinations* (last visited July 24, 2021).

[58] A vaccine breakthrough infection is defined as the detection of SARS–CoV–2 RNA or antigen in a respiratory specimen collected from a person ≥14 days after receipt of all recommended doses of an FDA-authorized COVID–19 vaccine. COVID–19 Vaccine Breakthrough Infections Reported to CDC—United States, January 1–April 30, 2021. MMWR Morb Mortal Wkly Rep 2021;70:792–793. DOI: *http://dx.doi.org/10.15585/mmwr.mm7021e3.*

[59] *COVID–19 Vaccine Breakthrough Case Investigation and Reporting,* Centers for Disease Control and Prevention, *https://www.cdc.gov/vaccines/covid-19/health-departments/breakthrough-cases.html* (last updated July 15, 2021).

[60] *Supra* at note 55.

[61] Of the 22 U.S. counties along the U.S.-Mexico border, 13 counties are experiencing high levels of community transmission (San Diego County, CA; Hidalgo County, NM; Presidio County, TX; Brewster County, TX; Terrell County, TX; Val Verde County, TX; Kinney County, TX; Maverick County, TX; Webb County, TX; Zapata County, TX; Starr County, TX; Hidalgo County, TX; and Cameron County, TX) and four counties are experiencing substantial levels of community transmission (Imperial County, CA; Pima County, AZ; Santa Cruz County, AZ; and Luna County, NM;). Five counties are experiencing moderate levels of community transmission (Yuma County, AZ; Cochise County, AZ; Dona Ana County, NM; El Paso County, TX; and Hudspeth County, TX). No counties along the border are experiencing low levels of community transmission. *COVID–19 Integrated County View,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#county-view* (last updated July 28, 2021).

[62] COVID Data Tracker Weekly Review, Interpretive Summary for July 16, 2021, Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/past-reports/07162021.html* (last visited July 28, 2021).

[63] COVID Data Tracker Weekly Review, Interpretive Summary for July 9, 2021, Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/past-reports/07092021.html.*

critical care capacity can increase COVID–19 mortality while decreasing the availability and use of health care resources for non-COVID–19 related medical care.[64] Increased hospital admissions are forecasted in the coming weeks as the Delta variant continues to predominate.[65]

The rapid spread of the highly transmissible Delta variant is leading to worrisome trends in healthcare and community resources. Signs of stress are already present in the southern regions of the United States.[66] Ultimately, the flow of migration directly impacts not only border communities and regions, but also destination communities and the healthcare resources of both. In light of this, the totality of the U.S. community transmission, health system capacity, and public health capacity, as well as local capacity to implement mitigation protocols, are important considerations when reassessing the need for this Order.[67]

II. Public Health Reassessment

A. Immigration Processing and Public Health Impacts

Noncitizens arriving in the United States who lack proper travel documents, whose entry is otherwise contrary to law, or who are apprehended at or near the border seeking to unlawfully enter the United States between POE are normally subject to initial immigration processing by CBP in POE facilities and U.S. Border Patrol stations. Absent CDC's issuance of an order under 42 U.S.C. 265 directing otherwise, immigration processing takes place pursuant to Title 8 of the U.S. Code. Although some number of inadmissible noncitizens present at POE, the vast majority are encountered by CBP between POE.[68] Upon such encounters, Border Patrol agents conduct an initial field assessment and transport the individuals to a CBP facility for intake processing.[69]

CBP facilities are designed to provide this short-term intake processing and are thus space-constrained.[70] While undergoing intake processing under Title 8 at CBP facilities, noncitizens are regularly held in close proximity to one another anywhere from several hours to several days. Depending on the outcome of intake processing, a noncitizen is generally referred to the DHS' Immigration and Customs Enforcement (ICE), where they are often subject to longer-term detention.[71] [72]

Compared to CBP facilities, ICE facilities have space allocations similar to traditional long-term correctional facilities. Still, during migratory surges, capacity constraints hinder CBP and ICE operations and facilities alike. If downstream ICE operations and facilities reach capacity limits, ICE may be unable to take custody of additional noncitizens in a timely manner. When this movement of noncitizens from CBP to ICE custody is impeded or delayed, noncitizens may remain in CBP's densely populated, short-term holding facilities for much longer periods. Of note, the United States is currently experiencing such a migratory surge of noncitizens attempting to enter the country at and between POE at the southern border.[73] DHS has already recorded more encounters this fiscal year to date than the approximate 977,000 encounters in the whole of FY 2019.[74]

CBP has implemented a variety of mitigation efforts to prevent the spread of COVID–19 in POE and U.S. Border Patrol facilities based on the infection prevention strategy referred to as the hierarchy of controls.[75] CBP has invested in engineering upgrades, such as installing plexiglass dividers in facilities where physical distancing is not possible and enhancing ventilation systems. All CBP facilities adhere to CDC guidance for cleaning and disinfection. Surgical masks are provided to all persons in custody and are changed at least daily and if or when they become wet or soiled. Personal protective equipment (PPE) and guidance are regularly provided to CBP personnel. Recognizing the value of vaccination, CBP is encouraging vaccination among its workforce. All noncitizens brought into CBP custody are subject to health intake interviews, including COVID–19 screening questions and temperature checks. If a noncitizen in custody displays symptoms of COVID–19 or has a known exposure, CBP facilitates referral to the local healthcare system for testing. Finally, in the event CBP decides to release a noncitizen prior to removal proceedings, the agency has coordinated with local governments and non-governmental organizations to arrange COVID–19 testing at release.[76]

In addition to these mitigation measures, enhanced physical distancing and cohorting remain key to preventing transmission and spread of COVID–19, particularly in congregate settings. To address this, as the pandemic emerged, CBP greatly reduced capacity in their holding facilities. While U.S. Border Patrol facilities along the southern border currently have a non-pandemic total holding capacity of 14,553 individuals, implementation of mitigation measures led to a 50–75% reduction in holding capacity depending on the design of a given facility, resulting in COVID-constrained holding capacity of 4,706.[77] However, the current surge has caused CBP to exceed COVID-constrained capacity and routinely exceed its non-COVID capacity.[78] From July 3 to July 24, 2021,

[64] *Supra* note 15.

[65] COVID–19 Forecasts: Hospitalizations, Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/science/forecasting/hospitalizations-forecasts.html* (last updated July 21, 2021).

[66] *See* COVID Data Tracker: New Hospital Admissions, *https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions* (last updated July 22, 2021) (showing HHS Regions 4, 6, and 9, encompassing all southern states, experiencing increased rates of new admissions of COVID–19-confirmed patients).

[67] *See Implementation of Mitigation Strategies for Communities with Local COVID–19 Transmission,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/community/community-mitigation.html* (last visited May 6, 2021).

[68] Fiscal year to date, 96% (1,076,242 of 1,119,204) of encounters of noncitizens occurred between POE.

[69] CBP facilities include POE, U.S. Border Patrol stations, and facilities managed by the Office of Field Operations.

[70] CBP facilities were designed for the immediate processing of persons and are statutorily designated as short-term (less than 72 hours) holding facilities. 6 U.S.C. 211(m).

[71] FMU transferred to ICE custody are generally held at a Family Staging Center (FSC). Following intake processing, UC are referred to the Office of Refugee Resettlement (ORR) within HHS' Administration for Children and Families (ACF) for care.

[72] While CBP policies regarding transfer and release decisions are the same across the Southwest Border, implementation varies based on local CBP capacity, and ICE capacity.

[73] According to data from DHS, encounters at the southern border have been rising since April 2020 due to several factors, including ongoing violence, insecurity, and famine in the Northern Triangle countries of Central America (El Salvador, Honduras, Guatemala).

[74] *Southwest Land Border Encounters,* U.S. Customs and Border Protection, available at *https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters* (last visited July 28, 2021).

[75] *Hierarchy of Controls,* Centers for Disease Control and Prevention, available at *https://www.cdc.gov/niosh/topics/hierarchy/default.html* (last visited July 6, 2021). The hierarchy of controls is used as a means of determining how to implement feasible and effective control solutions. The hierarchy is outlined as: (1) Elimination (physically remove the hazard); (2) Substitution (replace the hazard); (3) Engineering Controls (isolate people from the hazard); (4) Administrative Controls (change the way people work); and (5) PPE (protect people with Personal Protective Equipment).

[76] This is also true of ICE facilities.

[77] Similarly, the operational holding capacity for SA in ICE facilities was reduced by 30% from a regular total capacity of 56,888 beds to 39,821 beds.

[78] Non-COVID–19 holding capacity was exceeded as recently as July 25, 2021.

CBP encountered an average of 3,573 SA and 2,479 FMU daily, over a 21-day period, even with the CDC Order in place. This extreme population density and the resulting increased time spent in custody by noncitizens presents a serious risk of increased COVID–19 transmission in CBP facilities.

CBP faces unique challenges in implementing certain COVID–19 mitigation measures. All individuals encountered by U.S. Border Patrol must be processed in CBP facilities. Not only does this involve close and often continuing contact between CBP personnel and noncitizens, but CBP is further constrained by requirements separate noncitizens within its holding facilities according to specific permutations.[79] These cohorting requirements significantly complicate CBP's ability to address COVID–19-related risks, as CBP facility capacity to accommodate COVID–19 mitigation protocols may not always align with the makeup of the incoming population of noncitizens and the categorical separations required of DHS.

Immigration Processing Under Title 8 of the U.S. Code

The vast majority of noncitizens attempting to enter the United States without proper travel documents are SA; SA account for 68% of overall CBP encounters this fiscal year as of July 26, 2021. Under normal Title 8 immigration processes, SA are transferred to ICE custody pending removal proceedings. As noted above, absent expulsions directed by an order under 42 U.S.C. 265, SA presenting at POE or attempting entry between POE would be processed and held in CBP facilities while awaiting transfer to ICE. Generally, CBP only releases SA into U.S. communities as a last resort, due to severe overcrowding and when all possible detention options have been explored.

A smaller percentage, 23%, of noncitizens encountered by CBP are members of an FMU.[80] As with SA, CBP has limited capacity to hold FMU. Under Title 8, due to court-ordered restrictions that largely prohibit the long-term detention of families, FMU are generally released from DHS custody pending removal proceedings. Prior to release, some FMU are transferred from CBP custody to Family Staging Centers (FSC) operated by ICE. Only a limited number of FMU may be held in an FSC, and time in custody for an FMU is generally about 2–3 days before being released. FSC capacity is further limited by COVID–19 mitigation protocols.[81]

Releasing FMU to communities necessitates robust testing, vaccination where possible, and careful attention to consequence management (*e.g.,* facilities for isolation and quarantine). DHS has partnered with state and local agencies and non-governmental organizations to facilitate COVID–19 testing of FMU upon release from CBP custody. Pursuant to these arrangements, CBP generally transports FMU to release locations where partner agencies and organizations are on-site to provide testing and facilitate consequence management. Although the implementing partners and their capacities (including for consequence management such as housing) vary, the objectives are constant. These resources, however, are limited. They are already stretched thin, and certainly not available for all FMU who would be processed under Title 8 in the absence of an order issued under 42 U.S.C. 265. DHS has committed to supporting and, where possible, expanding these efforts, including exploring the incorporation of vaccination into this model. CDC strongly supports DHS efforts that include broad-based testing and vaccination.

Immigration Processing With an Order Under 42 U.S.C. 265

Following the issuance of the March and October Orders, covered noncitizens apprehended at or near U.S. borders, regardless of their country of origin, generally were expelled to Mexico or Canada, whichever they entered from, via the nearest POE, or to their country of origin. Where possible, SA and FMU eligible for expulsion based on the March and October Orders have been processed pursuant to the Title 42 authority, unless a case-by-case exception was made by DHS.[82]

Even with the March and October Orders in place, a significant percentage of FMU were unable to be expelled pursuant to the order, given a range of factors, including, most notably, restrictions imposed by foreign governments.[83] For example, the Mexican government has placed certain nationality- and demographic-specific restrictions on the individuals it will accept for return via the Title 42 expulsion process. With limited exceptions, the Mexican government will only accept the return of Mexican and Northern Triangle nationals. Moreover, along sections of the border, Mexican officials refuse to accept the return of any non-Mexican family with children under the age of seven, greatly reducing DHS' ability to expel FMU. In addition, many countries impose travel requirements, including COVID–19 testing, consular interviews, and identity verification that can delay repatriation. These added requirements often make prompt expulsion a practical impossibility. Conversely, DHS continues to be able to process the majority of SA under Title 42.[84] In those cases where Title 42 processing is not possible, SA and FMU are instead processed pursuant to Title 8. Processing noncitizens and issuing a Notice to Appear under Title 8 processes takes approximately an hour and a half to two hours per person. Conversely, processing an individual for expulsion under the CDC order takes roughly 15 minutes and generally happens outdoors.

The March and October Orders permitted noncitizens to be promptly returned to their country of origin, rather than being transferred to ICE custody or released into the United States, resulting in noncitizens spending shorter amounts of time in custody at CBP facilities. However, as the number of noncitizens attempting to enter the United States has surged and as individuals cannot be expelled pursuant to Title 42 given the restrictions in place, the time in custody at CBP facilities has increased for SA and FMU, even with the October Order in place. As of July 29, 2021, the current average time in custody at CBP facilities for SA

[79] For example, criminal cases must be held separately from administrative cases, SA must be separated by gender identity, FMU and UC must be separated from SA, and all vulnerable individuals must be protected from harm.

[80] Thus far this fiscal year, as of July 26, 2021.

[81] The total capacity for these FSCs is 3,230. However, due to COVID–19 mitigation protocols and family composition limitations, current operational capacity for the FSCs is approximately 2,400. In July 2021, due to an influx of single adults at the SWB, ICE ceased intake of family units at one of the FSCs and began to transition the facility to hold single adults. With this transition, the remaining COVID-limited FSC capacity for family units is approximately 1,800. Additionally, ICE has procured 1,200 additional beds at Emergency Family Staging Centers (EFSCs); this bed space is not limited by family composition or COVID–19.

[82] Some countries have put in place limitations that make expulsion pursuant to Title 42 inapplicable. The October Order excepted covered noncitizens ''who must test negative for COVID–19 before they are expelled to their home country'' and several countries refuse to accept the return of SA and FMU and other individuals unless DHS first secures a negative test result for each individual to be returned. These noncitizens are thus not covered by the prior Order and thus cannot be expelled pursuant to Title 42. See 85 FR at 65807.

[83] Only 33% of FMU encountered fiscal year to date have been expelled under Title 42 and this percentage has fallen over time. In June 2021, only 14% of FMU were expelled under Title 42, an average of approximately 300 per day.

[84] Fiscal year to date, 89% of SA have been expelled under Title 42. This percentage has fallen slightly as the constraints on expelling individuals have increased. In June 2021, 82% of SA were expelled under Title 42, an average of over 3,000 per day.

not subject to expulsion under the October Order is 50 hours. FMU currently spend an average of 62 hours in CBP custody prior to release or transfer to ICE. If the CDC Order were not in place, both SA and FMU time in custody would likely increase significantly.

B. Public Health Assessment of Single Adults and Family Units

Implementation of CDC's March and October Orders significantly reduced the length of time covered noncitizen SA and FMU are held in congregate settings at POE and U.S. Border Patrol stations, as well as in the ICE facilities that subsequently hold noncitizens.[85] By reducing congestion in these facilities, the Orders have helped lessen the introduction, transmission, and spread of COVID–19 among border facilities and into the United States while also decreasing the risk of exposure to COVID–19 for DHS personnel and others in the facilities. Implementation of the Orders has mitigated the potential erosion of DHS operational capacity due to COVID–19 outbreaks. The reduction in the number of SA and FMU held in these congregate settings continues to be a necessary mitigation measure as DHS moves towards the resumption of normal border operations.

The availability of testing, vaccination, and other mitigation measures [86] at migrant holding facilities must also be considered. While downstream ICE facilities may have greater ability to provide these measures, CBP cannot appropriately execute consequence management measures to minimize spread or transmission of COVID–19 within its facilities. Space constraints, for example, preclude implementation of cohorting and consequence management such as quarantine and isolation. Covered noncitizens housed in congregate settings who may be infected with COVID–19 may ultimately increase community transmission rates in the United States, especially among susceptible populations (*i.e.,* non-immune, under-vaccinated, and non-vaccinated persons). Mitigation measures, especially testing and vaccination, must be considered for the noncitizens being held, as well as for facility personnel. On-site COVID–19 testing for noncitizens at CBP holding facilities is very limited and the majority of testing takes place off-site. For example, if a noncitizen is transported to a community healthcare facility for medical care, testing is provided based on local protocols. Once transferred to ICE custody, testing for SA and FMU is more widely available.

Although COVID–19-related healthcare resources have substantially improved since the October Order was issued, emerging variants and the potential for a future vaccine-resistant variant mean the possible impacts on U.S. communities and local healthcare resources in the event of a COVID–19 outbreak at CBP facilities cannot be ignored. The introduction, transmission, and spread of SARS–CoV–2—including its variants—among covered noncitizens during processing and holding at congregate CBP settings remain a significant concern to the noncitizens, CBP personnel, as well as the community at large in light of transmission to unvaccinated individuals and the potential for breakthrough cases. Of particular note, POE and U.S. Border Patrol stations are ill-equipped to manage an outbreak and these facilities are heavily reliant on local healthcare systems for the provision of more extensive medical services to noncitizens.[87] Transfers to local healthcare systems for care could strain local or regional healthcare resources. Reliance on healthcare resources in border and destination communities may increase the pressure on the U.S. healthcare system and supply chain during the current public health emergency.[88] Of note, hospitalization rates are once again soaring nationally as the Delta variant spreads and the vaccination rate of the public lags. Ensuring the continued availability of healthcare resources is a critical component of the federal government's overall public health response to COVID–19.

Given the nature of COVID–19, there is no zero-risk scenario, particularly in congregate settings and with variants as transmissible as that of Delta in high circulation in the country. The ongoing pandemic presents complex and dynamic challenges relating to public health that limit DHS' ability to process noncitizens safely under normal Title 8 procedures. Processing a noncitizen under Title 8 can take up to eight times as long as processing a noncitizen under Title 42. Importantly, longer processing times result in longer exposure times to a heightened risk of COVID–19 transmission for both noncitizens and CBP personnel. Amid the ongoing migrant surge, both the COVID–19-reduced capacity and higher non-COVID holding capacity limits have been exceeded in CBP facilities. Complete termination of any order under 42 U.S.C. 265 would increase the number of noncitizens requiring processing under Title 8, resulting in severe overcrowding and a high risk of COVID–19 transmission among those held in the facilities and the CBP workforce, ultimately burdening the local healthcare system.[89]

All of this is of particular concern as the Delta variant continues to drive an increase in COVID–19 cases. While scientists learn more about Delta and other emerging variants, rigorous and increased compliance with public health mitigation strategies is essential to protect public health.[90] Reducing the further introduction, transmission, and spread of these variants and future variants of concern into the United States is key to defeating COVID–19. CDC has concluded that SA and FMU should continue to be subject to the Order at this time pending further improvements in the public health situation.

C. Comparison to Unaccompanied Noncitizen Children

As discussed in the July Exception, UC are differently situated than SA and

[85] For example, when processing noncitizens under Title 8, prior to referral to ICE or release into the community, CBP generally issues the noncitizen a ''Notice to Appear'' (also called an I–862), which is a charging document that initiates removal proceedings against the noncitizen and may include a court date or direct the noncitizen to report to an ICE office to receive a court date.

[86] *See Interim Guidance on Management of Coronavirus Disease 2019 (COVID–19) in Correctional and Detention Facilities,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html#correctional-facilities* (last visited July 28, 2021).

[87] *See* CBP Directive No. 2210–004, U.S. Customs and Border Protection, *https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/CBP_Final_Medical_Directive_123019.pdf* (Dec. 30, 2019). Many of the U.S. Border Patrol stations and POE facilities are located in remote areas and do not have ready access to local healthcare systems (which typically serve small, rural populations and have limited resources). 85 FR 56424, 56433. *See also* Abubakar I, Aldridge RW, Devakumar D, et al. The UCL-Lancet Commission on Migration and Health: the health of a world on the move. *Lancet.* 2018;392(10164):2606–2654. doi:10.1016/S0140–6736(18)32114–7.

[88] *See COVID–19 State Profile Report—Combined Set, HealthData.gov, https://healthdata.gov/Community/COVID-19-State-Profile-Report-Combined-Set/5mth-2h7d* (last updated July 28, 2021).

[89] Throughout the course of the COVID–19 pandemic, CDC has observed numerous outbreaks in similar congregate settings. *See FAQs for Correctional and Detention Facilities,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/faq.html* (last visited Apr. 15, 2021).

[90] *About Variants of the Virus that Causes COVID–19,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html* (last updated Apr. 2, 2021).

FMU. The Government has greater ability to care for UC while implementing appropriate COVID–19 mitigation measures. ORR has established a robust network of care facilities that provide testing and medical care and institute COVID–19 mitigation protocols, including vaccination for personnel and eligible UC. In light of these considerations, there is very low likelihood that processing UC in accordance with existing Title 8 procedures will result in undue strain on the U.S. healthcare system or healthcare resources. Moreover, UC released to a vetted sponsor or placed in a temporary or licensed ORR shelter do not pose a significant level of risk for COVID–19 spread into the community. UC are released only after having undergone testing, quarantine and/or isolation, and vaccination when possible, and their sponsors are provided with appropriate medical and public health direction. CDC thus finds that, at this time,[91] there is appropriate infrastructure in place to protect the children, caregivers, and local and destination communities from elevated risk of COVID–19 transmission. CDC believes the COVID–19-related public health concerns associated with UC introduction can be adequately addressed without UC being subject to this Order. As outlined in the July Exception and incorporated herein, CDC is fully excepting UC from this Order. The number of UC entering the United States is smaller than both the number of SA[92] and of FMU. Whereas UC can be excepted from the Order without posing a significant public health risk, the same is not true of SA and FMU, as described above.

D. Summary of Findings

Upon review of the various public health factors outlined above and in consideration of the circumstances at DHS facilities, it is CDC's assessment that suspending the right to introduce covered noncitizen SA and FMU who would otherwise be held at POE and U.S. Border Patrol stations remains necessary as the United States continues to combat the COVID–19 public health emergency. In making this determination, CDC has considered various possible alternatives (including but not limited to terminating the application of an order under 42 U.S.C. 265 for some or all SA and FMU, modifying the availability of exceptions for individual SA and FMU in an order under 42 U.S.C. 265, and reissuing an order under 42 U.S.C. 265 for some or all UC); but for the reasons discussed herein, CDC finds that the continued suspension of the right to introduce SA and FMU under the terms set forth herein, combined with the exception for UC, is appropriate at this time. This temporary suspension pending further improvements in the public health situation and greater ability to implement COVID–19 mitigation measures in migrant holding facilities will slow the influx of noncitizens into environments at higher risk for COVID–19 transmission and spread.

DHS has indicated a commitment to restoring border operations in a manner that complies with applicable COVID–19 mitigation protocols while also accounting for other public health and humanitarian concerns. In light of available mitigation measures, and with DHS' pledge to expand capacity in a COVID-safe manner similar to expansions undertaken by HHS and ORR to address UC influx, CDC believes that the gradual resumption of normal border operations under Title 8 is feasible. With careful planning, this may be initiated in a stepwise manner that complies with COVID–19 mitigation protocols. HHS and CDC intend to support DHS in this effort and continues to work with DHS to provide technical guidance on COVID–19 mitigation strategies for their unique facilities and populations.[93] CDC understands that DHS intends to continue exercising case-by-case exceptions for individual SA and FMU based on a totality of the circumstances as CDC transitions away from this Order. CDC is also providing an additional exception to permit DHS to except noncitizens participating in a DHS-approved program that incorporates pre-processing COVID–19 testing in Mexico of the noncitizens, prior to their safe and orderly entry to the U.S. via ports of entry. Based on the incorporation of relevant COVID–19 mitigation measures in such programs, in consultation with CDC, CDC believes such an exception is consistent with its legal authorities and in the public health interest.

II. Legal Basis for This Order Under Sections 362 and 365 of the Public Health Service Act and 42 CFR 71.40

CDC is issuing this Order pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265, 268) and the implementing regulation at 42 CFR 71.40. In accordance with these authorities, the CDC Director is permitted to prohibit, in whole or in part, the introduction into the United States of persons from designated foreign countries (or one or more political subdivisions or regions thereof) or places, only for such period of time that the Director deems necessary to avert the serious danger of the introduction of a quarantinable communicable disease, by issuing an Order in which the Director determines that:

(1) By reason of the existence of any quarantinable communicable disease in a foreign country (or one or more political subdivisions or regions thereof) or place there is serious danger of the introduction of such quarantinable communicable disease into the United States; and

(2) This danger is so increased by the introduction of persons from such country (or one or more political subdivisions or regions thereof) or place that a suspension of the right to introduce such persons into the United States is required in the interest of public health.[94]

CDC has authority under Section 362 and the implementing regulation to issue this Order to mitigate the further spread of COVID–19 disease, especially as the need to prevent proliferation of COVID–19 disease related to SARS–CoV–2 virus variants is heightened while vaccination efforts continue. Section 362 and the implementing regulation provide the Director with a public health tool to suspend introduction of persons not only to prevent the introduction of a quarantinable communicable disease, but also to aid in continued efforts to mitigate spread of that disease.[95]

The term ''introduction into the United States'' is defined in 42 CFR 71.40 as ''the movement of a person from a foreign country (or one or more political subdivisions or regions thereof) or place, or series of foreign countries or places, into the United States so as to bring the person into contact with persons or property in the United States,

[91] This situation could change based on an increased influx of UC, changes in COVID–19 infection dynamics among UC, or unforeseen reductions in housing capacity.

[92] Note, the total number of SA encounters may include repeat encounters with SA who attempt entry again following expulsion.

[93] CDC has advised DHS on best practices with regard to testing noncitizens at the point they are released to U.S. communities to await further immigration proceedings. In addition to enforcing physical distancing (as practicable), mask-wearing, and testing for both noncitizens and personnel alike in POE and U.S. Border Patrol stations, CDC advises vaccination of DHS/CBP personnel to further reduce the risk of COVID–19 introduction, transmission, and spread in facilities and communities and protect the federal workforce. Widespread vaccination of federal employees and other personnel in congregate settings at POE and U.S. Border Patrol stations is another layer of the strategy that will lead to the normalization of border operations.

[94] 42 U.S.C. 265; 42 CFR 71.40.

[95] 85 FR 56424 at 56425–26.

in a manner that the Director determines to present a risk of transmission of a quarantinable communicable disease to persons, or a risk of contamination of property with a quarantinable communicable disease, even if the quarantinable communicable disease has already been introduced, transmitted, or is spreading within the United States.'' 42 CFR 71.40(b)(1). Similarly, the term ''serious danger of the introduction of such quarantinable communicable disease into the United States'' is defined as, ''the probable introduction of one or more persons capable of transmitting the quarantinable communicable disease into the United States, even if persons or property in the United States are already infected or contaminated with the quarantinable communicable disease.'' 42 CFR 71.40(b)(3).

In promulgating § 71.40, CDC and HHS noted that '''introduction' does not necessarily conclude the instant that a person first steps onto U.S. soil. The introduction of a person into the United States can occur not only when a person first steps onto U.S. soil, but also when a person on U.S. soil moves further into the United States, and begins to come into contact with persons or property in ways that increase the risk of transmitting the quarantinable communicable disease.'' [96] This language recognizes that many quarantinable communicable diseases, including COVID–19, may be spread by infected individuals who are asymptomatic and therefore unaware that they are capable of transmitting the disease. Even when a communicable disease is already circulating within the United States, prevention and mitigation of continued transmission of the virus is nevertheless a key public health measure. In this case, although COVID–19 has already been introduced and is spreading within the United States, this Order serves as an important disease-mitigation tool to protect public health. This is particularly true as new variants of the virus continue to emerge. By continuing to suspend the introduction of persons from foreign countries into the United States, this Order will help minimize the spread of variants and their ability to accelerate disease transmission.

Section 71.40(b)(2) defines ''[p]rohibit, in whole or in part, the introduction into the United States of persons'' in Section 362 as ''to prevent the introduction of persons into the United States by suspending any right to introduce into the United States, physically stopping or restricting movement into the United States, or physically expelling from the United States some or all of the persons.'' *See also* 42 U.S.C. 265 (authorizing the prohibition when the danger posed by the communicable disease ''is so increased by the introduction of persons from such country . . . or place that a suspension of the right to introduce such persons into the United States is required in the interest of public health''). Pursuant to that provision, this Order permits expulsion of persons covered by it, as did the prior Orders issued under this authority.[97] CDC recognizes that expulsion is an extraordinary action but, as explained in the Final Rule, the power to expel is critical where neither HHS/CDC, nor other Federal agencies, nor state or local governments have the facilities and personnel necessary to quarantine, isolate, or conditionally release the number of persons who would otherwise increase the serious danger of the introduction of a quarantinable communicable disease into the United States.[98] In those situations, the rapid expulsion of persons from the United States may be the most effective public health measure that HHS/CDC can implement within the finite resources of HHS/CDC and its Federal, State, and local partners.[99]

As stated in the Final Rule for 42 CFR 71.40, CDC ''may, in its discretion, consider a wide array of facts and circumstances when determining what is required in the interest of public health in a particular situation . . . includ[ing]: the overall number of cases of disease; any large increase in the number of cases over a short period of time; the geographic distribution of cases; any sustained (generational) transmission; the method of disease transmission; morbidity and mortality associated with the disease; the effectiveness of contact tracing; the adequacy of state and local healthcare systems; and the effectiveness of state and local public health systems and control measures.'' [100] Other factors noted in the Final Rule are the potential for disease spread among persons held in congregate settings, specifically during processing and holding at CBP facilities, and the potential for disease spread to the community at large.[101]

As stated in 42 CFR 71.40, this Order does not apply to U.S. citizens, U.S. nationals, lawful permanent residents, members of the armed forces of the United States and associated personnel if the Secretary of Defense provides assurance to the Director that the Secretary of Defense has taken or will take measures such as quarantine or isolation, or other measures maintaining control over such individuals, to prevent the risk of transmission of the quarantinable communicable disease into the United States, and U.S. government employees or contractors on orders abroad, or their accompanying family members who are on their orders or are members of their household, if the Director receives assurances from the relevant head of agency and determines that the head of the agency or department has taken or will take measures such as quarantine or isolation, to prevent the risk of transmission of a quarantinable communicable disease into the United States.[102]

In addition, this Order does not apply to those classes of persons excepted by the CDC Director. Including exceptions in the Order is consistent with Section 362 and 42 CFR 71.40, which permit the prohibition of introduction into the United States to be ''in whole or in part.'' As explained in the Final Rule for section 71.40, this language is intended to allow the Director to narrowly tailor the use of the authority to what is required in the interest of public health.[103] Pursuant to this capability, CDC is therefore excepting specific categories of persons from the Order, as described herein.

As required by Section 362, this Order will be in effect only for as long as it is needed to avert the serious danger of the introduction, transmission, and spread of COVID–19 into the United States and will be terminated when the continuation of the Order is no longer necessary to protect the public health. Finally, as directed by 42 CFR 71.40(c), the Order sets out the following:

(1) The foreign countries (or one or more political subdivisions or regions thereof) or places from which the introduction of persons is being prohibited;

(2) The period of time or circumstances under which the introduction of any persons or class of persons into the United States is being prohibited;

[96] *Id.* at 56425.

[97] *See id.* at 56425, 56433.

[98] *Id.* at 56425, 56445–46.

[99] *Id.* at 56425.

[100] *Id.* at 56444.

[101] *Id.* at 56434. Strain on healthcare systems was also cited as a factor in the Final Rule, specifically the additional strain that noncitizen migrant healthcare needs may place on already overburdened systems; the Final Rule described the reduction of this strain as a result of CDC's previously issued orders. *Id.* at 56431.

[102] 42 CFR 71.40(e) and (f).

[103] 85 FR 56424, 56444.

(3) The conditions under which that prohibition on introduction will be effective, in whole or in part, including any relevant exceptions that the Director determines are appropriate;

(4) The means by which the prohibition will be implemented; and

(5) The serious danger posed by the introduction of the quarantinable communicable disease in the foreign country or countries (or one or more political subdivisions or regions thereof) or places from which the introduction of persons is being prohibited.

III. Issuance and Implementation of Order

Based on the foregoing public health reassessment, I hereby issue this Order pursuant to Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265, 268, and their implementing regulations under 42 CFR part 71,[104] which authorize the CDC Director to suspend the right to introduce persons into the United States when the Director determines that the existence of a quarantinable communicable disease in a foreign country or place creates a serious danger of the introduction of such disease into the United States and the danger is so increased by the introduction of persons from the foreign country or place that a temporary suspension of the right of such introduction is necessary to protect public health. This Order hereby replaces and supersedes the Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists, issued on October 13, 2020 (October Order) [105] and affirms and incorporates the exception for UC published in the July Exception, such that UC are excepted from this Order.[106]

This Order addresses the current status of the COVID–19 public health emergency and ongoing public health concerns, including virus transmission dynamics, viral variants, mitigation efforts, the public health risks inherent to high migration volumes, low vaccination rates among migrants, and crowding of immigration facilities. In making this determination, I have considered myriad facts, including the congregate nature of border facilities and the high risk for COVID–19 outbreaks—especially now with the predominant, more transmissible Delta variant—presented following the introduction of an infected person, as well as the benefits of reducing such risks. I have also considered epidemiological information, including the viral transmissibility and asymptomatic transmission of COVID–19, the epidemiology and spread of SARS–CoV–2 variants, the morbidity and mortality associated with the disease for individuals in certain risk categories, as well as public health concerns with crowding at border facilities and resultant risk of transmission of additional quarantinable communicable diseases. I am issuing this Order to preserve the health and safety of U.S. citizens, U.S. nationals, and lawful permanent residents, and personnel and noncitizens in POE and U.S. Border Patrol stations by reducing the introduction, transmission, and spread of the virus that causes COVID–19, including new and existing variants, in congregate settings where covered noncitizens would otherwise be held while undergoing immigration processing, including at POE and U.S. Border Patrol stations at or near the U.S. land and adjacent coastal borders.

Based on an assessment of the current COVID–19 epidemiologic landscape and the U.S. government's ongoing efforts to accommodate UC, CDC does not find public health justification for this Order to apply with respect to UC, as outlined in the July Exception. Although CDC finds that, at this time, this Order should be applicable to FMU, CDC notes that there are fewer FMU than SA unlawfully entering the United States and many FMU are already being processed pursuant to Title 8 versus Title 42 given a variety of practical and other limitations on immediately expelling FMU. DHS has indicated that it plans to continue to partner with state and local agencies and nongovernmental organizations to provide testing, consequence management, and eventually vaccination to FMU who are determined to be eligible for Title 8 processing. CDC considers these efforts to be a critical risk reduction measure and encourages DHS to evaluate the potential expansion of such COVID–19 mitigation programs for FMU such that they may be excepted from this Order in the future. Although vaccination programs are not available at this time, CDC encourages DHS to develop such programs as quickly as practicable. While the migration of SA and FMU into the United States during the COVID–19 public health emergency continues and given the inherent risks that accompany holding these groups in crowded congregate settings with insufficient options for effective mitigation, CDC finds the public health justification for this Order is sustained at this time.

DHS has indicated that it is committed to restoring border operations and facilitating arrivals to the United States in a manner that comports with CDC's recommended COVID–19 mitigation protocols. Given the recent migrant surge, DHS believes that an incremental approach is the best way to recommence normal border operations while ensuring health and safety concerns are addressed. To this end, DHS will work to establish safe, efficient, and orderly processes that are consistent with appropriate health and safety protocols and the epidemiology of the COVID–19 pandemic, in consultation with CDC.

CDC's expectation is that although this Order will continue with respect to SA and FMU, DHS will use case-by-case exceptions based on the totality of the circumstances where appropriate to except individual SA and FMU in a manner that gradually recommences normal migration operations as COVID–19 health and safety protocols and capacity allows. DHS will consult with CDC to ensure that the standards for such exceptions are consistent with current CDC guidance and public health recommendations. Based on this incorporation of relevant COVID–19 mitigation measures, CDC believes it is consistent with the legal authorities and in the public health interest to continue the use of case-by-case exceptions as a step towards the resumption of normal border operations under Title 8. Additionally, DHS is working in coordination with nongovernmental organizations, state and local health departments, and other relevant facilitating organizations and entities as appropriate to develop DHS-approved processes that include pre-entry COVID–19 testing. Additional public health mitigation measures, such as maintaining physical distancing and use of masks, testing, and isolation and quarantine as appropriate, are included in such processes. DHS has documented these processes and shared them with CDC. CDC has consulted with DHS to ensure that the processes appropriately address public health concerns and align with relevant CDC COVID–19 mitigation protocols. Based on these plans and processes, CDC believes it is consistent with legal authorities and in the public health interest to permit an exception for noncitizens in such DHS-approved processes to allow for safe and orderly entry into the United States.

[104] Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right to Introduce and Prohibition of Introduction of Persons into United States from Designated Foreign Countries or Places for Public Health Purposes, 85 FR 56424 (Sept. 11, 2020); 42 CFR 71.40.

[105] *Supra* note 4.

[106] *Supra* note 3.

A. Covered Noncitizens

This Order applies to persons traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a POE or U.S. Border Patrol station at or near the U.S. land and adjacent coastal borders subject to certain exceptions detailed below; this includes noncitizens who do not have proper travel documents, noncitizens whose entry is otherwise contrary to law, and noncitizens who are apprehended at or near the border seeking to unlawfully enter the United States between POE. For purposes of this Order, I refer to persons covered by the Order as ''covered noncitizens.''

B. Exceptions

This Order does *not* apply to the following:

- U.S. citizens, U.S. nationals, and lawful permanent residents; [107]
- Members of the armed forces of the United States and associated personnel, U.S. government employees or contractors on orders abroad, or their accompanying family members who are on their orders or are members of their household, subject to required assurances; [108]
- Noncitizens who hold valid travel documents and arrive at a POE;
- Noncitizens in the visa waiver program who are not otherwise subject to travel restrictions and arrive at a POE;
- Unaccompanied Noncitizen Children; [109]
- Noncitizens who would otherwise be subject to this Order, who are permitted to enter the U.S. as part of a DHS-approved process, where the process approved by DHS has been documented and shared with CDC, and includes appropriate COVID–19 mitigation protocols, per CDC guidance; and
- Persons whom customs officers determine, with approval from a supervisor, should be excepted from this Order based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests. DHS will consult with CDC regarding the standards for such exceptions to help ensure consistency with current CDC guidance and public health recommendations.

C. APA, Review, and Termination

This Order shall be immediately effective. I consulted with DHS and other federal departments as needed before I issued this Order and requested that DHS continue to aid in the enforcement of this Order because CDC does not have the capability, resources, or personnel needed to do so.[110] As part of the consultation, DHS developed operational plans for implementing this Order. CDC has reviewed these plans and finds them to be consistent with the language of this Order directing that covered noncitizens spend as little time in congregate settings as practicable under the circumstances. In my view, DHS's assistance with implementing the Order is necessary, as CDC's other public health tools are not viable mechanisms given CDC resource and personnel constraints, the large numbers of covered noncitizens involved, and the likelihood that covered noncitizens do not have homes in the United States.[111]

This Order is not a rule subject to notice and comment under the Administrative Procedure Act (APA). Even if it were, notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and the opportunity to comment on this Order and a delayed effective date. Given the public health emergency caused by COVID–19, it would be impracticable and contrary to public health practices and the public interest to delay the issuing and effective date of this Order with respect to all covered noncitizens. In addition, this Order concerns ongoing discussions with Canada and Mexico on how best to control COVID–19 transmission over our shared borders and therefore directly ''involve[s] . . . a . . . foreign affairs function of the United States;'' [112] thus, notice and comment and a delay in effective date are not required.

This Order shall remain effective until either the expiration of the Secretary of HHS' declaration that COVID–19 constitutes a public health emergency, or I determine that the danger of further introduction, transmission, or spread of COVID–19 into the United States has ceased to be a serious danger to the public health and continuation of this Order is no longer necessary to protect public health, whichever occurs first. At least every 60 days, the CDC shall review the latest information regarding the status of the COVID–19 public health emergency and associated public health risks, including migration patterns, sanitation concerns, and any improvement or deterioration of conditions at the U.S. border, to determine whether the Order remains necessary to protect public health. Upon determining that the further introduction of COVID–19 into the United States is no longer a serious danger to the public health necessitating the continuation of this Order, I will publish a notice in the **Federal Register** terminating this Order. I retain the authority to modify or terminate the Order, or its implementation, at any time as needed to protect public health.

Authority

The authority for this Order is Sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265, 268) and 42 CFR 71.40.

Dated: August 3, 2021.

Sherri Berger,

Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2021–16856 Filed 8–3–21; 4:15 pm]

BILLING CODE 4163–18–P

[107] 42 CFR 71.40(f).

[108] 42 CFR 71.40(e)(1) and (3).

[109] As excepted pursuant to the Public Health Determination Regarding an Exception for Unaccompanied Noncitizen Children from Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists. 86 FR 38717 (July 22, 2021).

[110] 42 U.S.C. 268; 42 CFR 71.40(d).

[111] CDC relies on the Department of Defense, other federal agencies, and state and local governments to provide both logistical support and facilities for federal quarantines. CDC lacks the resources, manpower, and facilities to quarantine covered noncitizens.

[112] 5 U.S.C. 553(a)(1).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10148 and CMS–10784]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our

Case 1:21-cv-00100-EGS Document 168-3 Filed 11/21/22 Page 33 of 128
USCA Case #22-5279 Document #1977146 Filed 09/08/22 Page 33 of 128

timeframe that would exacerbate present low flow conditions.

(iii) Discontinue the project's consumptive use, which may include reduction of the project sponsor's consumptive use to less than 20,000 gpd during periods of low flow. In any case of failure to provide the specified discontinuance, such project shall provide mitigation in accordance with paragraph (b)(3) of this section, for the calendar year in which such failure occurs, after which the Commission will reevaluate the continued acceptability of the discontinuance.

* * * * *

(e) * * *

(1) *General rule.* Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section, any project that is solely supplied water for consumptive use by public water supply, stormwater, wastewater, or other reused or recycled water, or any combination thereof, may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the Executive Director determines that the project cannot be adequately regulated under this approval by rule.

* * * * *

Dated: March 16, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2020–05871 Filed 3–23–20; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico

AGENCY: Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notification of temporary travel restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to ''essential travel'' as further defined in this document.

DATES: These restrictions go into effect at 11:59 p.m. Eastern Daylight Time (EDT) on March 20, 2020 and will remain in effect until 11:59 p.m. EDT on April 20, 2020.

FOR FURTHER INFORMATION CONTACT: Alyce Modesto, Office of Field Operations, U.S. Customs and Border Protection (CBP) at 202–344–3788.

SUPPLEMENTARY INFORMATION:

Background

Coronavirus Disease 2019 (COVID–19), a communicable disease caused by a new (novel) coronavirus named SARS–CoV–2, is a respiratory disease that can cause fever, cough, and difficulty breathing, with reported illnesses ranging from mildly symptomatic to severe illness and death. Although the virus that causes COVID–19 was originally detected in China, it has resulted in a pandemic with cases in 158 countries, including in the United States and Mexico. On January 30, 2020, the Director-General of the World Health Organization declared the outbreak a ''public health emergency of international concern'' under the International Health Regulations (2005).[1] On January 31, 2020, the Secretary of the Department of Health and Human Services declared a nationwide ''public health emergency'' under section 319 of the Public Health Service Act, 42 U.S.C. 274d, as a result of confirmed cases of COVID–19.[2] On March 11, 2020, the World Health Organization announced that the COVID–19 outbreak can be characterized as a pandemic. On March 13, 2020, the President determined that the ongoing COVID–19 pandemic is of sufficient severity and magnitude to warrant an emergency determination under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207. In addition, on March 13, 2020, the President declared a national emergency under sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*[3] The Mexican Ministry of Education has closed all schools from March 20 until April 20, and between March 23 and April 19, the Mexican government has implemented a domestic social-distancing campaign to minimize the spread of the virus that causes COVID–19.

Notice of Action

Given the outbreak and continued transmission and spread of COVID–19 within the United States and globally, I have determined that the risk of continued transmission and spread of COVID–19 between the United States and Mexico poses a ''specific threat to human life or national interests.''

U.S. and Mexican officials have mutually determined that non-essential travel between the United States and Mexico poses additional risk of transmission and spread of COVID–19 and places the populace of both nations at increased risk of contracting COVID–19. Moreover, given the sustained human-to-human transmission of the virus, maintaining the current level of travel between the two nations places the personnel staffing land ports of entry between the United States and Mexico, as well as the individuals traveling through these ports of entry, at increased risk of exposure to COVID–19. Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),[4] I have determined that land ports of entry along the U.S.-Mexican border will suspend normal operations and process for entry only those travelers engaged in ''essential travel,'' defined below, for entry into the United States. Given the definition of ''essential travel'' below,

[1] Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019–nCoV) (Jan. 30, 2020), available at *https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov).*

[2] HHS, ''Determination that a Public Health Emergency Exists,'' *https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx.*

[3] Proclamation 9994 of Mar. 13, 2020 on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak, 85 FR 15337 (Mar. 18, 2020).

[4] 19 U.S.C. 1318(b)(1)(C) provides that ''[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,'' is authorized to ''take any . . . action that may be necessary to respond directly to the national emergency or specific threat.'' On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities ''related to Customs revenue functions'' were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. *See* Treas. Dep't Order No. 100–16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that ''[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.'' Congress has vested in the Secretary of Homeland Security the ''functions of all officers, employees, and organizational units of the Department,'' including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Mexico border shall be limited to ''essential travel,'' which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (*e.g.,* to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (*e.g.,* individuals working in the farming or agriculture industry who must travel between the United States and Mexico in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (*e.g.,* government officials or emergency responders entering the United States to support Federal, state, local, tribal, or territorial government efforts to respond to COVID–19 or other emergencies);
- Individuals engaged in lawful cross-border trade (*e.g.,* truck drivers supporting the movement of cargo between the United States and Mexico);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of ''essential travel'' for purposes of this Notification—

- Individuals traveling for tourism purposes (*e.g.,* sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Mexico, but does apply to passenger rail and ferry travel between the United States and Mexico. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EDT on April 20, 2020. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat.

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute ''essential travel'' under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in ''essential travel.''

The Acting Secretary of Homeland Security, Chad F. Wolf, having reviewed and approved this document, is delegating the authority to electronically sign this document to Chad Mizelle, who is the Acting General Counsel for DHS, for purposes of publication in the **Federal Register**.

Chad R. Mizelle,

Acting General Counsel, U.S. Department of Homeland Security.

[FR Doc. 2020–06253 Filed 3–20–20; 2:30 pm]

BILLING CODE 9112–FP–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada

AGENCY: Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notification of temporary travel restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel'' as further defined in this document.

DATES: These restrictions go into effect at 11:59 p.m. Eastern Daylight Time (EDT) on March 20, 2020 and will remain in effect until 11:59 p.m. EDT on April 20, 2020.

FOR FURTHER INFORMATION CONTACT: Alyce Modesto, Office of Field Operations, U.S. Customs and Border Protection (CBP) at 202–344–3788.

SUPPLEMENTARY INFORMATION:

Background

Coronavirus Disease 2019 (COVID–19), a communicable disease caused by a new (novel) coronavirus named SARS–CoV–2, is a respiratory disease that can cause fever, cough, and difficulty breathing, with reported illnesses ranging from mildly symptomatic to severe illness and death. Although the virus that causes COVID–19 was originally detected in China, it has resulted in a pandemic with cases in 158 countries, including in the United States and Canada. On January 30, 2020, the Director-General of the World Health Organization declared the outbreak a ''public health emergency of international concern'' under the International Health Regulations (2005).[1] On January 31, 2020, the Secretary of the Department of Health and Human Services declared a nationwide ''public health emergency'' under section 319 of the Public Health Service Act, 42 U.S.C. 274d, as a result of confirmed cases of COVID–19.[2] On March 11, 2020, the World Health Organization announced that the COVID–19 outbreak can be characterized as a pandemic. On March 13, 2020, the President determined that the ongoing COVID–19 pandemic is of sufficient severity and magnitude to warrant an emergency determination under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207. In addition, on March 13, 2020, the President declared a national emergency under sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*[3] To protect against the COVID–19 threat in Canada, the Government of Canada announced measures effective March 18, 2020 to close its borders to foreign nationals entering the country and to redirect international flight arrivals to predesignated airports. Additionally, multiple provinces within Canada declared states of emergency due to the COVID–19 outbreak.

[1] Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019–nCoV) (Jan. 30, 2020), available at *https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov).*

[2] HHS, ''Determination that a Public Health Emergency Exists,'' *https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx.*

[3] Proclamation 9994 of Mar. 13, 2020 on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak, 85 FR 15337 (Mar. 18, 2020).

www.regulations.gov. A copy of FAA Order JO 7400.11F may be inspected at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

§ 71.5 [Amended]

■ 3. Section 71.5 is amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

§ 71.15 [Amended]

■ 4. Section 71.15 is amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

§ 71.31 [Amended]

■ 5. Section 71.31 is amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

§ 71.33 [Amended]

■ 6. Paragraph (c) of section 71.33 is amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

§ 71.41 [Amended]

■ 7. Section 71.41 is amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

§ 71.51 [Amended]

■ 8. Section 71.51 is amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

§ 71.61 [Amended]

■ 9. Section 71.61 is amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

§ 71.71 [Amended]

■ 10. Paragraphs (b), (c), (d), (e), and (f) of section 71.71 are amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

§ 71.901 [Amended]

■ 11. Paragraph (a) of section 71.901 is amended by removing the words ''FAA Order 7400.11E'' and adding, in their place, the words ''FAA Order JO 7400.11F.''

Issued in Washington, DC, on August 17, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–17915 Filed 8–20–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico

AGENCY: Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notification of continuation of temporary travel restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border. Such travel will be limited to ''essential travel,'' as further defined in this document.

DATES: These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on August 22, 2021, and will remain in effect until 11:59 p.m. EDT on September 21, 2021, unless amended or rescinded prior to that time.

FOR FURTHER INFORMATION CONTACT: Stephanie Watson, Office of Field Operations Coronavirus Coordination Cell, U.S. Customs and Border Protection (CBP) at 202–325–0840.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2020, DHS published notice of its decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to ''essential travel,'' as further defined in that document.[1] The document described the developing circumstances regarding the COVID–19 pandemic and stated that, given the outbreak and continued transmission and spread of the virus associated with COVID–19 within the United States and globally, DHS had determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Mexico posed a ''specific threat to human life or national interests.'' DHS later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on August 21, 2021.[2]

DHS continues to monitor and respond to the COVID–19 pandemic. As of the week of August 5, 2021, there have been over 200 million confirmed cases globally, with over 4 million confirmed deaths.[3] There have been over 36.1 million confirmed and probable cases within the United States,[4] over 1.4 million confirmed cases in Canada,[5] and over 2.9 million confirmed cases in Mexico.[6]

DHS also notes that the Delta variant is driving an increase in cases, hospitalizations, and deaths in the United States.[7] Canada and Mexico are also seeing increased case counts and deaths.[8]

[1] 85 FR 16547 (Mar. 24, 2020). That same day, DHS also published notice of its decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel,'' as further defined in that document. 85 FR 16548 (Mar. 24, 2020).

[2] *See* 86 FR 38554 (July 22, 2021); 86 FR 32766 (June 23, 2021); 86 FR 27800 (May 24, 2021); 86 FR 21189 (Apr. 22, 2021); 86 FR 14813 (Mar. 19, 2021); 86 FR 10816 (Feb. 23, 2021); 86 FR 4967 (Jan. 19, 2021); 85 FR 83433 (Dec. 22, 2020); 85 FR 74604 (Nov. 23, 2020); 85 FR 67275 (Oct. 22, 2020); 85 FR 59669 (Sept. 23, 2020); 85 FR 51633 (Aug. 21, 2020); 85 FR 44183 (July 22, 2020); 85 FR 37745 (June 24, 2020); 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020). DHS also published parallel notifications of its decisions to continue temporarily limiting the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel.'' *See* 86 FR 38556 (July 22, 2021); 86 FR 32764 (June 23, 2021); 86 FR 27802 (May 24, 2021); 86 FR 21188 (Apr. 22, 2021); 86 FR 14812 (Mar. 19, 2021); 86 FR 10815 (Feb. 23, 2021); 86 FR 4969 (Jan. 19, 2021); 85 FR 83432 (Dec. 22, 2020); 85 FR 74603 (Nov. 23, 2020); 85 FR 67276 (Oct. 22, 2020); 85 FR 59670 (Sept. 23, 2020); 85 FR 51634 (Aug. 21, 2020); 85 FR 44185 (July 22, 2020); 85 FR 37744 (June 24, 2020); 85 FR 31050 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020).

[3] WHO, Coronavirus disease 2019 (COVID–19) Weekly Epidemiological Update (June 8, 2021), available at *https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports* (accessed Aug. 11, 2021).

[4] CDC, COVID Data Tracker: United States COVID–19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction, *https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days* (accessed Aug. 11, 2021).

[5] WHO, Situation by Region, Country, Territory & Area, available at *https://covid19.who.int/table* (accessed Aug. 11, 2021).

[6] *Id.*

[7] *See* CDC, Delta Variant: What We Know About the Science, *https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html* (accessed Aug. 16, 2021).

[8] *See* Government of Canada, Coronavirus Disease (COVID–19) For Health Professionals, *https://health-infobase.canada.ca/covid-19/*

Continued

Notice of Action

Given the outbreak and continued transmission and spread of COVID–19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Mexico poses an ongoing ''specific threat to human life or national interests.''

In March 2020, U.S. and Mexican officials mutually determined that non-essential travel between the United States and Mexico posed additional risk of transmission and spread of the virus associated with COVID–19 and placed the populace of both nations at increased risk of contracting the virus associated with COVID–19. Given the sustained human-to-human transmission of the virus, coupled with risks posed by new variants, non-essential travel to the United States places the personnel staffing land ports of entry between the United States and Mexico, as well as the individuals traveling through these ports of entry, at increased risk of exposure to the virus associated with COVID–19. Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),[9] I have determined that land ports of entry along the U.S.-Mexico border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in ''essential travel,'' as defined below. Given the definition of ''essential travel'' below, this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Mexico border shall be limited to ''essential travel,'' which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (*e.g.,* to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (*e.g.,* individuals working in the farming or agriculture industry who must travel between the United States and Mexico in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (*e.g.,* government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID–19 or other emergencies);
- Individuals engaged in lawful cross-border trade (*e.g.,* truck drivers supporting the movement of cargo between the United States and Mexico);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of ''essential travel'' for purposes of this Notification—

- Individuals traveling for tourism purposes (*e.g.,* sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Mexico, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Mexico. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EDT on September 21, 2021. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat. In coordination with public health and medical experts, DHS continues working closely with its partners across the United States and internationally to determine how to safely and sustainably resume normal travel.

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute ''essential travel'' under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in ''essential travel.''

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2021–18061 Filed 8–20–21; 8:45 am]

BILLING CODE 9112–FP–P

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epidemiological-summary-covid-19-cases.html#VOC (accessed Aug., 16, 2021). *See* Government of Mexico, Ministry of Health, COVID–19 National General Information, *https://datos.covid-19.conacyt.mx/#DOView* (accessed Aug. 16, 2021); Mexican Consortium of Genomic Surveillance (CoViGen-Mex), Reportes, *http://mexcov2.ibt.unam.mx:8080/COVID-TRACKER/* (accessed Aug. 16, 2021).

[9] 19 U.S.C. 1318(b)(1)(C) provides that ''[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,'' is authorized to ''[t]ake any . . . action that may be necessary to respond directly to the national emergency or specific threat.'' On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities ''related to Customs revenue functions'' were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. *See* Treas. Dep't Order No. 100–16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that ''[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.'' Congress has vested in the Secretary of Homeland Security the ''functions of all officers, employees, and organizational units of the Department,'' including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada

AGENCY: Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notification of continuation of temporary travel restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border. Such travel will be limited to ''essential travel,'' as further defined in this document.

DATES: These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on August 22, 2021, and will remain in

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS, Plaintiff, v. JOSEPH R. BIDEN, JR., et al., Defendants.	Civil Action No. 4:21-cv-00579-P

DECLARATION OF RODNEY S. SCOTT

I, Rodney S. Scott, pursuant to 28 U.S.C. § 1746, based upon my personal knowledge, and documents and information made known or available to me as of the time of signature hereby declare as follows:

1. I served as the Chief, U.S. Border Patrol (USBP), of U.S. Customs and Border Protection (CBP) from February 2, 2020, to August 14, 2021. My tenure as Chief, USBP spanned both the Presidential Administration of Joe Biden as well as Donald Trump. As Chief, I served as the senior most official in CBP responsible for implementing Title 42 Authority between the ports of entry. I honorably retired on August 14, 2021, after serving more than 29 years as a U.S. Border Patrol agent. Prior to serving as the Chief of USBP, I was the Chief of the San Diego Sector. That Sector (a term for the geographic demarcation of a particular area of responsibility within USBP) includes approximately 60 linear miles of border shared with Mexico and 931 miles of coastal border, with approximately 2,200 Border Patrol Agents. I have also served in various other leadership positions in USBP, including Chief Patrol Agent of the El Centro

Sector; Deputy Chief Patrol Agent at San Diego Sector; Patrol Agent in Charge at the Brown Field Station in San Diego Sector; Assistant Chief in CBP's Office of Anti-Terrorism in Washington, D.C.; and Director/Division Chief for the Incident Management and Operations Coordination Division at CBP Headquarters.

2. In my position as the Chief of USBP, I was the highest ranking official within USBP, responsible for executing the missions of the Department of Homeland Security (DHS), CBP, and USBP. The USBP is the primary federal law enforcement organization responsible for preventing the entry of terrorists and their weapons and for preventing the illicit trafficking of people and contraband between ports of entry. USBP has a workforce of over 21,000 personnel who support or directly patrol the border of the United States in-between the legal Ports of Entry. As Chief, I was also responsible for the daily operations of USBP, including the development and implementation of all nationwide policy decisions.

3. I am familiar with the Centers for Disease Control and Prevention (CDC) Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists (Mar. 20, 2020) (CDC Order or Title 42) and subsequent extensions and amendments, as well as CBP's role in assisting with implementing this Order.

4. U.S. Border Patrol equipment and facilities are limited and do not allow for social distancing or isolation of individuals as recommended by CDC. The

significant volume of migrants encountered by USBP, which is currently averaging over 6,000 per day, make COVID testing impractical.

5. I am familiar with the U.S. District Court for the District of Columbia's November 18, 2020, order (District Court Order) in *P.J.E.S. v. Wolf, et al.,* No. 1:20-cv-02245 (D.D.C. August 14, 2020), that, among other things, certified a class of unaccompanied alien children who are or will be in U.S. government custody and would be expelled consistent with the CDC Order, generally discussed above. I also understand that the District Court Order enjoined CBP from "expelling the Class Members from the United States under the CDC Order Process, whether pursuant to an Order issued by the Director of the Centers for Disease Control and Prevention under the authority granted by the Interim Final Rule, 85 Fed. Reg. 16559-01, or the Final Rule, 85 Fed. Reg. 56,424-01." I further understand that the U.S. District Court for the District of Columbia denied the government's request for a stay pending appeal.

6. On November 18, 2020, under my guidance, USBP headquarters issued guidance on the District Court's preliminary injunction to all USBP Field Chiefs and Field Deputies for immediate implementation in their Area of Responsibility. Specifically, the guidance provided that operational procedures must be amended to immediately prohibit the expulsion of class members under Title 42. Additionally, the guidance further confirmed that all unaccompanied alien children (UAC) must be processed consistent with applicable law and policy.

7. On or about January 29, 2021, the U.S Court of Appeals for the D.C. Circuit granted the federal government's motion to stay the preliminary injunction pending appeal in *P.J.E.S. v. Pekoske, et al.*, No. 1:20-cv02245. Therefore, DHS was allowed to immediately resume expelling unaccompanied alien children under Title 42 and return to pre-November 18th, 2020, Title 42 processing.
8. USBP acted immediately and instructed personnel to resume Title 42 processing and expulsions consistent with the granted stay. Consistent with well-established delegated authority within the USBP Headquarters organizational structure, leadership within the USBP Law Enforcement Operations Directorate (a Directorate directly subordinate to the Chief, U.S. Border Patrol) provided guidance to field chiefs and field deputies to immediately resume implementation of Title 42 for UAC. Simultaneously, I was informed of this action and concurred.
9. On or about January 30, 2021, at approximately 6:03 PM I received written instructions via electronic email from the Acting Commissioner of U.S. Customs and Border Protection, saying that DHS had decided not to act on the approved stay and that USBP was prohibited from resuming Title 42 processing or expulsions of unaccompanied alien children until approved by DHS. I was not directly or indirectly included in any pre-decision deliberations prior to this DHS guidance, nor was I provided any information to support that this decision was formulated based on new medical evidence. Furthermore, in

my opinion this decision was in direct contrast to the governments' evidence-based arguments provided during the appeal of this initial injunction.

10. On or about January 31, 2021, I sent an email to Acting Commissioner Miller saying:

> *[T]his email serves as my objection to any decision to voluntarily carve out a class of individuals from the CDC order. It is my understanding that the sole intent of the CDC order is to protect America by preventing the further introduction of COVID-19 into the US population. As highlighted in discussions with CDC when the original orders were issued, any voluntary deviations from that order place U.S. citizens, our personnel and the migrants themselves at increased risk of contracting COVID-19. Additionally, this decision will increase the pressure placed on the limited medical capability in the local communities along the border.*

11. To date, I have not been provided any medical rationale or scientific evidence to justify excluding any specific group or class of individuals from Title 42.

12. This is a significant departure from well-established practices and protocols. In my experience, USBP leadership, and specifically the Chief of the USBP or his or her delegate, has been included in detailed briefings and deliberations to facilitate informed decision-making prior to implementing a significant policy decision such as this.

13. Based on my experience, knowledge, and previous briefings from CDC, I believe that this decision was arbitrary and lacked any factual or evidentiary basis.

14. Furthermore, based on previous briefings provided by CDC and exposure modeling conducted by CBP, I believe this arbitrary decision and the associated public statements that followed directly attributed to a significant

surge in illegal entries by unaccompanied alien children and significantly increased the risk of introducing COVID-19 and its variants into the U.S. population.

15. I am also familiar with CBP's processing of aliens who were encountered as members of family units.

16. Acting under the CDC's Order, prior to the January of 2021, members of family units were largely expelled from the United States under Title 42 or put into an alternate pathway that prevented their release into the interior of the United States.

17. Since approximately January of 2021, CBP has encountered an increasing number of members of family units along the southwest border.

18. In addition to the policy exception for UAC, I believe that a series of political decisions resulted in a significant number of illegal aliens, classified as family units, being granted exemption from Title 42 expulsions.

19. For example, after the change in administrations and during my service as the Chief of the Border Patrol, the Government of Mexico began refusing to accept the return of certain aliens at certain ports of entry, to include family units.

20. In my opinion, during prior administrations, the Department of State would have been engaged to assert political pressure on Mexico to encourage them to find a joint solution. To my knowledge the Biden Administration did not apply such pressure here, and the United States Government accepted Mexico's unilateral decision and allowed them to control the situation. This directly

resulted in a significant increase in aliens being processed under Title 8 and then released into the United States.

21. For example, in October 2020, over 91% of total encounters by USBP were processed under Title 42 and expelled in an average of 90 minutes. As of August 1, 2021, nearly 53% are being granted exemptions from Title 42 with the majority ultimately being released into the United States.

22. As a routine process, CBP seeks to quickly transfer all aliens—other than UAC—to U.S. Immigration and Customs Enforcement (ICE) who cannot be immediately removed or expelled.

23. However, ICE accepts a small fraction of the total alien family units apprehended by CBP and processes them for detention that normally will not exceed 20 days or for alternatives to detention and then release the family units into the United States.

24. When ICE is unable or unwilling to assume custody of any alien, CBP will process the alien for a Notice to Appear or a Notice to Report and then release the alien at a local transportation hub or to a non-governmental organization that provides assistance to migrant populations.

25. Today, the vast majority of family unit aliens are apprehended, processed, and then released into the United States. They are not tested for COVID-19 prior to their release from CBP custody.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, as of the time of signature.

Executed this 23rd day of August 2021.

Rodney S. Scott
Retired Chief, U.S. Border Patrol

AGREEMENT BETWEEN DEPARTMENT OF HOMELAND SECURITY AND THE STATE OF TEXAS

The parties to this Agreement are on the one hand:

(1) the Department of Homeland Security,
(2) U.S. Customs and Border Protection (CBP),
(3) U.S. Immigration and Customs Enforcement (ICE), and
(4) U.S. Citizenship and Immigration Services (USCIS);[1]

and on the other hand:

(5) the State of Texas, by and through the Office of the Governor (Texas).

I. AUTHORITY

The authorities governing this Agreement include, but are not limited to:

(1) the Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended;
(2) the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended;
(3) the Privacy Act, 5 U.S.C. Section 552a, as amended;
(4) the Inter-Governmental Cooperation Act, 31 U.S.C. Section 6501, *et. seq*. as amended;
(5) the Homeland Security Act of 2002, 116 Stat. 2135, 6 U.S.C. Section 101, *et seq.* as amended; and
(6) the Immigration and Nationality Act, 8 U.S.C. Section 1101, *et seq.* as amended.

II. PURPOSE AND COMMITMENT

DHS recognizes that Texas, like other States, is directly and concretely affected by changes to DHS rules and policies that have the effect of easing, relaxing, or limiting immigration enforcement. Such changes can impact Texas's law enforcement, housing, education, employment, commerce, and healthcare needs and budgets. The harm to Texas is particularly acute where its budget has been set months or years in advance and it has no time to adjust its budget to respond to DHS policy changes. Specifically, DHS recognizes that the following actions result in concrete injuries to Texas:

(1) a decrease of any immigration enforcement priorities;
(2) a reduction in the number of DHS agents performing immigration enforcement functions;

[1] The Department of Homeland Security, CBP, ICE, and USCIS are collectively referred to in this Agreement as "DHS." The Department of Homeland Security, CBP, ICE, and USCIS enter into this Agreement individually and collectively, such that termination or removal of one or more of those parties (whether by law or contract) does not terminate this Agreement as to any other parties.

(3) a decrease or pause on returns or removals of removable or inadmissible aliens;
(4) a decrease or pause on apprehensions or administrative arrests;
(5) relaxation of the standards for granting relief from return or removal, such as asylum;
(6) an increase in releases from detention;
(7) a relaxation of the standards for granting release from detention;
(8) changes to immigration benefits or eligibility, including work authorization, discretionary actions, or discretionary decisions; and
(9) rules, policies, procedures, and decisions that could result in significant increases to the number of people residing in a community.

At the same time, Texas recognizes that DHS relies on cooperation with Texas and information shared by Texas to carry out DHS's immigration enforcement functions. Any decrease in a State's cooperation or information sharing with DHS may result in a decrease in immigration enforcement.

To that end, this Agreement establishes a binding and enforceable commitment between DHS and Texas, in which Texas will provide information and assistance to help DHS perform its border security, legal immigration, immigration enforcement, and national security missions in exchange for DHS's commitment to consult Texas and consider its views before taking any action, adopting or modifying a policy or procedure, or making any decision that could:

(1) reduce, redirect, reprioritize, relax, or in any way modify immigration enforcement;
(2) decrease the number of ICE agents performing immigration enforcement duties;
(3) pause or decrease the number of returns or removals of removable or inadmissible aliens from the country;
(4) increase or decline to decrease the number of lawful, removable, or inadmissible aliens;
(5) increase or decline to decrease the number of releases from detention;
(6) relax the standards for granting relief from return or removal, such as asylum;
(7) relax the standards for granting release from detention;
(8) relax the standards for, or otherwise decrease the number of, apprehensions or administrative arrests;
(9) increase, expand, extend, or in any other way change the quantity and quality of immigration benefits or eligibility for other discretionary actions for aliens; or
(10) otherwise negatively impact Texas.

In case of doubt, DHS will err on the side of consulting with Texas.

III. RESPONSIBILITIES

A. DHS agrees to:

(1) Utilize its immigration authorities, to the maximum extent possible, to prioritize the protection of the United States and its existing communities. This includes:

a. enforcing the immigration laws of the United States to prohibit the entry into, and promote the return or removal from, the United States of inadmissible and removable aliens;
b. enforcing the immigration laws of the United States to prioritize detention over release of inadmissible and removable aliens;
c. enforcing the immigration laws of the United States to apprehend and administratively arrest inadmissible and removable aliens;
d. eliminating incentives and so-called "pull factors" for illegal immigration;
e. limiting eligibility for asylum and other relief from detention, return, or removal to the statutory criteria; and
f. refusing asylum and other relief from detention, return, or removal for those aliens who pose a danger to the United States, whether due to prior criminal history, the security of the United States, health, or some other bar.

(2) Consult with Texas before taking any action or making any decision that could reduce immigration enforcement, increase the number of removable or inadmissible aliens in the United States, or increase immigration benefits or eligibility for benefits for removable or inadmissible aliens. This includes policies, practices, or procedures which have as their purpose or effect:

a. reducing, redirecting, reprioritizing, relaxing, lessening, eliminating, or in any way modifying immigration enforcement;
b. decreasing the number of ICE agents within Texas's territorial jurisdiction performing immigration enforcement duties;
c. pausing or decreasing the number of returns or removals of removable or inadmissible aliens from the country;
d. decreasing the number of or criteria for detention of removable or inadmissible aliens from the country;
e. decreasing or pausing apprehensions or administrative arrests;
f. increasing or declining to decrease the number of lawful, removable, or inadmissible aliens residing in the United States;
g. increasing, expanding, extending, or in any way changing the quantity or quality of immigration benefits or eligibility for these benefits or other discretionary actions for aliens; or
h. otherwise negatively impacting Texas.

(3) Provide Texas with 180 days' written notice (in the manner provided for in Section IV of this Agreement) of any proposed action listed in Section III.A.2 and an opportunity to consult and comment on the proposed action. DHS will in good faith consider Texas's input and provide a detailed written explanation of the reasoning behind any decision to reject Texas's input before taking any action listed in Section III.A.2. In case of doubt as to whether DHS's action is implicated by this provision,

DHS will err on the side of consulting with Texas before taking any such action listed above.

B. Texas agrees to:

Support DHS's immigration enforcement by honoring "detainer requests" or "requests to hold" issued to Texas by ICE or CBP, and honoring DHS requests for records or information from the Texas Department of Motor Vehicles.

IV. NOTICES

All notices required hereunder shall be given by certified United States mail, postage prepaid return receipt requested, and addressed to the respective parties at their addresses set forth below, or at such other address as any party shall hereafter inform the other party by written notice. All written notices so given shall be deemed effective upon receipt.

Department of Homeland Security
Secretary of Homeland Security
Washington, D.C. 20528

U.S. Customs and Border Protection
Office of the Commissioner
1300 Pennsylvania Ave. NW
Washington, D.C. 20229

U.S. Immigration and Customs Enforcement
Office of the Director
500 12th Street SW
Washington, D.C. 20536

U.S. Citizenship and Immigration Services
Office of the Director
5900 Capital Gateway Drive
Suitland, Maryland 20746

Texas

c/o Greg Abbott, Governor of Texas
1100 San Jacinto Boulevard, 4th Floor
Austin, Texas 78701

c/o Ken Paxton, Attorney General
300 West 15th Street
Austin, Texas 78711

V. PENALTIES

Texas acknowledges that the information it receives from DHS is governed by the Privacy Act, 5 U.S.C. section 552a(i)(1), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this Agreement may be subject to civil or criminal penalties.

VI. INJUNCTIVE RELIEF

It is hereby agreed and acknowledged that it will be impossible to measure in money the damage that would be suffered if the parties fail to comply with any of the obligations herein imposed on them and that in the event of any such failure, an aggrieved party will be irreparably damaged and will not have an adequate remedy at law. Any such party shall, therefore, be entitled (in addition to any other remedy to which it may be entitled in law or in equity) to injunctive relief, including specific performance, to enforce such obligations, and if any action should be brought in equity to enforce any of the provisions of this Agreement, none of the parties hereto shall raise the defense that there is an adequate remedy at law.

VII. THIRD PARTY LIABILITY

Each party to this Agreement shall be solely responsible for its own defense against any claim or action by third parties arising out of or related to the execution or performance of this Agreement, whether civil or criminal, and retains responsibility for the payment of any corresponding liability.

Nothing in this Agreement is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any non-party to this Agreement against any party, its agencies, officers, or employees.

VIII. DISPUTE RESOLUTION

DHS and Texas will endeavor to the best of their ability to resolve their disputes informally and through consultation and communication. Disagreements on the interpretation of the provisions of this Agreement that cannot be resolved between the parties should be provided in writing to the authorized officials at both agencies for resolution. If settlement cannot be reached at this level, the disagreement may be adjudicated in a United States District Court located in Texas.

IX. CONFLICTS

This Agreement constitutes the full agreement on this subject between DHS and Texas. Any inconsistency or conflict between or among the provisions of this Agreement, will be resolved in the following order of precedence: (1) this Agreement and (2) other documents incorporated by reference in this Agreement. Provided, however, that this Agreement shall not void, abrogate, or modify any other agreement between DHS and Texas unless and to such extent as such agreement conflicts with this Agreement.

X. SEVERABILITY

The Parties agree that if a binding determination is made that any term of this Agreement is unenforceable, such unenforceability shall not affect any other provision of this Agreement, and the remaining terms of this Agreement shall, unless prohibited by law, remain effective as if such unenforceable provision was never contained in this Agreement.

The parties additionally agree that if this Agreement is found to be unenforceable as to one or more of the parties comprising DHS, including the Department of Homeland Security, such unenforceability shall not affect the validity of this Agreement as to the remaining parties and this Agreement shall remain effective as if such party was never a party to this Agreement.

XI. ASSIGNMENT

Texas may not assign this Agreement, nor may it assign any of its rights or obligations under this Agreement. To the greatest extent possible, this Agreement shall inure to the benefit of, and be binding upon, any successors to DHS and Texas without restriction.

XII. WAIVER

No waiver by any party of any breach of any provision of this Agreement shall constitute a waiver of any other breach. Failure of any party to enforce at any time, or from time to time, any provision of this Agreement shall not be construed to be a waiver thereof.

XIII. EFFECTIVE DATE

This Agreement shall be effective immediately when all parties have signed this Agreement. This Agreement shall continue in effect unless modified or terminated in accordance with the provisions of this Agreement.

XIV. MODIFICATION

This Agreement is subject to periodic review by DHS, its authorized agents or designees, and, if necessary, periodic modification or renewal, consistent with this Agreement's terms, to assure compliance with current law, policy, and standard operating procedures. This Agreement constitutes the complete Agreement between the parties for its stated purpose, and no modification or addition will be valid unless entered into by mutual consent of all parties evidenced in writing and signed by all parties.

Any party may accomplish a unilateral administrative modification to change point-of-contact information. A written bilateral modification (*i.e.*, agreed to and signed by authorized officials of all parties) is required to change any other term of this Agreement.

XV. TERMINATION

Any party may terminate its involvement in this Agreement by submitting a request in writing to the other parties and providing 180 days' notice of intent to terminate its involvement in this Agreement. The termination will be effective 180 days after the written termination request was submitted or upon a date agreed upon by all parties, whichever is earlier. Termination by one party of its involvement in this Agreement shall not terminate this Agreement as to the remaining parties.

XVI. STATUS

The foregoing constitutes the full agreement on this subject between DHS and Texas.

Nothing in this Agreement may be construed to (1) negate any right of action for a State, local government, other person, or entity affected by this Agreement; or (2) alter the laws of the United States.

XVII. KNOWING AND VOLUNTARY ACKNOWLEDGMENT

The parties enter into this Agreement voluntarily, without coercion or duress, and fully understand its terms. The parties acknowledge they had an opportunity to review and reflect on this Agreement and have discussed its provisions with their respective counsel, if any. The parties attest they understand the effect of each of the provisions in this Agreement and that it is binding on all parties.

XVIII. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one agreement.

XIX. FORMALIZATION

The undersigned represent that they are authorized to execute this Agreement on behalf of CBP, ICE, USCIS, and Texas, respectively.

Furthermore, the undersigned execute this Agreement on behalf of CBP, ICE, USCIS, Texas, respectively.

[Signatures on the following pages]

Signature for the Department of Homeland Security

DEPARTMENT OF HOMELAND SECURITY

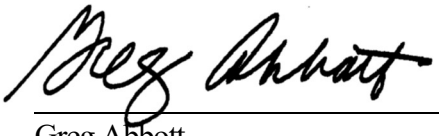
1/8/2021

Kenneth T. Cuccinelli II Date
Senior Official Performing the Duties of the Deputy Secretary
Signed individually and collectively[2]

[2] "Signed individually and collectively" as used here indicates that the agency is entering into this Agreement both (1) for itself, independently, and (2) along with the other entities that comprise DHS, collectively. Should one agency, for whatever reason, cease to be a party to this Agreement, this Agreement shall still survive for all other parties and be read and interpreted as if the removed party had never been a party to this Agreement.

Signature for the Office of the Governor of Texas

OFFICE OF THE GOVERNOR OF TEXAS



December 31, 2020

Greg Abbott
Governor

Date

Signature for the Office of the Attorney General of Texas

OFFICE OF THE ATTORNEY GENERAL OF TEXAS



12/31/2020

Ken Paxton
Attorney General

Date

NEWS RELEASE

FOR IMMEDIATE RELEASE
Monday, August 2, 2021

Hidalgo County Judge declares local state of disaster because of growing numbers of migrants seeking asylum

EDINBURG – Hidalgo County Judge Richard F. Cortez on Monday signed a local state of disaster because of the growing threat of COVID-19 that may be present among the ongoing surge of migrants seeking asylum and being released in Hidalgo County. The declaration is effective immediately and remains in effect for seven days. The Hidalgo County Commissioners Court must vote to extend the disaster after seven days.

The two-page declaration, which declares that "U.S. Customs and Border Protection is releasing an alarmingly substantial number of immigrants into the City of McAllen," is different from the disaster proclamation issued by Governor Greg Abbott on May 31, 2021.

Governor's Abbott's declaration targets those illegally entering the United States and trying to remain in the country without authorization.

Judge Cortez' declaration on Monday focuses on the large numbers of migrants who are legally in this country after having applied for asylum and getting permission by federal officials to remain in the United States until their asylum claims are heard in immigration courts.

"The current situation can be confusing because of the complexity of existing immigration laws," Judge Cortez said. "My order today is targeting those migrants who are legally in this country seeking asylum, but are being released by immigration officials in high volumes while the spread of COVID-19 is spiking within our community."

The order notes that nonprofit agencies and the City of McAllen are being overwhelmed by the continued influx of these asylum-seeking migrants and can "no longer adequately feed, house, provide medical attention or otherwise accommodate" these migrants.

At the same time, Hidalgo County is seeing a spike in COVID-19 cases and now has a hospitalization rate in excess of 18 percent. Governor Abbott has declared that a rate in excess of 15 percent is considered a high hospitalization rate.

"My order declares that extraordinary measures must be taken," Cortez said. A local disaster declaration is the first step in securing additional resources to address the disaster, including potential reimbursement from state and federal authorities.

"We must change current immigration laws and existing policies to slow the volume of migrants seeking asylum," Cortez said. "Until those laws and policies are changed, we must increase local capacity to safely accommodate these migrants legally seeking asylum."

###

Hidalgo County Commissioners Court

Richard F. Cortez
County Judge

David L. Fuentes
Commissioner, Precinct 1

Eduardo "Eddie" Cantu
Commissioner, Precinct 2

Everardo "Ever" Villarreal
Commissioner, Precinct 3

Ellie Torres
Commissioner, Precinct 4

OFFICE OF COUNTY JUDGE RICHARD F. CORTEZ

Public Affairs Division

100 E. Cano St., 1st Floor
(956) 292-7026 **P**
(956) 292-7766 **F**
www.co.hidalgo.tx.us **W**
Public.Info@co.hidalgo.tx.us **E**

Hidalgo County is home to one of the fastest growing regions in the nation. We provide health and justice to the over 800,000 residents of our county. We strive to be accessible and responsive to our citizens by providing excellent public service through the values of leadership, transparency, fairness, collaboration, respect and fiscal responsibility. Follow our social media feed at www.co.hidalgo.tx.us/followus

FILED
AUG 02 2021
ARTURO GUAJARDO, JR. COUNTY CLERK
HIDALGO COUNTY, TEXAS
BY _____ DEPUTY

Filed: 12/09/2022 Page 55 of 128
USCA Case #22-5325 Document #1977146

DECLARING A LOCAL STATE OF DISASTER

WHEREAS, the United States Federal Government declared a national emergency on March 13, 2020 due to the COVID-19 public health emergency; and

WHEREAS, the State of Texas declared a State of Disaster in Texas on March 13, 2020 due to COVID-19; and

WHEREAS, U.S. Customs and Border Protection is releasing an alarmingly substantial number of immigrants into the City of McAllen, Texas, which is within the jurisdictional boundaries of the County of Hidalgo, Texas, including individuals that are positive for COVID-19; and

WHEREAS, local Non-Governmental Organizations, and the City of McAllen are overwhelmed with the unanticipated influx of individuals and can no longer adequately feed, house, provide medical attention or otherwise accommodate the individuals being released into the County of Hidalgo, Texas; and

WHEREAS, due to recent increases in number of released immigrants and the potential for even greater numbers to come, immigrants being released into the County of Hidalgo may face inadequate access to medical care, shelter and other humanitarian necessities including food and water; and

WHEREAS, immigration is under the purview of the federal government and is not under state, county or municipal jurisdiction; and

WHEREAS, Hidalgo County is seeing an increase in the total number of positive COVID-19 cases and a hospitalization rate in excess of 18%; and

WHEREAS, it is necessary to take additional steps to prepare for, respond to and mitigate the spread of COVID-19 to protect the public health and welfare; and

WHEREAS, it is necessary to provide for the humanitarian needs of the immigrants released into the City of McAllen, Texas, and the County of Hidalgo, Texas, including individuals that are positive for COVID-19,

WHEREAS, the Judge of the County of Hidalgo has determined that extraordinary measures must be taken to protect the public health, safety and general wellbeing of the population of Hidalgo County, in order to alleviate the suffering of people and to protect or rehabilitate property; and

(Page 150 of Total)

WHEREAS, Section 418.108(a) of the Texas Government Code provides that the presiding officer of the governing body of a political subdivision may declare a state of local disaster;

NOW, THEREFORE, BE IT PROCLAMIED BY THE JUDGE OF THE COUNTY OF HIDALGO:

1. That a state of disaster is declared for the County of Hidalgo, Texas;
2. that the County's Emergency Management Plan has been activated;
3. that this State of Disaster shall continue for a period of not more than seven days from the date hereof, unless the same is continued by consent of the Commissioners Court of the County of Hidalgo, Texas; and
4. that this proclamation shall take effect immediately from and after its issuance.

ORDERED this the 2nd day of August, 2021.

Richard F. Cortez, Hidalgo County Judge

ATTEST:

Arturo Guajardo, Jr., County Clerk

COMMISSIONERS COURT HIDALGO COUNTY, TEXAS

Filed: 12/09/2022 Page 56 of 128
Document #1977146
USCA Case #22-5325

CITY OF McALLEN
WWW.MCALLEN.NET

FOR IMMEDIATE RELEASE **AUGUST 4, 2021**

Contact: Xochitl Mora, Office of Communications O: 681-1202 / M: 662-9269 / E: xmora@mcallen.net

City of McAllen Approves Setting Up Temporary Emergency Shelter in Response to Migrant Surge

McAllen City Commission decision seeks to protect public health and safety

Yesterday, the McAllen City Commission took decisive action to protect public health and safety.

Faced with a rapidly escalating surge of immigrants at the Texas-Mexico Border, the City of McAllen's Emergency Management Office, in coordination with City Management and in accordance with the Mayor's Declaration of Local Disaster executed on August 2, 2021, took swift action to begin its efforts to mitigate emergent health and safety risks.

In response to these actions, by an overwhelming majority, the McAllen City Commission ratified and gave further specific instruction to the Emergency Management Office and City Management, through the Mayor's Disaster Declaration to request that Hidalgo County erect temporary emergency shelter on property in McAllen on 23rd Street for the overwhelming number of immigrants stranded in McAllen by U.S. Customs and Border Protection. The City Commission also instructed City staff to demand relief from the federal government for the alarming number of immigrants that are being released into the city of McAllen. The Commission further instructed staff to assist local non-governmental organizations to swiftly expand their operations, including identifying additional locations for emergency shelter should the need arise.

The current immigration surge began in 2014 under the Obama administration and has continued for seven years to the present surge the community is now experiencing. So far in 2021, McAllen has seen well over 87,000 immigrants pass through its city limits. U.S. Customs and Border Protection has reported a historic increase in immigrant apprehensions. For context, in 2020 the total number of Title 42 Expulsions on the Southwest Border was 381,928. To date in 2021, in less time, a total of 566,959 Title 42 Expulsions have occurred on the Southwest Border.

While some immigrants are refused entry at the border under current Title 42 restrictions, many are temporarily lawfully admitted into the United States pending their asylum hearing. In these cases, the federal government only detains them for a couple of days. After which, absent the commission of a separate crime, neither law enforcement nor private entities have the legal authority to further detain them. As these temporarily admitted immigrants are released, the federal government does not test them for COVID-19 or provide assistance in contacting relatives or sponsors living in the United States to make arrangements for temporary housing.

Due to this unacceptable flaw in the federal immigration system, Catholic Charities of the Rio Grande Valley established the Humanitarian Respite Center. The facility currently operates under a Conditional Use Permit at 111 S. 15th Street, in a building owned by Catholic Charities of the RGV. The Respite Center focuses its services on family units and has processed over 87,000 immigrants since mid-February of 2021, providing them essentials: clothing, shoes, meals, showers, basic medical care and a safe place to rest.

-more-

City of McAllen Approves Temporary Emergency Shelters in Response to Migrant Surge/*page 2 of 3*

The Respite Center also assists immigrants in contacting their U.S. sponsor, typically a family member, who will make financial arrangements for the immigrants' final travel into the United States. The City of McAllen does not pay for immigrant travel. In most cases, immigrants move through the Respite Center in one day. However, at times, due to the unavailability of northbound transportation, some immigrants remain at the Center for more than a day.

For nearly seven years, the Respite Center had the capacity to process the flow of immigrants released into McAllen, keeping them off the streets. However, in the last several weeks, due to the shockingly large number of immigrants released by CBP, the Respite Center's capacity became overwhelmed, and threatened its ability to provide its humanitarian services to all in need. This significant change increases the threat of COVID spread or other lawlessness within the city.

At the beginning of July, the Respite Center saw an average of 750 people per day. That number, over the course of the month, escalated to over 1,100 people per day, and so far in August has surged to over 1,900 people per day. The Respite Center has capacity for only 1,236 occupants and will not allow more than its maximum occupancy at any given time. Therefore, beginning in August 2021, there has been a significant threat of leaving hundreds on the streets of McAllen with no place to turn for food, shelter, medical attention, or other humanitarian services. It was at this point that McAllen Mayor Javier Villalobos saw no option other than to declare a Local State of Disaster in McAllen so the City of McAllen could obtain necessary county and state resources to address the situation that it did not create.

To make matters worse, in 2020 the global pandemic of COVID-19, a highly contagious respiratory virus, swept the globe, including McAllen and the migrants flocking to the Texas-Mexico border. In order to continue the Respite Center's operations during the deadly pandemic, Catholic Charities of the RGV partnered with American Medical Response (AMR) to test immigrants for COVID-19 at a location near the Respite Center. Since mid-February of 2021 there have been over 7,000 confirmed COVID-19 positive immigrants released into the City of McAllen by CBP, including over 1,500 new cases in the past seven days. AMR now operates at S.15th Street in a building leased to AMR. AMR's testing operations are allowed under the current zoning for that location, and a permit from the City of McAllen is therefore not required for its operations. AMR operates under a contract with the City of McAllen which is entirely pre-funded by a FEMA grant program.

The influx of migrants and their movement between AMR, the Respite Center, the McAllen Bus Terminal and McAllen International Airport has required parking management in the area around the Respite Center ,which is coordinated by City of McAllen Downtown Services, a division of McAllen Metro in accordance with the Transit Director's authority under Section 102-229 of the McAllen Code of Ordinances.

Under Catholic Charities' current protocol, immigrants are tested for COVID-19 at AMR. Once the immigrants are tested, they are divided into two groups. Those that test negative are admitted to the Respite Center; those that test positive are transported from the AMR testing facility to quarantine sites in the Rio Grande Valley area. AMR provides the transportation to locations arranged for and directed by Catholic Charities.

-more-

City of McAllen Approves Temporary Emergency Shelter in Response to Migrant Surge/*page 3 of 3*

Once an immigrant has completed quarantine, they proceed on their final northbound travel out of McAllen.

Despite the City of McAllen and its community partners' best efforts, the sheer number of immigrants being released into the city has become a crisis: a crisis the City of McAllen did not create and has proactively tried to avoid for seven years. Now, with the drastic, unexpected increase of immigrants arriving to McAllen, the City Commission's first priority is to protect the health and safety of the residents they serve. Mayor Villalobos's August 2, 2021 Local Disaster Declaration was an important step in McAllen's obtaining additional critical resources from the State of Texas and Hidalgo County. The City of McAllen, known for its safety and security, did not create nor invite this crisis, but it will swiftly respond and take every action within its power to protect the health and safety of its residents.

# # #

@cityofmcallen Instagram McAllen TX

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 3:21-cv-173-KC
	§	
THE STATE OF TEXAS; GREG ABBOTT, in his official capacity as Governor of Texas,	§	
	§	
	§	
Defendants.	§	

DECLARATION OF SERGEANT JOEL VILLARREAL

1. My name is Sergeant Joel Villareal. I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated within this affidavit.
2. I am an employee of the La Joya Police Department and familiar with the manner in which its records are created and maintained by the La Joya Police Department by virtue of my duties and responsibilities.
3. Attached hereto are four pages of records from the La Joya Police department.
4. The attached records are kept by the La Joya Police Department in the regular course of its official activities and the attached records are true and correct copies of the original document.
5. These records were made by employees of the La Joya Police Department at or near the time of the events recorded or reasonably soon after the events described in the attached documents.
6. It is the regular practice of the La Joya Police Department for an employee or representative of the La Joya Police Department to create or record this type of record

from information known to them or information transmitted to them during an investigation by persons with knowledge of the matters set forth in them.

7. It is the regular practice of La Joya Police Department to maintain this type of official record in the course of its operations.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on August ___, 2021

Sergeant Joel Villarreal

LA JOYA POLICE DEPARTMENT

Offense / Incident Report

GENERAL OFFENSE INFORMATION **Report Type:** Cumulative Report

Agency	LA JOYA PD	**Location**	450 E EXPRESSWAY EXPRESSWAY BUILDING LA JOYA TEXAS 78560
Case #	07-0159-21		
File #			
Description	WELFARE CONCERN /// IMMIGRANTS WITH COVID-19		
Incident Status		**From Date/Time**	07/26/2021 00:00
		To Date/Time	
		Report Date	07/26/2021 13:15
Reporting Officer	VILLARREAL, JOEL	**Initial Rep. Date**	07/26/2021 13:15

COMPLAINANT

Name	State Of Texas,						
Address	701 E EXPRESSWAY LA JOYA TX 78560					**Phone**	956-585-4855
Race	W	**Ethnic**	H	**Sex**	M	**DOB**	
Height	5'08"	**Weight**		**Hair**	BRO	**Eyes**	BRO
S.S.N.	___-__-____	**DL & St.**		**JRN#**			

Entered By VILLARREAL, JOEL

Officer VILLARREAL, JOEL

Supervisor

Case No: 07-0159-21

LA JOYA POLICE DEPARTMENT
P.O. BOX H
LA JOYA, TEXAS 78560
(956) 585-4855

Incident # 07-0159-21

VILLARREAL, JOEL

On July 26, 2021 at approximately 1:15pm I, Sergeant Joel Villarreal S2, was informed by Officer Soraida Varela #1407 that she was waved down by a concern citizen who wanted to report a family that was inside the Whataburger restaurant located at 450 E. Expressway 83 La Joya Tx, 78560, who were coughing and sneezing not being observant of the health of other patrons in the restaurant

Officer Varela informed me that she made contact with the woman who had waved her down and expressed concern about the family group not using face masks while they were in visible ill condition as well as coughing without covering their mouths and sneezing without covering their nose and mouths. Officer Varela made contact with the family groups' mother identified as Walquiria Desire Flores- Sauceda ([redacted]) who was accompanied by a teenage girl and two toddlers. Officer Varela explained that she observed that Ms. Sauceda had in her hands a paper from Home Land Security, Form I-385, that identified her and had a date of apprehension dated, 07/23/2021.

Officer Varela asked Ms. Sauceda if she and the people with her were in ill conditions. Ms. Sauceda stated that immigration had taken her, and her family, and that all of them were diagnosed with Covid-19. They were then turned over to a charity group to take care of them. Officer Varela called me and explained what is mentioned above. She also stated that she observed that the children were coughing, sneezing and had a lot of wet and dried mucus all over their face. Officer Varela explained that Whataburger manager Jeffry Homer asked for the people to be asked to leave due to their disregard of safe health practices.

I asked Officer Varela to request a Border Patrol agent to her location to verify the I-385 Form. Communications officer Yaneli Medina called McAllen sector Border Patrol and asked for an agent for verification of the I-385 Form. She was told that Border Patrol Agents were giving out the forms to undocumented aliens who they had already made contact with, which were then released from their custody to go free. Moments later she received a call from the McAllen sector Border Patrol and was told to inform Officer Varela to be careful with Ms. Sauceda because she was positive for Covid - 19. She was also informed that Ms. Sauceda and others were going to staying at the Texas Inn Hotel and Suits located at, 612 E Expressway 83 La Joya Tx,78560

I made contact with McAllen sector Border Patrol Acting Watch Commander Villarreal and asked her about the situation. She explained that when the Border Patrol Agents encountered undocumented aliens their agency would hold them for quarantine. After that they were turned over to Catholic Charities of The Rio Grande Valley who took custody of the people that were sick. She explained that after Catholic Charities of The Rio Grande Valley takes custody of the undocumented aliens, they had no control of what they did with the groups of sick people.

It was later confirmed that Ms. Sauceda and a large group of people that had been apprehended by Border Patrol Agents, confirmed to be sick, were taken by Catholic Charities of The Rio Grande Valley who then rented out the Texas Inn Hotel

Case No: 07-0159-21

and Suits in La Joya to house all the people.

Upon gathering all this information I was directed to talk to Tony Crane, Homeland Security Person in charge for Rio Grande Valley Sector, who explained that if there is no space for illegal immigrants in their facilities they are given to Sister Norma who then finds a place for the illegal immigrant in hotels in the McAllen area. I asked him why the City of La Joya or the La Joya Police Department were not informed of the illegal immigrants stay at the Texas Inn Hotel and Suits. Mr. Crane explained that neither him, nor his agency had any control on what Catholic Charities of The Rio Grande Valley did with the groups of sick people they were housing. Mr. Crane stated that the illegal immigrants were being told by Home Land Security Agents could or Customs and Border Protection Agents to travel to their final destinations in the United States and to report to the nearest ICE office for further processing. Mr. Crane explained that once Home Land Security Agents could or Customs and Border Protection Agents made contact with any illegal immigrant who was given the I-385 Form, Home Land Security Agents could or Customs and Border Protection Agents could not hold them again.

I drove to the Texas Inn and Suits to make contact with management to get more information on the situation. Upon arrival I observed about 20 to 30 individuals walking around the hallways and the parking lot of the hotel. I observed that the majority of them were not wearing masks, especially the children. I made contact with the hotel owner, Mr. Patel, who I asked who had brought the people to his hotel. Mr. Patel showed me a 3 page list with names and rooms of people in them.He stated that a charity had brought the people in.

I asked Mr. Patel to give me a count of how many people the charity had brought. Mr. Patel stated that he only received about 4 people in total. After being questioned again and after pointing out the list he initially showed me, he stated that the hotel had been rented out entirely by Catholic Charities of The Rio Grande Valley with people who were sick. He then directed me to one of his employees, who he told me was in charge of the people brought in by Catholic Charities of The Rio Grande Valley. The man explained that he did not work for the organization and that he feared for his wellbeing and he was in no way connected to what Mr. Patel and Catholic Charities of The Rio Grande Valley were doing. He stated that he was informed that all the people in the hotel were sick and he was aware that everyone staying in the hotel were told they could leave. He explained that more than half of the people that were placed in the hotel by Catholic Charities of The Rio Grande Valley had left the hotel.

As I was talking to the hotel worker I observed a vehicle park next to a meeting building connected to the hotel. A woman exit the building holding an I-385 Form. I asked her where she was going. She stated that she was told by immigration and the charity group that they could leave with an immediate family member within the United States even though they were sick. A large group of people began to gather around us and I asked them if they were sick with Covid-19. Everyone in the group stated that they were all sick with Covid-19.

I immediately made contact with Hidalgo County Health and Human Services who directed me with Doctor Steven Hinojosa and his assistant Vanessa Zuniga. I explained to them the situation and expressed the concern. Ms. Zuniga stated that they would get us further information and a solution for my call.

Dr. Hinojosa called me shortly after and explained that due to the fact that

Case No: 07-0159-21

there was no current emergency mandates given by the State of Texas or the Federal Government, Hidalgo County Health and Human Services could not enforce any shelter at home mandates on Catholic Charities of The Rio Grande Valley. He explained that Catholic Charities of The Rio Grande Valley is a private entity and they are not regulated or required to follow what Hidalgo County Health and Human Services tells them with out an actual mandate coming from the State of Texas or the Federal Government . He explained that the only thing they could do is recommend to them better health and safety practices but they could not force them to do so. Dr. Hinojosa explained that he was going to get to work on finding a solution to what happened.

I also made contact with Hidalgo Emergency Management Rick Saldana who I explained what was happening. Mr. Saldana explained that he had gotten in contact with Catholic Charities of The Rio Grande Valley. He explained that he was told by the Catholic Charities of The Rio Grande Valley that they would be placing security guards at the hotel to keep sick illegal immigrants from leaving or walking around the city.

Update: (07/27/2021)

Doctor Steven Hinojosa and his assistant Vanessa Zuniga called me to give me an update. Doctor Hinojosa explained that he had sent out a letter of recommendation to Hidalgo County Judges and the District Attorney requesting for Catholic Charities of The Rio Grande Valley be sent a control order for undocumented aliens who tested positive for Covid-19. In addition, for situational awareness, Hidalgo County is working with Catholic Charities on other steps not specified. The goal is to have the control order provided at Catholic Charities so that those identified as positive have notification to be in isolation.

STATE OF TEXAS §

COUNTY OF WEBB §

MARGIE R. IBARRA
COUNTY CLERK
FILED

2021 JUL 21 AM 10:21

WEBB COUNTY, TEXAS

BY RL DEPUTY

CORRECTED DECLARATION OF LOCAL STATE OF DISASTER AND ORDER JULY 20, 2021

WHEREAS, the Texas Government Code §418.108 authorizes the County Judge to declare a state of disaster; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the County Judge is designated as the Emergency Management Director of the County of Webb, and may exercise the powers granted to the governor on an appropriate local scale; and

WHEREAS, on May 10, 2021 the Commissioner of Public Health, Dr. John Hellerstedt advised the Secretary of State of the State of Texas that he had, for the entire State of Texas, issued "A declaration of a Public Health Disaster Declaration, stating that the novel coronavirus (SAR-CoV-2, that causes the disease COVID-19) continues to present an immediate threat, poses a high risk of death to a large number of people and creates a substantial risk of public exposure because of the disease's method of transmission and evidence that there is community spread in Texas"; and

WHERAS, as reported by the Texas Tribune on July 19, 2021, Texas' coronavirus positivity rate exceeds 10% and according the City of Laredo Health Department, as of July 15, 2021 Laredo's positivity rate is 12.5%; and

WHEREAS, Webb County has experienced the organized transportation of large numbers of individuals (refugees, immigrants and/or migrants, a significant portion of whom are unvaccinated, untested for the COVID -19 virus and COVID positive) who have been apprehended from outside Webb County and are transported into Webb County by bus and/or van for the purpose of processing and release into the community; and

WHEREAS, local resources and services available in Webb County (including those resources provided by the county, the city and non-governmental organizations) to address the unanticipated influx of these individuals has overwhelmed local resources and services to the extent that they can no longer adequately feed, house, provide medical attention or otherwise accommodate these individuals entering Webb County; and

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and seal of office on 7/21/21
Margie Ramirez Ibarra, Webb County Clerk
By: Deputy County Clerk

WHEREAS, the County Judge of Webb County, Texas, has determined that adequate measures must be taken to ensure the protection of the health, safety, and welfare of Webb County residents.

NOW THEREFORE, I, Tano E. Tijerina, County Judge for the County of Webb, do hereby declare a local state of disaster and certify that the transportation of refugee, immigrant and/or migrant individuals into Webb County who have been apprehended from outside the U.S. Border Patrol Laredo Sector and are transported into Webb County by bus and/or van for the purpose of processing and release into the community has created a disaster and I have further determined that extraordinary and immediate measures must be taken to further respond, prevent and alleviate the catastrophic effect on the community and do hereby **ORDER**:

Section 1. The prohibition of the transportation of refugee, immigrant and/or migrant individuals into Webb County who have been apprehended from outside the U.S. Border Patrol Laredo Sector and are transported into Webb County by bus and/or van for the purpose of processing and release into the community.

Section 2. That law enforcement, upon cause, stop any buses or vans they believe are engaged in the transportation of refugee, immigrant and/or migrant individuals into Webb County who have been apprehended from outside the U.S. Border Patrol Laredo Sector and are transported into Webb County by bus and/or van for the purpose of processing and release into the community and inform the operator and driver of the said bus, that pursuant to Section 418.108(g) the County Judge has prohibited the transportation of said refugee, immigrant and/or migrant individuals into Webb County and they are directed to leave Webb County.

Section 3. Pursuant to Section 418.108(h) (1) the jurisdiction and authority of the county judge includes the incorporated and unincorporated areas of the county; and (2) to the extent of a conflict between decisions of the county judge and the mayor, the decision of the county judge prevails.

Section 4. Effective immediately and pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless earlier terminated by the County Judge or continued by the Commissioners Court of Webb County, Texas.

Section 5. Pursuant to Section 418(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Webb County, Texas.

Section 6. Pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the Webb County emergency plan.

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and seal of office on Margie Ramirez Ibarra, Webb County Clerk
By:
Deputy County Clerk

Section 7. Where this Declaration and Order is in conflict with any **ORDER** of the Governor of the State of Texas, the Governor's **ORDER** shall control.

Section 8. This **DECLARATION** applies to all areas of Webb County, including the City of Laredo, the City of Rio Bravo, the City of El Cenizo, Aguilares, Antonio Santos Subdivision, Botines Subdivision, Bruni, Colorado Acres, D-5 Acres, Four Points Subdivisions, Hillside Acres I, Hillside Acres II, La Coma Subdivision, La Presa Subdivision, Laredo Ranchettes Subdivision, Las Haciendas Unit I, Las Lomas I, Las Lomas II, Las Pilas I, Las Pilas II, Lewis Addition (Mirando), Los Altos Subdivision, Los Corralitos Subdivision, Los MInerales and Annex, Los Veteranos (US Hwy 59), Los Veteranos 83, Mirando City, Oilton, Old Milwaukee, Pueblo East, Pueblo Nuevo, Ranchitos 359 East, Ranchitos Los Arcos, Ranchitos Los Centenarios, Ranchitos Los Fresnos, Ranchitos Los Mesquites, Ranchitos Los Nopalitos, Ranchitos Los Veteranos 359, Rancho Penitas West, San Carlos I, San Carlos II, Tanquecitos I, Tanquecitos II.

CORRECTED ORDERED THIS 20st DAY OF JULY, 2021.

Tano E. Tijerina
Webb County Judge

ATTEST:
Margie Ramirez Ibarra
Webb County Clerk

By: _____

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 21 2021

Margie Ramirez Ibarra
Webb County Clerk
By _____ Deputy County Clerk

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA, *Plaintiff*, v. THE STATE OF TEXAS and GREG ABBOTT, in his official capacity as Governor of the State of Texas, *Defendants.*	Case No. 3:21-cv-173-KC

DECLARATION OF DR. VICTOR TREVIÑO

I, Dr. Victor Treviño, M.D., pursuant to 28 U.S.C. § 1746 and based upon my personal knowledge, and information made available to me from official records and reasonably relied upon by me in the course of my employment, hereby declare as follows:

1. I am a licensed physician and have served as the Health Authority for the City of Laredo since 2018. I previously served as the Medical Director for the Health Department for the City of Laredo, Texas, for 10 years and have worked in the Health Department for over 20 years. ok
2. The COVID-19 pandemic has been a significant health threat to our community since the first case was detected in Laredo in early 2020.

3. The Laredo Health Department has treated numerous people over the past 18 months for COVID-19. As a general matter, our community is medically underserved due to a lack of hospital personnel. For example, Laredo has no pediatric intensive care unit.

4. Hospitals in Laredo are on diversion status because they are unable to take additional hospitalizations, and our main NGO has already been placed on quarantine. COVID-19 has placed significant pressure on our health resources. At times, Laredo has had no, or very few, ICU beds available because COVID patients required so many of Laredo's ICU beds.

5. Beginning in or around May of 2021, the City of Laredo was informed by the United States Border Patrol that it would begin busing migrants from other regions to Laredo. At that time, the Border Patrol started sending 6 buses of migrants to Laredo per day. Each bus dropped its migrant passengers in Laredo. Many, if not all, of the migrants released by the Border Patrol had not been tested for COVID-19.

6. Since that time, the Border Patrol has continued to send an average of 3 to 6 buses of migrants per day. Some of the migrants are dropped off at local NGOs, but others are released onto the streets, irrespective of their infection status.

7. On average, a bus contains approximately 50 to 60 migrants, mostly women and children. Many of the buses that travel to Laredo are coming from the Rio Grande Valley. Because we have provided care for many of these migrants we

have discovered that these individuals are largely unvaccinated and are mostly coming from countries with lower vaccination rates than in the United States and in Texas. Among its permanent residents, Laredo has a very high vaccination rate relative to other major Texas cities.

8. The migrants are subject to antigen testing upon arrival at our shelters. Based on antigen testing performed on those individuals it appears approximately 40 to 50 percent of the migrants we have tested were positive for COVID-19. Many of these individuals, including children, become sick, thereby exacerbating our community's already overburdened hospitals and clinics. The actual percentage of these individuals that have contracted COVID-19 is likely even higher than our testing indicates. This is because the individuals who test negative for COVID-19 travel together and routinely share the same buses with those who test positive, and because of the incubation period during which one who has been recently exposed to COVID-19 will not test positive for the virus.

9. The virus also has a uniquely high rate of transmission among this population because of the health problems that often arise from the migratory journey. Conditions such as malnourishment, dehydration, and intestinal diseases such as gastroenteritis put them in a high-risk category to contract COVID-19 and test positive. I am also concerned that our shelters cannot accommodate such a large number of migrants in a manner that is safe and consistent with CDC guidelines.

(Page 167 of 218)

10. As a result of this situation, our community has seen a recent increase in COVID-19 cases. This includes an increase in COVID-19 cases among younger people. This all brings further harm to our community for reasons already explained.

11. In July, for example, a pregnant woman in her twenties arrived at a Laredo hospital to give birth. She was not vaccinated and tested positive for COVID-19. Despite her doctors' best efforts, the young woman passed away from complications related to COVID-19.

12. In August, a three-month old migrant who was already very ill with COVID pneumonia arrived in Laredo on a bus. The infant was brought to a Laredo hospital, but because no Laredo hospital has a pediatric intensive care unit, the infant had to be transferred to another city. This was not an isolated case.

13. Federal officials have acknowledged the burden that busing migrants to Laredo imposes on the city. At times, they have agreed to temporarily suspend sending migrants from the Rio Grande Valley to Laredo to avoid overburdening local resources, but to date, they have continued to send buses of migrants to Laredo.

14. The continued introduction of more unvaccinated and COVID-positive migrants will exacerbate the burden on Laredo and create a public health crisis. Effectively combatting COVID-19 in Laredo requires ending or reducing the mass release of COVID-positive migrants into the community.

Executed on August 10, 2021.

Dr. Victor Treviño

Health Authority for the City of Laredo, Texas

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, Plaintiffs, v. ALEJANDRO MAYORKAS, Secretary of Homeland Security, et al., Defendants.	Civ. A. No. 21-100 (EGS)

DECLARATION OF DAVID SHAHOULIAN

I, David Shahoulian, pursuant to 28 U.S.C. § 1746 and based upon my personal knowledge, as well as documents and information made known or available to me from official records and reasonably relied upon in the course of my employment, hereby declare as follows:

1. I am the Assistant Secretary for Border and Immigration Policy at the Department of Homeland Security (DHS or Department) and have been in this role since January 20, 2021. I previously served as Deputy General Counsel at DHS from June 29, 2014 to January 19, 2017.

2. I submit this declaration to alert the Court to the adverse consequences of a preliminary injunction prohibiting the Government from applying the Centers for Disease Control and Prevention's (CDC) Order Suspending the Right to Introduce Certain Persons from Countries where a Quarantinable Communicable Disease Exists ["CDC Order"], 85 Fed. Reg. 65806 (Oct. 16, 2020), or any similar order, to the putative class in this case.

3. As explained in more detail below, the United States is currently encountering record numbers of noncitizens, including families, at the border. These encounter rates have strained DHS operations and caused border facilities to be filled beyond their normal operating capacity,

impacting the ability to employ social distancing in these congregate settings. At the same time, DHS is also experiencing significantly increased rates of noncitizens testing positive for COVID-19. In light of these and other considerations, enjoining the application of the CDC Order to families would exacerbate overcrowding at DHS facilities and create significant public health risks.

4. Since January 2021, the Department has engaged in extensive efforts to increase its capacity to safely process asylum seekers and other noncitizens. Among other things, DHS has worked tirelessly to build capacity and to create innovative new approaches to allow asylum seekers and other noncitizens to be processed in a manner that ensures their health and safety, and that of DHS officers and the American public. Those efforts—which are the product of extensive collaboration with other U.S. Government agencies, foreign governments, and non-governmental organization (NGO) partners—have been successful in significant respects as detailed below.

5. The Department lacks sufficient capacity to safely hold and process all individuals seeking to enter the United States during the global pandemic if the U.S. Government were restricted in its ability to implement the CDC Order. These capacity challenges are particularly acute with respect to families. DHS continues to have severely limited capacity to hold and process families, and the current migrant surge and ongoing pandemic have only compounded these issues.

6. If the CDC Order is enjoined with respect to families, the increased number of families seeking to enter the United States would each require additional processing related to admissibility, which would in turn require them to be held for longer periods in increasingly crowded conditions. Moreover, due to such conditions and other capacity constraints, DHS would effectively need to release a growing number of families into border communities, which risks overwhelming the local testing, isolation, and quarantine infrastructure DHS has worked to create and will thus burden

local healthcare systems and strain healthcare resources. An injunction restricting implementation of the current CDC Order as to families will result in an immediate increased risk of harm from COVID-19 for noncitizens in DHS custody, DHS personnel, and potentially the public.

I. The U.S. Government's Efforts to Build Capacity and Improve Processing

7. Since January 2021, the U.S. Government has engaged in extensive and varied efforts to improve the immigration processing systems at the border, while also dealing with challenges presented by the COVID-19 pandemic and the current influx of noncitizens seeking refuge in the United States.

8. First, the Government has worked to significantly increase its ability to safely process and house individuals encountered between ports of entry after crossing into the United States. U.S. Customs and Border Protection (CBP) and the Department of Health and Human Services, for example, have stood up numerous emergency facilities in the United States (and retrofitted existing ones) to increase their ability to safely hold and process individuals—particularly unaccompanied children (UCs) and families—encountered after crossing between ports of entry. U.S. Immigration and Customs Enforcement (ICE) has transitioned existing facilities for the processing and testing of families, and it has entered into a contract with a non-profit social service organization to add over 1,200 additional beds to ICE's family housing capacity. And the Department has transferred hundreds of personnel from various component agencies around the country to the southwest border to assist with the processing and care of individuals encountered at the border.

9. Second, the Department has also taken significant steps to develop systems to facilitate testing, isolation, and quarantine of those individuals who are not immediately returned to their home countries after encounter. Across most of the southwest border, these systems were developed by DHS in coordination with state and local jurisdictions, non-governmental

organizations, and other private entities. In the Del Rio sector, where there is limited non-governmental organization capacity, the Department set up a system for testing and non-congregate sheltering involving private contractors and ICE family facilities. Due to infrastructure and resource limitations, it is not feasible to replicate this latter system across the border.

10. Third, the U.S. Government also engaged in several lines of effort to improve its capacity to safely process asylum seekers and other individuals through U.S. ports of entry. For example, the U.S. Government—in collaboration with international organizations and domestic non-governmental organizations—rapidly developed an innovative system to register, test, and transport certain individuals previously returned to Mexico pursuant to the Migrant Protection Protocols (MPP) for safe and orderly processing into the United States through various ports of entry at the southwest border. To date, the U.S. Government has processed approximately 13,000 individuals, including many families, pursuant to its Title 8 authorities through this program.

11. The U.S. Government has also engaged with international humanitarian organizations and non-governmental organizations to establish similar streamlined systems for the U.S. processing of other individuals, particularly families, who may qualify for an exception to the CDC Order for humanitarian reasons. Under these systems, non-governmental organizations identify and refer families and other individuals in vulnerable situations in Mexico to DHS for possible exception from expulsion, based on the totality of the circumstances, on a case-by-case basis, as determined by DHS in accordance with the CDC Order. Once they test negative for COVID-19, such individuals may be processed pursuant to Title 8 authorities at designated ports of entry. To date, over 16,000 individuals have been processed into the United States through these CDC-authorized processes.

12. DHS is committed to continuing to use mechanisms like those described above to allow the safe processing of vulnerable families under Title 8 for as long as Title 42 remains applicable to families.

II. An Injunction Would Result in Severe Capacity Limitations Endangering Non-Citizens, DHS Employees, and Others

13. Despite the U.S. Government's efforts to build safe processing capacity, DHS's application of the CDC Order remains necessary, while the pandemic continues, to prevent COVID-19 exposure risks to DHS personnel, individuals seeking entry to the United States, and border communities. This risk has recently increased due to the recent spread of the highly transmissible COVID-19 Delta variant. The rates at which encountered noncitizens are testing positive for COVID-19 have increased significantly in recent weeks. And although the rate of infection among CBP officers had been declining, this rate recently began increasing again, even though the percentage of officers and agents who have been fully vaccinated has grown significantly since January. This has led to increasing numbers of CBP personnel being isolated and hospitalized.

14. Unlike at ports of entry, where DHS can better manage the volume and rate at which individuals are processed, there is substantially less ability to manage or control the volume and rate of encounters that may occur between the ports. Without the CDC Order, DHS would likely encounter increased numbers of families crossing the border between the ports of entry. And the Department would be faced with processing all such families under Title 8—which is significantly more extensive and time consuming than Title 42 processing—regardless of the number of individuals encountered on a given day. DHS must often transport such noncitizens in passenger vehicles, including from remote locations, to U.S. Border Patrol stations or other CBP facilities for additional processing in congregate settings. Each of these interactions—encounter, custody,

transportation, and holding in congregate setting—increases the risks of COVID-19 exposure and transmission.

15. As noted in the CDC Order itself, CBP facilities are designed for short-term holding and initial processing, generally prior to transfer to another agency, such as ICE or the Office of Refugee Resettlement (ORR) within HHS, which houses UCs until they can safely be placed with sponsors. They are not designed to hold individuals for extended periods of time, particularly during a pandemic when social distancing and isolation are needed to limit the spread of disease. The congregate nature of these facilities restricts the ability to quarantine, isolate, and enable social distancing by persons who are or may be infected with COVID-19. As these CBP facilities become overcrowded during a surge, bottlenecks in immigration processing develop, along with bottlenecks in ICE transportation, detention capacity for families and single adults, and ORR capacity for UCs. As a result, noncitizens' length of stay in DHS custody extends significantly.

16. Moreover, CBP's already limited border processing capacity has been greatly reduced through the implementation of public-health protocols designed to mitigate COVID-19 transmission. Under current protocols, CBP aims to maintain 25 percent capacity at many of its facilities, and up to 50 percent capacity at specialized central processing centers and soft sided facilities. Loss of the ability to expel families pursuant to the CDC Order will directly contribute to the Department's inability to maintain critical COVID-19 capacity controls.

17. Importantly, the ability to expel certain covered noncitizens under the CDC Order does not result in the expulsion of every individual encountered at the border; DHS must still process noncitizens not covered by the Order, noncitizens excepted from the Order on a case-by-case basis, and noncitizens for whom expulsion is not available for other reasons. Due to a variety of factors, including an historic surge in southwest border encounters in recent months, CBP has been

encountering a significant and growing number of individuals who must be held for processing in congregate facilities.

18. In May and June 2021, for example, CBP recorded over 180,000 and 188,000 encounters, respectively, at the southwest border. During this period, CBP encountered over 6,000 individuals per day, including about 500 UCs and 1,650 individuals in family units. These constitute the highest numbers of monthly encounters recorded by CBP in more than twenty years, including during previous surges when the Department was not constrained by COVID-19 capacity considerations. As noted above, due to COVID-19-related guidance, border facilities are currently expected to operate at only 25 to 50 percent capacity, depending on individual facility infrastructure and facility type. Due to this combination of factors, many CBP facilities are already over that capacity—many significantly so, even with the CDC Order in place.

19. Based on preliminary data, the number of border encounters continued to increase in July 2021. Over the first 29 days of July, CBP encountered an average of 6,779 individuals per day, including 616 unaccompanied children and 2,583 individuals in family units. Overall, according to preliminary data, CBP is likely to have encountered about 210,000 individuals in July, the highest monthly encounter number since Fiscal Year 2000. July also likely included a record number of unaccompanied child encounters, exceeding 19,000, and the second-highest number of family unit encounters, at around 80,000.

20. Moreover, these historic encounter levels have not been evenly distributed across the southwest border. Two Border Patrol sectors—Rio Grande Valley (RGV) and Del Rio—have experienced a disproportionate amount of these encounters. For example, the RGV sector alone saw over 51,000 and 59,000 encounters in May and June 2021, respectively; and based on preliminary data, there appear to have been about 78,000 RGV encounters in July. These two

sectors have also experienced a disproportionate amount—about 71 percent—of family encounters. As a result, facilities in these two sectors have been significantly more over-capacity relative to others.

21. As of August 1, 2021, the U.S. Border Patrol was at 389 percent of its overall COVID-19 adjusted capacity along the southwest border. On that date, the Border Patrol had 17,778 noncitizens in custody (2,233 of whom were UCs) at its Border Patrol facilities, despite a COVID-19 adjusted capacity of 4,706. More specifically, the Border Patrol was over capacity in seven of its nine southwest border sectors. As of August 1, the RGV sector—which has been the epicenter of the current surge—was holding 10,002 noncitizens and was thus 783 percent over its COVID-19 adjusted capacity of 1,278 and 287 percent over its normal, non-adjusted capacity of 3,485. Within RGV, noncitizen families and UCs are primarily transferred to a temporary processing facility in Donna, Texas in the RGV, which has a normal operating capacity of 1,625 and a COVID-19 adjusted capacity of 813 based on CDC recommended guidelines. Within nine days of this facility opening on February 9, 2021, it had already exceeded its normal non-COVID-19 operating capacity with more than 1,000 noncitizens in custody. As of August 1, this facility was operating at 446 percent of its COVID-19 adjusted capacity, and 223 percent of its normal non-COVID-19 operating capacity, with 3,623 noncitizens in custody.

22. These capacity figures are extremely worrisome, particularly because of the continued spread of the highly transmissible Delta variant. Overcrowding challenges DHS's ability to effectively execute many of its core public health mitigation and countermeasure activities. Additionally, higher rates of COVID-19 transmission within a DHS facility could quickly impede the Department's ability to utilize that facility's maximum capacity, further lowering the overall processing and holding capacity along the southwest border. Indeed, the Department's operations

have already been impacted by significantly increased positivity rates among individuals in its facilities, including families.

23. Monthly family encounter rates have generally been increasing since April 2020, rising 100-fold from 738 encounters in April 2020 to over 75,000 in July 2021. Due to the impacts of the current pandemic, and the deteriorating economic conditions and increasing instability in the region from which the migrants originate, such encounters may increase further in the coming months. Based on current trends, the Department expects that total encounters this fiscal year are likely to be the highest ever recorded. The Department also expects that these numbers will climb even higher if the CDC Order is enjoined.

24. If an injunction is issued with respect to families, DHS will be required to process additional families under Title 8, requiring additional staff and space due to increased processing times. Processing a family under Title 42 typically takes 10 to 15 minutes and is largely conducted outdoors, while processing a family for Title 8 can take 1.5 to 3 hours and is generally conducted indoors. Processing all families under Title 8 will thus generally require DHS to hold significantly increased numbers of individuals in a variety of congregate settings, including during transportation to Border Patrol stations or other CBP facilities, and to process them at such facilities. Because many Border Patrol stations and other CBP facilities along the southwest border are already over operating capacity, increasing the number of individuals required to be held at such facilities would further limit the ability to employ social distancing and other COVID-19 related countermeasures.

25. The CDC has determined that the expulsion of certain noncitizens is necessary to protect public health because DHS is simply unable to process all noncitizen families safely under current circumstances, and particularly in the event of a large-scale influx. Enjoining DHS's

implementation of the CDC Order as to families would therefore endanger noncitizens in DHS facilities, DHS personnel, and ultimately the general public.

* * *

26. The United States has been built by generations of immigrants in search of refuge. In line with that tradition, the Department is committed to ensuring that asylum seekers and other noncitizens seeking protection are treated with dignity and compassion. At the same time, the ongoing COVID-19 pandemic presents complex and dynamic challenges relating to public health that limit the Department's ability to process all such individuals safely under normal procedures. These challenges have been greatly exacerbated by the rise in novel COVID-19 variants, including the Delta variant. The Department continues to work tirelessly to address those challenges as they emerge and implement procedures as needed to promote the health and safety of noncitizens, DHS personnel, border communities, and the American public. During this period and given the unique public health danger posed by the ongoing pandemic, implementation of the CDC Order is critical to preventing overcrowding and the spread of infection within DHS facilities.

Executed on August 2, 2021.

David Shahoulian

David Shahoulian
Assistant Secretary for Border and Immigration Policy
U.S. Department for Homeland Security

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 84 of 128

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS, Plaintiff, v. JOSEPH R. BIDEN, JR., et al., Defendants.	Civil Action No. 4:21-cv-00579-P

DECLARATION OF LISA KALAKANIS

My name is Lisa Kalakanis, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I serve as the Data Dissemination and Reporting Director within Texas Health and Human Services Commission's Office of Data Analytics and Performance (formerly known as Center for Analytics and Decision Support (CADS)). The Texas Health and Human Services Commission (HHSC) is the state agency responsible for ensuring the appropriate delivery of health and human services in Texas. As such, HHSC has operational responsibility for certain health and human services programs and oversight authority over the state health and human services (HHS) agencies.

2. As a part of my employment with HHSC, I am responsible for analytic and quantitative research on health care utilization, demographic trends, and enrollment patterns for the state's health care and human service programs, including Medicaid. I am also responsible for program evaluation activities and analytic support across all of the HHS agencies and programs.

3. I served as Interim CADS Director from September 1, 2020 to May 31, 2021.

4. This declaration was first prepared by Monica Smoot, then Chief Data and Analytics Officer for the Texas Health and Human Services Commission's Center for Analytics and Decision

(Page 179 of Total)

(Page 180 of Total)

Support (CADS). Ms. Smoot retired from the agency in August 2020. The data contained in this declaration is true and correct.

5. In 2007, as part of the 2008-2009 General Appropriations Act, the Texas Legislature required HHSC to report the cost of services and benefits provided by HHSC to undocumented immigrants in the State of Texas. This report, also known as the Rider 59 Report, was first completed by HHSC in 2008. Due to numerous requests for more recent information following the issuance of the 2008 report, the Rider 59 Report was updated in 2010, 2013, 2014 and 2017. The Rider 59 Report completed in 2017 covered state fiscal year (SFY) 2015.

6. HHSC provides three principal categories of services and benefits to undocumented immigrants in Texas: (i) Texas Emergency Medicaid; (ii) the Texas Family Violence Program (FVP); and (iii) Texas Children's Health Insurance Program (CHIP) Perinatal Coverage. Undocumented immigrants also receive uncompensated medical care from public hospitals in the State.

7. Emergency Medicaid is a federally required program jointly funded by the federal government and the states. The program provides Medicaid coverage, limited to emergency medical conditions including childbirth and labor, to undocumented immigrants living in the United States. Because HHSC Medicaid claims data do not conclusively identify an individual's residency status, the portion of Emergency Medicaid payments attributable to undocumented immigrants must be estimated. Attached as Exhibit 1 is a document that explains the methodology HHSC utilized to obtain the estimates provided in this affidavit. It is the same methodology relied upon by HHSC for preparing internal estimates and for preparation of the Rider 59 report. The total estimated cost to the State for the provision of Emergency Medicaid services to undocumented immigrants residing in Texas was approximately $80 million in SFY 2007, $62

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 85 of 128

million in SFY 2009, $71 million in SFY 2011, $90 million in SFY 2013, and $73 million in SFY 2015; the estimate in SFY 2019 was $80 million.

8. The Family Violence Program contracts with non-profit agencies across the State to provide essential services to family violence victims, including undocumented immigrants, in three categories: shelter centers, non-residential centers, and Special Nonresidential Projects. Because the FVP does not ask individuals about their residency status, the portion of the FVP's expenditures attributable to undocumented immigrants must be estimated. Attached as Exhibit 1 is a document that explains the methodology HHSC utilized to obtain the estimates provided in this affidavit. It is the same methodology relied upon by HHSC for preparing internal estimates and for preparation of the Rider 59 report. The total estimated cost to the State for the provision of direct FVP services to undocumented immigrants residing in Texas was $1.2 million in SFY 2007, $1.3 million in SFY 2009, $1.3 million in SFY 2011, $1.4 million in SFY 2013, and $1.0 million in SFY 2015; the estimate for SFY 2019 is $1.0 million.

9. Texas CHIP Perinatal Coverage provides prenatal care to certain low-income women who do not otherwise qualify for Medicaid. There is no way to definitively report the number of undocumented immigrants served by CHIP Perinatal Coverage because the program does not require citizenship documentation. Attached as Exhibit 1 is a document that explains the methodology HHSC utilized to obtain the estimates provided in this affidavit. It is the same methodology relied upon by HHSC for preparing internal estimates and for preparation of the Rider 59 report. CHIP Perinatal Coverage expenditures were not included in HHSC's original Rider 59 Report because a full year of program data was not available when the report was prepared. The total estimated cost to the State for CHIP Perinatal Coverage to undocumented

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 86 of 128

(Page 182 of Total)

immigrants residing in Texas was $33 million in SFY 2009, $35 million in SFY 2011, and $38 million in SFY 2013, and $30 million in SFY 2015; the estimate for SFY 2019 is $6 million.

10. In the 2008 and 2010 versions of the Rider 59 Report, HHSC also provided estimates of the amount of uncompensated medical care provided by state public hospital district facilities to undocumented immigrants. In these reports, HHSC estimated that the State's public hospital district facilities incurred approximately $596.8 million in uncompensated care for undocumented immigrants in SFY 2006 and $716.8 million in SFY 2008. HHSC has not provided any estimates of uncompensated care for undocumented immigrants in more recent versions of the Rider 59 Report.

11. Based on my knowledge, expertise, and research regarding the provision of services and benefits to undocumented immigrants by HHSC, I believe that the total costs to the State of providing such services and benefits to undocumented immigrants will continue to reflect trends to the extent that the number of undocumented immigrants residing in Texas increases or decreases each year.

12. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 21st day of June, 2021.

Lisa Kalakanis

LISA KALAKANIS

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 87 of 128

Estimating the Percent of Undocumented Clients

Previous Undocumented Immigrant Estimates

Previously, HHSC relied on different methods to estimate the percent of non-U.S. citizens in Texas who are undocumented. The first method consisted of assuming that one-half of the estimated non-U.S. citizen population in the state was undocumented. Under this method, HHSC would obtain the estimate for total number of non-U.S. citizens in the state, as reported from the U.S. Census Bureau's American Community Survey (ACS)[1], and would divide that number by two in order to obtain an estimate of the undocumented population in the state.

More recently HHSC relied on a method that uses two different sources of official federal government data to develop its own in-house estimates of the percent of Texas residents that are undocumented immigrants:

- The Texas-specific sample of the U.S. Census Bureau's American Community Survey (ACS), and
- The Office of Immigration Statistics of the U.S. Department of Homeland Security (DHS).

The ACS was the source for estimates of the total non-U.S. citizen population in the state while DHS was the source for the estimated number of persons in the state who are undocumented.

Using these two sources, HHSC estimated the percent of non-U.S. citizens who are undocumented by taking DHS' estimate of the number of undocumented immigrants in Texas (the numerator) and dividing it by the ACS estimate for the number of non-U.S. citizens in the state (the denominator). This calculation resulted in HHSC's estimate of the proportion/percent of non-U.S. citizens in the state who are undocumented.

[1] The ACS is a large-scale demographic survey that provides annual estimates of the total population in Texas according to U.S. citizen status (citizen versus non-citizen). However, the estimate for the non-U.S. citizen population is not broken down any further according to documented/undocumented status because that type of information is not collected by the survey.

According to this method, during 2008-2014, an estimated two-thirds (62 to 66%) of non-citizens were considered undocumented on any given year within that period.

DHS temporarily suspended the publication of its estimates for the unauthorized/undocumented population after March 2013, when it published estimates for this population as of January 2012. It resumed publication of the estimates on April 19, 2021, when it released previously unpublished estimates for the years 2013-2018. The new updates may be used to develop future versions of this report.

With the temporary suspension of DHS's estimates after March 2013, HHSC lost the official information source relied upon for data on the number of non-citizens who are undocumented, as none of the other Federal and Texas state agencies collected and published information about the legal status of non-U.S. citizens' residing in the state of Texas.

This situation resulted in the need to develop and alternative method for estimating the number and percent of non-U.S. citizens using HHSC services who are undocumented. The goal was to develop a method that does not rely on the simple assumptions previously used (that one-half of non-citizens are undocumented). The alternative method is explained below.

Method for Current Estimates

Benchmark Program: Texas' Medicaid Type Program 30

Texas' Medicaid Type Program 30 (TP 30) plays an important role in paying for emergency medical services provided to non-U.S. citizens who do not meet the eligibility criteria for Medicaid. Given the high-profile role the program plays in compensating health care providers for services provided to non-eligible non-citizens, it was chosen as the benchmark program for developing an estimate of the percent of non-citizens provided HHSC services who are undocumented.

To a very significant degree, uninsured non-citizen reproductive-age (ages 15-44) females are the main caseload driver within TP 30. In SFY 2017, reproductive- age females accounted for 81% of the clients served. Given the highly disproportionate impact this group has on the program, it is by far the most important one to analyze to obtain the best and most accurate estimate possible of the percent of clients served under this program that are likely to be undocumented non-citizens.

Data Analysis and Estimate

According to the U.S. Census Bureau's American Community Survey (ACS), in 2016 there were approximately 446,000 uninsured non-U.S. citizen reproductive-age females in Texas. Of those, 39 percent (176,000) had resided in the U.S. for 10 years or less and 61 percent (270,000) for more than 10 years.

It is reasonable to expect that the longer a non-citizen has resided in the U.S., the more likely he/she would have been able to attain some form of U.S. legal permanent resident status.

Assuming that the fraction of non-citizen reproductive-age females (ages 15-44) who have not attained some form of legal permanent resident status is 7 of every 10 (70%) among those who have lived in the U.S 10 years or less, and 4 of every 10 (40%) among those in the U.S. for more than 10 years, the estimated potential percentage for undocumented females of reproductive age in Texas is 52%.

Calculation for Estimated Percent Undocumented

((0.7*176,000 + 0.4*270,000) / (446,000)) * 100 = 51.8% ~ 52%

Extending these assumptions derived from the ACS data to non-citizen reproductive-age females that received assistance under TP 30 – for whom year of entry into the U.S. information is not known -- it is then estimated that 52% of them are likely to be undocumented.

Taking into consideration that uninsured, non-citizen reproductive-age females represent a highly disproportionate share of the program's caseload, the estimated potential percentage for undocumented clients applicable to them, slightly adjusted downwards to 50%, is also applied to the entire TP 30 program. Due to the lack of sufficient demographic data on populations at-risk for other programs of interest, the same percentage was also applied to the Family Violence and CHIP-P programs for the purposes of the analysis in this report.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS, Plaintiff, v. JOSEPH R. BIDEN, JR., et al., Defendants.	Civil Action No. 4:21-cv-00579-P

DECLARATION OF LEONARDO R. LOPEZ

My name is Leonardo R. Lopez, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Associate Commissioner for School Finance/Chief School Finance Officer at the Texas Education Agency ("TEA"). I have worked for TEA in this capacity since June 2016, having previously served as the Executive Director of Finance for the Austin Independent School District ("AISD") for four years. Prior to my time at AISD, I served for ten years in a variety of roles for TEA, including six years as the Foundation School Program Operations Manager for the TEA's State Funding Division.

2. In my current position, I oversee TEA's school finance operations, including the administration of the Foundation School Program and analysis and processing of financial data. My responsibilities also include representing TEA in legislative hearings and school finance-related litigation.

3. TEA estimates that the average funding entitlement for 2021 will be $9,216 per student in attendance for an entire school year. If a student qualifies for the additional Bilingual

and Compensatory Education weighted funding (for which most, if not all, UAC presumably would qualify), it would cost the State $11,432 to educate each student in attendance for the entire school year. Assuming additional Bilingual and Compensatory Education weighted funding, comparable student costs for fiscal year 2022 would be $11,532.

4. TEA has not received any information directly from the federal government regarding the precise number of unaccompanied children ("UAC") in Texas. However, I am aware that data from the U.S. Health and Human Services ("HHS") Office of Refugee Resettlement (accessed on April 29, 2021 at 4 p.m. CST at https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state) (attached as Exhibit 1), indicates that in Texas, 3,272 UAC were released to sponsors during the 12-month period covering October 2014 through September 2015; 6,550 UAC were released to sponsors during the 12-month period covering October 2015 through September 2016; 5,391 UAC were released to sponsors during the 12-month period covering October 2016 through September 2017; 4,136 UAC were released to sponsors during the 12-month period covering October 2017 through September 2018; 9,900 UAC were released to sponsors during the 12-month period covering October 2018 through September 2019; and 2,336 UAC were released to sponsors during the 12-month period covering October 2019 through September 2020. If each of these children is educated in the Texas public school system and qualifies for Bilingual and Compensatory Education weighted funding (such that the State's annual cost to educate each student for fiscal years 2016, 2017, 2018, 2019, 2020, and 2021 would be roughly $9,573, $9,639, $9,841, $10,330, $11,323, and $11,432, respectively), the annual costs to educate these groups of children for fiscal years 2016, 2017, 2018, 2019, 2020, and 2021 would be approximately $31.32 million, $63.13 million, $53.05 million, $42.73 million, $112.10 million, and $26.71 million, respectively.

5. Additionally, if the same number of UAC are released to sponsors during the 12-month period covering October 2020 through September 2021 as were released during the 12-month period covering October 2019 through September 2020, and if each of these children is educated in the Texas public school system and qualifies for Bilingual and Compensatory Education weighted funding (such that the State's annual cost to educate each student for fiscal year 2022 would be roughly $11,532), the State's annual cost to educate this group of children for fiscal year 2022 would be approximately $26.94 million. Currently, all the costs of educating these students would be borne by the State.

6 In fact, the number of UAC released to sponsors in Texas may end up being higher than this, as 2,389 UAC were released to sponsors in Texas during the 6-month period covering October 2020 through March 2021. (Exhibit 1). If the rate of this 6-month period is maintained for the rest of the 12-month period through September 2021, 4,778 UAC would be released to sponsors in Texas for that period. This would be an increase of nearly 105% over the previous 12-month period number of 2,336.

7. School formula funding is comprised of state and local funds. The state funding is initially based on projections made by each school district at the end of the previous biennium. Districts often experience increases in their student enrollment from year to year, and the State plans for an increase of approximately 36,000 students in enrollment growth across Texas each year.

8. The Foundation School Program serves as the primary funding mechanism for providing state aid to public schools in Texas. Any additional UAC enrolled in Texas public schools would increase the State's cost of the Foundation School Program over what would otherwise have been spent.

9. Based on my knowledge and expertise regarding school finance issues impacting the State of Texas, I anticipate that the total costs to the State of providing public education to UAC will rise in the future to the extent that the number of UAC enrolled in the State's public school system increases.

10. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of June 2021.

LEONARDO R. LOPEZ

Case 1:21-cv-00100-EGS Document 168-3 Filed 11/21/22 Page 95 of 128
USCA Case #22-5279 Document #1977146 Filed 09/08/21 Page 95 of 128

Unaccompanied Children Released to Sponsors by State

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Publication Date: June 24, 2021

When a child who is not accompanied by a parent or legal guardian is apprehended by immigration authorities, the child is transferred to the care and custody of the Office of Refugee Resettlement (ORR). Federal law requires that ORR feed, shelter, and provide medical care for unaccompanied children until it is able to release them to safe settings with sponsors (usually family members), while they await immigration proceedings. These sponsors live in many states.

Sponsors are adults who are suitable to provide for the child's physical and mental well-being and have not engaged in any activity that would indicate a potential risk to the child. All sponsors must pass a background check. The sponsor must agree to ensure the child's presence at all future immigration proceedings. They also must agree to ensure the minor reports to ICE for removal from the United States if an immigration judge issues a removal order or voluntary departure order.

HHS is engaging with state officials to address concerns they may have about the care or impact of unaccompanied children in their states, while making sure the children are treated humanely and consistent with the law as they go through immigration court proceedings that will determine whether they will be removed and repatriated, or qualify for some form of relief.

HHS has strong policies in place to ensure the privacy and safety of unaccompanied children by maintaining the confidentiality of their personal information. These children may have histories of abuse or may be seeking safety from threats of violence. They may have been trafficked or smuggled. HHS cannot release information about individual children that could compromise the child's location or identity.

The data in the table below shows **state-by-state** data of unaccompanied children released to sponsors as of July 31, 2021. ACF will update this data each month. Additional data on unaccompanied children released to sponsors by state is available on the HHS website .

View unaccompanied children released to sponsors by county.

Please note: ORR makes considerable effort to provide precise and timely data to the public, but adjustments occasionally occur following review and reconciliation. The FY2014 release data posted in the chart below were updated on March 13, 2015. The FY2015 release data were updated May 9, 2016. The FY2017 release data were updated May 22, 2018. The FY2018 release data were updated December 3, 2019. Questions may be addressed to ORR directly, at (202) 401-9246.

Unaccompanied Children Release Data

Case 1:21-cv-00100-EGS Document 168-3 Filed 11/21/22 Page 96 of 128
USCA Case #22-5279 Document #1977146 Filed 09/08/21 Page 96 of 128
Case 4:21-cv-00579-P Document 69 Filed 09/08/21 Page 96 of 128

STATE	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY15 (OCT. 2014 — SEPT. 2015)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY16 (OCT. 2015 — SEPT. 2016)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY17 (OCT. 2016 — SEPT. 2017)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY18 (OCT. 2017 — SEPT. 2018)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY19 (OCT. 2018 — SEPT. 2019)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY20 (OCT. 2019 — SEPT. 2020)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY21 (OCT. 2020 — JULY 2021)*
Alabama	808	870	598	736	1,111	247	1,338
Alaska	2	5	3	0	4	0	3
Arizona	167	330	322	258	493	162	463
Arkansas	186	309	272	193	359	87	544
California	3,629	7,381	6,268	4,675	8,447	2,225	7,596
Colorado	248	427	379	313	714	172	752
Connecticut	206	454	412	332	959	260	989
Delaware	152	275	178	222	383	107	376
DC	201	432	294	138	322	48	209
Florida	2,908	5,281	4,059	4,131	7,408	1,523	7,986
Georgia	1,041	1,735	1,350	1,261	2,558	559	3,003
Hawaii	2	4	4	1	16	6	15
Idaho	11	39	11	28	62	19	62
Illinois	312	519	462	475	863	211	1,152
Indiana	240	354	366	394	794	209	1,059
Iowa	201	352	277	238	489	119	479
Kansas	245	326	289	305	453	95	494
Kentucky	274	503	364	370	710	158	735
Louisiana	480	973	1,043	931	1,966	355	1,991
Maine	4	9	11	22	26	11	44
Maryland	1,794	3,871	2,957	1,723	4,671	825	3,801
Massachusetts	738	1,541	1,077	814	1,756	448	1,772
Michigan	132	227	160	136	248	74	302
Minnesota	243	318	320	294	624	151	702

Case 1:21-cv-00100-EGS Document 168-3 Filed 11/21/22 Page 97 of 128
USCA Case #22-5279 Document #1977146 Filed 09/08/21 Page 97 of 128
Case 4:21-cv-00579-P Document 69 Filed 09/08/21 Page 97 of 128 PageID 955

Mississippi	207	300	237	299	482	108	498
Missouri	170	261	234	203	431	93	532
Montana	2	0	2	3	0	2	18
Nebraska	293	486	355	374	563	130	633
Nevada	137	283	229	132	324	79	313
New Hampshire	14	25	27	20	25	8	41
New Jersey	1,462	2,637	2,268	1,877	4,236	921	3,964
New Mexico	19	65	46	43	89	34	79
New York	2,630	4,985	3,938	2,845	6,367	1,663	6,009
North Carolina	844	1,493	1,290	1,110	2,522	610	3,010
North Dakota	2	10	3	2	10	1	8
Ohio	483	693	584	547	1,091	260	1,204
Oklahoma	225	301	267	286	581	120	658
Oregon	122	188	170	200	318	71	329
Pennsylvania	333	604	501	563	1,229	271	1,383
PR	0	0	0	1	3	3	0
Rhode Island	185	269	234	235	453	92	328
South Carolina	294	562	483	508	1,012	255	1,216
South Dakota	61	81	81	96	149	44	159
Tennessee	765	1,354	1,066	1,173	2,191	510	2,979
Texas	3,272	6,550	5,391	4,136	9,900	2,336	10,826
Utah	62	126	99	97	179	75	218
Vermont	1	1	0	2	6	1	6

Case 1:21-cv-00100-EGS Document 168-3 Filed 11/21/22 Page 98 of 128
USCA Case #22-5279 Document #1977146 Filed 09/08/21 Page 98 of 128
Case 4:21-cv-00579-P Document 69 Filed 09/08/21 Page 98 of 128

Virginia	1,694	3,728	2,888	1,650	4,215	770	3,710
Washington	283	476	494	435	723	237	754
West Virginia	12	26	23	23	41	4	39
Wisconsin	38	85	94	98	246	62	369
Wyoming	6	23	14	15	15	6	15
Virgin Islands	0	0	3	0	0	0	0
TOTAL	**27,840**	**52,147**	**42,497**	**34,953**	**72,837**	**16,837**	**75,165**

*The FY2015 numbers have been reconciled.

*The FY2017 numbers have been reconciled.

*The FY2018 numbers have been reconciled.

*The FY2021 numbers have been reconciled.

For more information, please read ORR's reunification policy.

Topics:
Unaccompanied Children (UC)

Types:
Grant & Funding

Audiences:
Unaccompanied Alien Children (UAC)

Last Reviewed Date: August 24, 2021

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS, Plaintiff, v. JOSEPH R. BIDEN, JR., et al., Defendants.	Civil Action No. 4:21-cv-00579-P

DECLARATION OF SHERI GIPSON

My name is Sheri Gipson, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Chief of the Texas Department of Public Safety ("DPS") Driver License Division. In this capacity, I oversee DPS's issuance of driver licenses and identification cards to residents of the State of Texas.

2. I was appointed to my current position and confirmed by the Texas Public Safety Commission in February 2020. Prior to that, I served as Assistant Chief of the Driver License Division from March 2016 through February 2020. I have worked for the Driver License Division of DPS for 38 years.

3. Pursuant to Section 521.142(a) of the Texas Transportation Code, an individual applying for an original driver license "who is not a citizen of the United States must present to [DPS] documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license." Section 521.1425(d) of the Texas Transportation Code provides that DPS "may not deny a driver's license to an applicant who provides documentation described by Section 521.142(a) based on the duration

of the person's authorized stay in the United States, as indicated by the documentation presented under Section 521.142(a)."

4. Pursuant to Section 521.101(f-2) of the Texas Transportation Code, an individual applying for an original personal identification certificate "who is not a citizen of the United States must present to [DPS] documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States." Section 521.101(f-4) of the Texas Transportation Code provides that DPS "may not deny a personal identification certificate to an application who complies with Subsection (f-2) based on the duration of the person's authorized stay in the United States, as indicated by the documentation presented under Subsection (f-2)."

5. If an individual presents documentation issued by the federal government showing authorization to be in the United States (such as an Employment Authorization Document), and otherwise meets eligibility requirements, DPS will issue a limited term driver license or personal identification certificate to a non-citizen resident of Texas.[1] A license or identification certificate issued to such an applicant is limited to the term of the applicant's lawful presence, which is set by the federal government when it authorizes that individual's presence. In fiscal year 2019 (September 2018 through August 2019), DPS issued 386,898 limited term licenses and identification certificates. In fiscal year 2020 (September 2019 through August 2020), DPS issued 304,031 limited term licenses and identification certificates. Driver license and identification card transactions for FY 2020 were impacted by office closures and reduced customer capacity in offices due to the pandemic.

6. For each non-citizen resident of Texas who seeks a limited term driver license or

[1] DPS maintains a list documents acceptable for verifying lawful presence. *See* Tex. Dep't of Public Safety, Verifying Lawful Presence 4 (Rev. 7-13), https://www.dps.texas.gov/sites/default/files/documents/driverlicense/documents/verifyinglawfulpresence.pdf. A copy is attached to this declaration as Exhibit 1.

personal identification certificate, DPS verifies the individual's lawful presence status with the United States government using the Systematic Alien Verification of Entitlements ("SAVE") system. The State of Texas currently pays $0.30 per customer for SAVE verification purposes. Approximately 18% of customers must complete additional SAVE verification at $0.50 per transaction.

7. For each non-United States citizen resident of Texas who seeks a limited term driver license, DPS verifies the individual's social security number and that person's eligibility through Social Security Online Verification ("SSOLV") and the American Association of Motor Vehicle Administrators' ("AAMVA") Problem Drivers Pointer System ("PDPS") and, if applicable, the Commercial Driver License Information System ("CDLIS"). The State of Texas currently pays $0.05 per customer for SSOLV and PDPS verification purposes. There is a cost of $0.028 for CDLIS verification purposes, which is about 2% of all limited term licenses.

8. Each additional customer seeking a limited term driver license or personal identification certificate imposes a cost on DPS. DPS estimates that for an additional 10,000 driver license customers seeking a limited term license, DPS would incur a biennial cost of approximately $2,014,870.80. The table below outlines the estimated costs that DPS would incur based on the additional number of customers per year for employee hiring and training, office space, office equipment, verification services, and card production cost. For every 10,000 additional customers above the 10,000-customer threshold, DPS may have to open additional driver license offices or expand current facilities to meet that increase in customer demand.

Customer Volume Scenario	Additional Employees Required	Additional Office Space Required (SqFt) (96 per employee)	Biennial Cost for Additional Employees, Leases, Facilities and Technology	Biennial Cost for Verification Services	Biennial Cost for Card Production	Total Cost to DPS
10,000	9.4	902.4	$1,978,859.60	$9,011.20	$27,000.00	$2,014,870.80
20,000	18.8	1,804.8	$3,957,719.20	$18,022.40	$54,000.00	$4,029,741.60
30,000	28.2	2,707.2	$5,936,578.80	$27,033.60	$81,000.00	$6,044,612.40
40,000	37.6	3,609.6	$7,915,438.40	$36,044.80	$108,000.00	$8,059,483.20
50,000	46.9	4,502.4	$9,894,298.00	$45,056.00	$135,000.00	$10,074,354.00
100,000	93.9	9,014.4	$19,788,596.01	$90,112.00	$270,000.00	$20,148,708.01
150,000	140.8	13,516.8	$29,682,894.01	$135,168.00	$405,000.00	$30,223,062.01
200,000	187.8	18,028.8	$39,577,192.01	$180,224.00	$540,000.00	$40,297,416.01

9. Standard term licenses issued to most citizens are valid for a period of eight years with an allowance to renew online once after an office visit. Therefore, most license holders only have to visit a driver license office once every sixteen years. Because limited term licenses are limited to the term of the applicant's lawful presence, it is possible that an individual would have to renew their limited term license sixteen or more times during the same sixteen-year span. The frequency of renewing the license would depend on the length of time the appropriate United States agency authorizes the applicant to be in the United States. Every renewal for a limited term license requires an additional in-person visit to a DPS facility, and thus requires additional costs related to employee hiring and training, verification of lawful presence status through the SAVE system, office space, office equipment, and infrastructure. Thus, the estimated costs identified above that DPS would incur would only increase as more limited term licenses are issued.

10. The added customer base that may be created by an increase in the number of individuals authorized to be in the United States who chose to reside in Texas will substantially burden driver license resources without additional funding and support.

11. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true

and correct.

Executed on this 17th day of June 2021.

SHERI GIPSON

Verifying Lawful Presence

An applicant for a driver license (DL) or identification card (ID) must present proof of lawful presence in the US. The table on the following pages describes the acceptable documents for each type of applicant attempting to verify lawful presence. All documentation must show the applicant's name and date of birth. The applicant must validate a name change or other inconsistent information through additional documentation such as a marriage license, divorce decree or court order.

The department must verify applicable lawful presence documentation through the US Department of Homeland Security's (DHS) Systematic Alien Verification for Entitlements (SAVE) Program. Verification through SAVE is often instantaneous, but when it is not, receipt of the DL/ID may be delayed for up to 30 days. If SAVE cannot verify on the first attempt, SAVE will permit two additional stages of verification. Each stage may require additional documentation from the applicant. After each stage, the applicant will receive instructions either verbally or by mail on how to proceed with the transaction. To avoid further delay, the applicant should comply with the instructions fully and as soon as possible. If the applicant provides timely responses, the process timeline generally occurs as follows.

Stage	DLD receives response from DHS	DLD response to applicant
First	Within a few seconds	If verified, card issued
Second	3 to 5 business days	Instruction letter issued within 48 hours after DHS response received by DLD
Third	Up to 20 additional business days after second response received from DHS	Instruction letter issued within 48 hours after DHS response received by DLD

Temporary Visitor/Limited Term Issuance

An applicant may be issued a limited term DL/ID if he or she is NOT:

- A US citizen;
- A US national;
- A lawful permanent resident;
- A refugee; or
- An asylee.

A limited term DL/ID will expire with the applicant's lawful presence as determined by DHS.

Commercial Driver Licenses

This guide does not apply to commercial driver licenses. A person who is a US citizen, US national, lawful permanent resident, refugee or asylee may apply for a commercial driver license. All others may apply for a nonresident commercial driver license, if eligible. Refer to http://www.dps.texas.gov/DriverLicense/CommercialLicense.htm or Chapter 522 of the Transportation Code for application and eligibility requirements.

Category	Acceptable Documents
U.S. Citizen	❖ Birth certificate issued by the appropriate vital statistics agency of a U.S. State, a U.S. territory, or the District of Columbia indicating birth in U.S. ❖ Department of State Certification of Birth issued to U.S. Citizens born abroad (FS-240, DS-1350, or FS-545) or Consular Report of Birth Abroad ❖ Certificate of U.S. Citizenship ❖ Certificate of Naturalization ❖ U.S. Dept. of Justice – INS U.S. Citizenship Identification Card (I-197 or I-179) ❖ Northern Mariana Card (I-873) ❖ U.S. passport book that **does not** indicate on the last page that "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN" ❖ U.S. passport card
U.S. National	U.S. passport book that indicates on the last page that "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN"
Kickapoo Traditional Tribe of Texas ("KIC") (U.S. citizen)	American Indian Card (form I-872) which indicates "KIC"
Kickapoo Traditional Tribe of Texas ("KIP") (non-U.S. citizen)	American Indian Card (form I-872) which indicates "KIP"
American Indian born in Canada (First Nations)	An applicant may refer to the Jay Treaty, 8 U.S.C. § 1359, or 8 C.F.R. § 289.2 and may present a variety of documents. Issuance cannot occur without approval of the documents by Austin headquarters. DLD Personnel: make copies of documentation and seek approval through the chain of command.
Lawful Permanent Resident	❖ Permanent Resident Card (I-551) ❖ Resident Alien Card (I-551) – card issued without expiration date ❖ Valid Immigrant Visa (with adit stamp) and unexpired foreign passport ❖ Unexpired foreign passport stamped with temporary I-551 language (adit stamp), "Approved I-551," or "Processed for I-551" ❖ I-94 stamped with temporary I-551 language (adit stamp), "Approved I-551," or "Processed for I-551" ❖ Re-entry Permit I-327 Note: I-151, the predecessor to I-551, is not acceptable as proof of permanent resident status.
Immigrant Visa with Temporary I-551 language	A valid Immigrant Visa within one year of endorsement (i.e. stamped by Customs and Border Protection – adit stamp) and an unexpired passport
Conditional entrants	Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to: ❖ I-94 or other document showing admission under Section 203(a)(7), "refugee conditional entry" ❖ I-688B coded 274a.12(a)(3) ❖ I-766 with category A3 or A03

Category	Acceptable Documents
Asylee	Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to: ❖ I-94 with annotation "Section 208" or "asylee" ❖ Unexpired foreign passport with annotation "Section 208" or "asylee" ❖ I-571 Refugee Travel Document ❖ I-688B coded 274a.12(a)(5) ❖ I-766 with category A5 or A05
Refugee	Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to: ❖ I-94 with annotation "Section 207" or "refugee" ❖ Unexpired foreign passport with annotation "Section 207" or "refugee" ❖ I-571 Refugee Travel Document ❖ I-688B coded 274a.12(a)(3) ❖ I-766 with category A3 or A03
Temporary Protected Status (TPS)	Immigration documentation with an alien number or I-94 number indicating this status or Employment Authorization Document (EAD) (I-766) with category A12 or C19
Applicant with Employment Authorization Document	Employment Authorization Document (EAD)(I-766)
Applicants for adjustment of status Note: These are individuals applying to become lawful permanent residents.	Immigration documentation with an alien number or I-94 number This can include but is not limited to a form I-797 indicating pending I-485 or pending application for adjustment of status.
Applicants for extension of status, change of status, petition for non-immigrant worker, with a pending I-918 application, or other pending category.	Immigration documentation with an alien number or I-94 number This can include but is not limited to a form I-797 indicating a pending application for an extension of status, change of status, petition for non-immigrant worker, or other pending category.
Citizens of the Republic of Palau	Unexpired foreign passport or I -94 with annotation "CFA/PAL" or other annotation indicating the Compact of Free Association/Palau **OR** Employment Authorization Document (EAD)(I-766) with category A8 or A08
Citizens of the Republic of the Marshall Islands	Unexpired foreign passport or I -94 with annotation "CFA/RMI" or other annotation indicating the Compact of Free Association/Republic of Marshall Islands **OR** Employment Authorization Document (EAD)(I-766) with category A8 or A08

Category	Acceptable Documents
Citizens of the Federated States of Micronesia	Unexpired foreign passport or I -94 with annotation "CFA/FSM" or other annotation indicating the Compact of Free Association/Federated States of Micronesia **OR** Employment Authorization Document (EAD)(I-766) with category A8 or A08
Cuban/Haitian entrants	Immigration documentation with an alien number or I-94 number This can include but is not limited to an I-94 with annotation "Cuban/Haitian entrant"
Lawful temporary residents	Immigration documentation with an alien number or I-94 number
Self-petitioning abused spouses or children, parents of abused children, or children of abused spouses (Applicants with Violence Against Women Act (**VAWA**) petitions)	Immigration documentation with an alien number or I-94 number This can include but is not limited to I-797 indicating approved, pending, or prima facie determination of I-360 or an approved or pending I-360 or an I-766 with category C31.
Parolees	Immigration documentation with an alien number or I-94 number This can include but is not limited to an I-94 with annotation "parole" or "paroled pursuant to Section 212(d)(5)."
Person granted **deferred action**	Immigration documentation with an alien number or I-94 number
Persons granted **deferred enforcement departure** (DED)	Immigration documentation with an alien number or I-94 number or Employment Authorization Document (EAD) (I-766) with category A11 Note: Individuals in this status may have been granted an extension to the period of authorized stay that is not reflected on the current EAD. Notifications regarding any extensions to this category will be distributed by Austin headquarters.
Person granted **family unity**	Immigration documentation with an alien number or I-94 number
Persons under an **order of supervision**	Immigration documentation with an alien number or I-94 number
Persons granted **extended or voluntary departure**	Immigration documentation with an alien number or I-94 number

Category	Acceptable Documents
Persons granted **withholding of deportation or removal**	Immigration documentation with an alien number or I-94 number This can include but is not limited to an I-94 or passport with annotation "Section 243(h)" or a letter or order from USCIS or court granting withholding of deportation or removal.
Persons in **removal or deportation proceedings**	Immigration documentation with an alien number or I-94 number
Persons granted a **stay of deportation**	Immigration documentation with an alien number or I-94 number
Persons granted **voluntary departure**	Immigration documentation with an alien number or I-94 number
A-1, A-2, and A-3	Unexpired foreign passport or I -94 **Note:** Issuance **cannot occur unless** applicant presents a letter from U.S. Department of State with original signature indicating ineligibility for Department of State issued driver license or requesting issuance of a state issued identification card.
B1/B2 Visa/BCC with I-94 (Border Crosser Card , DSP-150, or "laser visa")	All of the following: ♦ Unexpired foreign passport, ♦ Visa (border crosser card), **and** ♦ **I -94** Note: Applicant must have an I-94 to be eligible because of the time and distance from the border restrictions for applicants who do not obtain an I-94.
B-1, B-2, C-1, C-3, D-1, and D-2	Unexpired foreign passport or I -94 Note: The applicant may not be able meet residency/domicile requirements.
C-2 Alien in transit to U.N. Headquarters district. Travel limited to 25 miles radius of Columbus Circle in New York, NY	This status is restricted to New York, NY and not eligible for a Texas driver license under the domicile/residency requirements.
E-1, E-2, and E-3	Unexpired foreign passport or I -94
E-2 CNMI Treaty-investor and dependents in Commonwealth of the Northern Mariana Islands	This status is limited to persons entering the Commonwealth of the Northern Mariana Islands (CNMI) and is not eligible for a Texas driver license (8 CFR § 214.2(3)(23)).
F-1 Foreign academic student	Unexpired foreign passport or I -94 or I-20

Category	Acceptable Documents
F-2 Dependent on F-1	Unexpired foreign passport or I -94
F-3 Commuter Student from Canada or Mexico	This status is for commuters from Mexico or Canada and is not eligible for a Texas driver license under the domicile/residency requirements.
G-1, G-2, G-3, G-4, and G-5	Unexpired foreign passport or I -94 Note: Issuance cannot occur unless applicant presents a letter from US Department of State approving the issuance of a DL/ID.
H-1B, H-1B1, H-1C, H-2A, H-2B, H-2R, H-3, H-4, and I	Unexpired foreign passport or I -94
J-1 Exchange visitor (may be student, trainee, work/travel, au pair, etc.)	Unexpired foreign passport or I -94 or DS-2019
J-2 Dependent of J-1 exchange visitor	Unexpired foreign passport or I -94
K-1, K-2, K-3, K-4, L-1, L-1A, L-1B, and L-2,	Unexpired foreign passport or I -94
M-1 Non-academic student	Unexpired foreign passport or I -94 or I-20
M-2 Dependents of non-academic students	Unexpired foreign passport or I -94
M-3 Commuter Student from Canada or Mexico	This status is for commuters from Mexico or Canada and is not eligible for a Texas driver license under the domicile/residency requirements.
N-1 through N-7 (NATO) North American Treaty Organization Representatives and dependents	Unexpired foreign passport or I -94
N-8, N-9, O-1, O-2, O-3, P-1, P-2, P-3, P-4, Q-1, Q-2, Q-3, R-1, R-2, S-5, S-6, S-7, T-1, T-2, T-3, T-4, T-5, TN-1, TN-2, TD, U-1, U-2, U-3, U-4, U-5, V-1, V-2, and V-3	Unexpired foreign passport or I -94

Category	Acceptable Documents
WB* Visitor for business (visa waiver program)	Unexpired foreign passport with admission stamp annotated "WT/WB" or I -94 Note: The applicant may not be able meet residency/domicile requirements.
WT* Visitor for pleasure (tourist in visa waiver program)	Unexpired foreign passport with admission stamp annotated "WT/WB" or I -94 Note: The applicant may not be able meet residency/domicile requirements.

*Visa waiver program countries: Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, and the United Kingdom.

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 111 of 128

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS, Plaintiff, v. JOSEPH R. BIDEN, JR., et al., Defendants.	Civil Action No. 4:21-cv-00579-P

DECLARATION OF REBECCA WALTZ

My name is Rebecca Waltz, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Budget Director for the Texas Department of Criminal Justice. The Texas Department of Criminal Justice (TDCJ) is the state agency responsible for the care, custody, and rehabilitation of persons convicted of a criminal offense in the state of Texas.

2. I have been employed with TDCJ since June 2004, and I have served in my current position since January 2020. Prior to that, I served as TDCJ's Deputy Budget Director from December 2017 to December 2019, a Senior Budget Analyst from October 2007 to November 2017, and a Junior Budget Analyst from September 2004 to September 2007.

3. The Bureau of Justice Assistance (BJA) administers the State Criminal Alien Assistance Program (SCAAP) in conjunction with the U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (OHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period.

(Page 206 of Total)

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 112 of 128

4. As a part of my employment with TDCJ, I am responsible for compiling the data to be included in TDCJ's application for federal reimbursement to the State Criminal Alien Assistance Program. These data sets include the number of correctional officers and their salary expenditures (correctional officer is defined as a person whose primary employment responsibility is to maintain custody of individuals held in custody in a correctional facility) for the reporting period, information regarding maximum bed counts and inmate days, and information about the eligible inmates - (1) whom the agency incarcerated for at least four consecutive days during the reporting period; and (2) who the agency knows were undocumented criminal aliens, or reasonably and in good faith believes were undocumented criminal aliens.

5. TDCJ has sought reimbursement from the federal government through SCAAP since 1998.

6. For the most recently completed SCAAP application (reporting period of July 1, 2017 through June 30, 2018), TDCJ reported data for 8,951 eligible inmates and total of 2,439, 110 days. An estimate of the cost of incarceration for these inmates can be calculated by multiplying the systemwide cost per day per inmate for Fiscal Year 2018 ($62.34) as reported by the Texas Legislative Budget Board by the number of days. For example ($62.34 x 2,439,110 days = $152,054,117).

7. Of this estimated amount, TDCJ was reimbursed $14,657,739 by SCAAP.

8. It is my belief that to the extent the number of aliens in TDCJ custody increases, TDCJ's unreimbursed expenses will increase as well.

9. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

(Page 207 of Total)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 21st day of June 2021.

REBECCA WALTZ

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 113 of 128

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

CBP DIRECTIVE NO. 2210-004 **DATE: December 30, 2019**

ORIGINATING OFFICE: Office of the Commissioner
SUPERSEDES: 2210-003
DATE: December 30, 2019

Enhanced Medical Support Efforts

1. **PURPOSE.** This directive directs U.S. Customs and Border Protection's (CBP) deployment of enhanced medical support efforts to mitigate risk to, and sustain enhanced medical efforts for persons in CBP custody along the Southwest Border (SWB). This Directive shall be executed in compliance with all applicable statutes, regulations, and U.S. Department of Homeland Security (DHS) policies regarding medical support for those in CBP custody. This Directive replaces the *CBP Interim Enhanced Medical Efforts Directive* signed on January 28, 2019.

2. **SCOPE.** This Directive applies to the provision of enhanced medical support for individuals in CBP custody along the SWB. This Directive applies to CBP steady-state and surge operations and includes crisis-level operations as delineated in the "Responsibilities" section. In the event of major surge/crisis-level operations, additional approaches and interagency resources and support will be required and pursued. This Directive supplements all existing local policies and CBP's national policies and directives administering medical support to individuals in CBP's custody, including the 2015 National Standards on Transport, Escort, Detention, and Search (TEDS); Secure Detention Directive, Directive No. 3340-030B, August 8, 2008; and the United States Border Patrol, Medical Program (2010).

3. **POLICY.** It is the policy of CBP that all individuals in custody will receive appropriate medical support in accordance with applicable authorities, regulations, standards, and policies. Consistent with short-term detention standards and applicable legal authorities, individuals will not be detained in CBP facilities for the sole purpose of completing non-emergency medical tasks. Specific implementation details of this Directive shall be determined by the operational components, as identified in the "Procedures" section below.

4. **AUTHORITIES.**

4.1 6 U.S.C. § 321e(c)(3)-(5)

4.2 Delegation of Authority to the Commissioner of U.S. Customs and Border Protection,

DHS Delegation 7010.3 (May 11, 2006).[1]

4.3 U.S. Customs and Border Protection National Standards on Transport, Escort, Search, and Detention (TEDS)

5. DEFINITIONS.

5.1 CBP Emergency Medical Services (EMS) Personnel – An employee of CBP who is an Emergency Medical Technician (EMT) or Paramedic, who has received certification from the National Registry of Emergency Medical Technicians, and who has completed the DHS EMS provider credentialing process with their CBP component office.

5.2 Health Care Provider – A medically credentialed person who delivers authorized health care in a systematic way to individuals or groups in need of health care services, including any employees assigned to provide professional or para-professional healthcare services as part of their DHS duties. This also applies to authorized individuals from other federal agencies (including detailees) and contractors whenever the purpose of the detail/contract includes performance of healthcare services.

5.3 Health Interview – The standardized medical questionnaire (CBP Form 2500) for individuals in CBP custody, completed by CBP employees, Federal, State, or Local government employees assigned to work with CBP, or contracted medical personnel.

5.4 Medical Assessment – An evaluation of an individual to assess medical status, conducted by a health care provider.

5.5 Personally Identifiable Information (PII) – Any information that permits the identity of an individual to be directly or indirectly inferred, including any other information that is linked or linkable to that individual regardless of whether the individual is a United States citizen, legal permanent resident, or a visitor to the United States.

5.6 Sensitive PII, including medical information, is PII which, if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.

6. RESPONSIBILITIES.

6.1 The Chief of the U.S. Border Patrol (USBP) and the Executive Assistant Commissioner of the Office of Field Operations (OFO), or their designees will:

6.1.1 Ensure execution of the provisions detailed in the "Procedures" section.

6.1.2 Coordinate with the relevant CBP supporting offices to ensure that all contractual needs for implementation of this Directive are met, contingent upon the availability of appropriations and budgetary resources, including those to support

[1] http://dhsconnect.dhs.gov/Policy/delegations

automated systems requirements.

6.1.3 Within 90 days of the effective date of this policy, develop detailed implementation plans for this Directive, and ensure the phased execution of their respective component's plan.

6.1.3.1 Implementation plans will include surge medical support and crisis-level medical support.

6.1.4 Develop government requirements for medical services, define annual budgetary needs, set measurable performance standards, and manage required life-cycle activities to ensure that policy and operational objectives are achieved for CBP medical support.

6.1.5 Utilize an operational risk management methodology to identify and establish appropriate scope and scale of contracted medical support, to include potential surge medical support.

6.1.6 Coordinate required support from contracted medical staff for individuals in custody along the SWB, as appropriate.

6.1.7 Coordinate with other Federal, State, Local, or Tribal agencies and medical providers deployed to support the healthcare of individuals in CBP custody, as appropriate; and

6.1.8 Facilitate requests for information, demonstrations, site visits, and documentation reviews as appropriate.

6.2 The CBP Executive Director for the Privacy and Diversity Office will:

6.2.1 Ensure appropriate collection, storage, maintenance, and dissemination of PII and sensitive PII collected in the course of a health interview or medical assessment performed pursuant to this Directive and consistent with Agency and Departmental policies and guidance.

6.2.2 Conduct any privacy compliance documentation (such as a Privacy Threshold Analysis or Privacy Impact Assessment) relevant to PII associated with this Directive.

6.3 The CBP Chief Medical Officer (CMO)[2] will:

6.3.1 Provide medical direction and oversight for medical support efforts required by this Directive.

[2] Until such time as CBP has appointed a CMO, the role of the CMO under this directive shall be fulfilled by the Senior Medical Advisor.

6.3.2 Consult with DHS Office of the Chief Human Capital Officer (OCHCO) and DHS Chief Medical Officer (CMO) to ensure the CBP Medical Quality Management (MQM) process is consistent with DHS MQM requirements.

6.3.3 Consult with DHS CMO to ensure CBP medical support efforts are coordinated with relevant stakeholders and include consideration of medical program administration, disease reporting, public health measures, and electronic medical data management.

6.4 CBP Office of Accountability

6.4.1 The Management Inspections Division, working with the impacted program offices, will develop a method to ensure compliance with this directive.

6.4.2 CBP Juvenile Coordinator will work with the CBP CMO to incorporate review of CBP medical support efforts into ongoing compliance monitoring efforts related to the care and custody of juveniles.

6.5 CBP Office of Finance will:

6.5.1 Ensure appropriate CBP budgetary action, based on inputs from USBP and OFO, regarding funding requirements for CBP medical support efforts required by this directive.

7. PROCEDURES.

7.1 CBP will utilize a phased approach to the identification of potential medical issues in persons in custody.

7.2 For the first phase, USBP agents and OFO officers will observe and identify potential medical issues for all persons in custody upon initial encounter.

7.2.1 Persons brought in to custody will be advised to alert CBP personnel or medical personnel of medical issues of concern

7.2.2 Persons identified with medical issues of concern will receive a health interview or medical assessment or be referred to the local health system for evaluation

7.3 For the second phase, USBP and OFO must ensure that a health interview is conducted on, at a minimum, all individuals in custody under the age of 18, utilizing CBP Form 2500.

7.4 For the third phase, subject to availability of resources and operational requirements, USBP and OFO will ensure a medical assessment is conducted on, at a minimum, the following categories of detainees:

- All tender-age children (ages 12 and under) held in CBP custody along the

following categories of detainees:

- All tender-age children (ages 12 and under) held in CBP custody along the SWB
- Any person who has a positive (mandatory referral) response on the CBP 2500 questionnaire.
- Any other person in custody with a known or reported medical concern.

7.5 Where available, medical assessments will be conducted by CBP contracted health care providers. Where contracted health care providers are not available, individuals in custody may be referred to the local health system or other available health care providers for medical assessment as appropriate. In exigent circumstances and based on operational requirements, CBP EMS Personnel may conduct medical assessments under the medical direction of the CBP CMO.

7.6 Subject to the availability of resources, operational requirements, and where contracted or federal health care providers are available, basic, acute medical care, referral, and follow up may be conducted onsite as directed by the associated contract Statement of Work or other contract requirements document or within the scope of practice for federal providers.

7.7 USBP and OFO will coordinate with the CBP CMO to develop an appropriate MQM process.

7.8 USBP and OFO will ensure that all health information obtained is handled in accordance with CBP PII and sensitive PII safe handling guidance, all contracts governing the CBP contracted health care providers include necessary privacy clauses, and all PII and sensitive PII is stored in an Office of Information Technology accredited Information Technology system.

8. IMPLEMENTATION REQUIREMENTS

8.1 Implementation of this directive is contingent upon available funding and necessary resources for contracted medical support and for dedicated internal CBP medical direction, coordination, and oversight.

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10. APPROVAL.

Mark A. Morgan
Acting Commissioner
U.S. Customs and Border Protection

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF TEXAS, GREG ABBOTT, in his official capacity as Governor of the State of Texas,

Defendants.

Case No. 3:21-cv-173

DECLARATION OF BRIAN S. HASTINGS

1. I am the Chief Patrol Agent of the Rio Grande Valley (RGV) Sector, U.S Border Patrol (Border Patrol), U.S. Customs and Border Protection (CBP). I have been employed in this capacity since March 16, 2020. Prior to that date, I was the Chief of Law Enforcement Operations for the U.S. Border Patrol (CBP Headquarters, Washington, DC). In my capacity as the Chief Patrol Agent of the RGV Sector, I have direct oversight of nine Border Patrol stations responsible for securing 316 river miles, 317 coastal miles, and 34 counties.
2. I am responsible for executing the missions of the Border Patrol within the Rio Grande Valley RGV Sector. I make this declaration on the basis of my own

knowledge, as well as the documents and information made available to me in my position. I am submitting this declaration to explain the harm that the "Executive Order No. GA-37 relating to the transportation of migrants during the COVID-19 disaster" issued by the Texas Governor on July 28, 2021 would have on Border Patrol's operations, particularly with respect to the Border Patrol's significant reliance on contractors to transport migrants as part of the federal government's immigration operations.

3. The Border Patrol is comprised of 20 Border Patrol sectors. Of those, nine are located along the southwest border of the United States, with four being located completely within Texas and a fifth straddling the states of Texas and New Mexico.

4. The four Border Patrol sectors that are located completely in Texas are RGV, Laredo, Del Rio, and Big Bend. The El Paso Sector covers a portion of the border in Texas as well as New Mexico. There are over 1,200 miles of common border between Texas and Mexico. To date in Fiscal Year 2021, Border Patrol apprehended a total of approximately 860,000 migrants in these five sectors—approximately 69% of all apprehensions made by the entire Border Patrol. RGV alone has accounted for approximately 32% of all apprehensions in FY 2021.

5. I am familiar with the policies and procedures that govern the apprehension, processing, temporary detention and transport of migrants in RGV Sector, as well as those that are applicable for all of Border Patrol nationwide. I am responsible for ensuring that those policies and procedures are communicated to the agents, overseen by the supervisors, and implemented within the RGV Sector.

6. In Fiscal Year 2021, RGV has encountered a significant increase in apprehensions that has strained the capacity at RGV Border Patrol stations, which are only designed for short-term detention. Indeed, in Fiscal Year 2021, RGV's apprehensions are up approximately 529% as compared to Fiscal Year 2020.

7. When RGV Sector has historically faced an influx of apprehensions, Border Patrol has taken various steps to reduce the strain on the capacity to hold migrants who are apprehended entering the United States unlawfully. This includes activating other stations for processing, detailing agents from other sectors, and moving migrants to stations and other sectors that have fewer migrants in custody. These steps have also been taken during the ongoing influx.

8. For example, RGV Sector began transporting certain migrants, primarily those who entered as family units by bus, to other Border Patrol Sectors (e.g., Laredo Sector) to alleviate strain on capacity. Often, the U.S. Border Patrol uses contractors to provide such transportation. RGV has also constructed a new "soft-sided" facility in Donna, Texas. This facility can handle a large influx of migrants. This facility has the capacity to hold 813 migrants (based on current COVID-19 capacity recommendations). However, with the large number of migrants being apprehended this facility currently faces significant capacity constraints.

9. As part of a further effort to mitigate the high number of migrant apprehensions in RGV, the Temporary Outdoor Processing Site (TOPS), was constructed underneath the Anzalduas Bridge and serves as a short-term, open-air intake and processing area that enables CBP to intake, screen, and process certain migrant populations, all while

minimizing employee and migrant exposure to COVID-19 to the greatest extent possible. TOPS currently focuses on expeditiously processing those apprehended as family units in RGV Sector, and often releases migrants into the care of nongovernment organizations (NGOs) upon close coordinating with such NGOs. This coordination allows an average of 500-1,000 migrants to depart government custody and allows more safe and efficient use of CBP's enclosed facilities for custody. Moreover, releasing migrants in coordination with NGOs significantly reduces the COVID-19 risk to both CBP employees and migrants in custody because it reduces the number of individuals in enclosed facilities.

10. Certain classes of migrants without lawful immigration status are subject to mandatory detention and may not be released from immigration custody. For other migrants without lawful immigration status, U.S. Border Patrol generally has discretion to either maintain custody for transfer to the custody of Immigration and Customs Enforcement (ICE), the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) or release them from custody.

11. Further, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and Flores Settlement Agreement impose limitations on U.S. Border Patrol's ability to detain migrants for extended periods. The TVPRA generally requires that an unaccompanied alien child (migrant unaccompanied child) be transferred to the HHS-ORR within 72 hours after determining that the minor is a migrant unaccompanied child. Similarly for migrant children accompanied by a parent or legal guardian (family units), the Flores Settlement Agreement generally

requires that CBP release the child to the parent within 3 days of apprehension or place the family in a nonsecure licensed facility. Thus, Border Patrol must generally prioritize processing and the transfer out of CBP custody of migrant unaccompanied children and family units.

12. As of July 29, 2021, there were 8,336 migrants in RGV Sector detention facilities. Of these, 6,459 were pending processing, and the average hold time for migrants in custody was 57.22 hours. The detention facilities in the other Texas Border Patrol Sectors are also strained due to the influx of migrants. For instance, as compared to the prior fiscal year, Del Rio Sector has seen an approximate 827% increase in migrant apprehensions. El Paso Sector has seen an approximate 283% increase in migrant apprehensions, and Laredo Sector has seen an approximate 206% increase in migrant apprehensions. Just like in RGV, this significant increase in apprehensions has strained Border Patrol's processing and detention capability in those sectors and has impacted the ability of ICE and HHS to assume custody of migrants.

13. In RGV Sector during this fiscal year, Border Patrol has released approximately 100,700 migrants, of which approximately 9,000 were released last week. Nearly 8,500 family unit migrants were released from CBP custody last week after coordination with an NGO.

14. To date this fiscal year, RGV Sector has transferred approximately 33,700 migrants into the custody of Enforcement and Removal Operations (ERO) of ICE. Last week, RGV Sector transferred at least 3,600 migrants into the custody of ERO. This fiscal year, approximately 51,000 migrant unaccompanied children were transferred from

RGV Sector into the custody of HHS-ORR. Included in the last week, approximately 2,200 migrant unaccompanied children were transferred from RGV Sector into the custody of HHS-ORR.

15. Just in RGV Sector alone, out of all migrants released from Border Patrol custody or transferred to the custody of another agency, such as ICE-ERO or HHS-ORR, for this fiscal year, approximately 120,000 were transported by a contractor of Border Patrol. Indeed, last week, approximately 9,600 migrants were transported from RGV Border Patrol custody by a contractor of Border Patrol.

16. The ability of ICE and its contractors to transfer migrants out of Border Patrol custody is essential as Border Patrol stations are only designed for short term detention.

17. I am familiar with the July 28, 2021 Executive Order issued by Texas Governor Greg Abbott (GA-37) relating to the transportation of migrants.

18. My understanding of this Executive Order is that it prohibits persons (except for federal, state, or local law enforcement officials) from providing ground transportation to a group of migrants who have been detained by CBP for crossing the border illegally or who would have been subject to expulsion under Title 42.

19. The Executive Order would significantly impact CBP operations, would impede CBP's ability to coordinate transportation with other federal partners, and prevent CBP's ability to obtain medical treatment for migrants requiring immediate medical attention.

20. As stated, Border Patrol must generally prioritize processing and the transfer out of custody of migrant unaccompanied children and family units based on the requirement of TVPRA and the Flores Agreement. In order to accomplish this prioritization, CBP coordinates the transfer and transportation of migrant unaccompanied children and family units with contractors from ICE and HHS-ORR. It is my understanding migrant unaccompanied children are transported to shelters throughout Texas and in some instances, to other states.

21. If the Executive Order prevents transportation of migrant unaccompanied children and family units, it would cause migrant unaccompanied children and family units to be held within CBP facilities for a longer period of time, thereby preventing CBP's compliance with both the TVPRA and the Flores Settlement Agreement. Impeding CBP's operations in this manner would also significantly increase the number of people held in CBP facilities and lengthen the average time in custody; increase the risk of COVID-19 transmission to migrants and employees; and prolong the government's placement of migrant unaccompanied children into the care and custody of HHS ORR and, from there, to an appropriate sponsor.

22. CBP utilizes assistance from ICE contract services for the transportation of migrants released from jail or prison. These migrants are transported to CBP facilities for final disposition and oftentimes, for removal from the United States.

23. CBP's daily operations rely heavily on the assistance of ICE contract services to transport migrants released from CBP custody which may include transport to ICE facilities for release or detention. CBP's inability to transfer migrants to ICE contract

services for transportation interferes with CBP's operation and impacts detention numbers and conditions.

24. Based on my experience and position, I expect that the Executive Order would also negatively impact CBP's inability to coordinate release of migrants to NGOs, which partner with CBP to play an important role in conducting COVID-19 testing and other mitigation management. This would also impede operations. Specifically, CBP coordinates with NGOs upon the release of migrants to receive prompt COVID-19 testing prior to being released into the community in order to promote public safety in the border communities. For any family members who test positive for COVID-19 immediately after release, CBP coordinates with appropriate NGOs for the provision of non-congregate accommodations so that the family members released from CBP custody can properly isolate and/or quarantine consistent with public health protocols. Without the assistance of NGOs, CBP would experience an increase in the number of people in custody because CBP would not be able to readily release migrants after coordination with NGOs who provide additional transportation and resources. For similar reasons, CBP would experience impacted detention conditions.

25. Further, NGOs routinely transport migrants released by Border Patrol to bus stations where the migrants board commercial busses to their ultimate destinations in the United States. If bus companies are barred by the Executive Order from transporting migrants released by Border Patrol, this will result in NGOs being unable to intake additional migrants and will ultimately impair Border Patrol's operations. This would likely result in migrants remaining in the local border communities without any

assistance or shelter by the NGOs, causing unsafe conditions for both migrants and the community. Indeed, prohibiting transportation within the State of Texas directly interferes with the migrant's ability to get to the next step in the immigration process. They often must travel in order to report to ICE offices throughout the country or even to appear before immigration courts.

26. Migrants who are in CBP custody oftentimes require transportation by ambulance to local healthcare services for treatment of various physical injuries and medical conditions. The Executive Order impedes CBP's ability to provide adequate medical attention and care otherwise available at local healthcare facilities for these migrants because the ambulance drivers are not law enforcement officials and therefore, would not fall under the exception within the Executive Order.

27. CBP utilizes contract services to assist with transportation of migrants between CBP facilities within the state of Texas. For instance, if a CBP facility in RGV is at or near capacity, CBP may need to rely on contractors to transport migrants to another sector within Texas (e.g., Laredo) that has more processing capacity. Additionally, CBP's operations would be impacted if transport between facilities was prohibited or delayed because this would impact detention numbers, the time in custody and detention conditions within CBP facilities.

28. If contract services to transport migrants were no longer available as a result of the Executive Order, CBP would be faced with untenable choices such as continuing operations with increased numbers of migrants in their facilities or have CBP law-enforcement officials transport these migrants. That later option would be required to

take law-enforcement officials from enforcement duties to engage in transportation activities that normally could be performed by contractors. This would severely impact CBP's daily operations by decreasing border security enforcement at the southwest border thereby increasing threats to national security; decreasing enforcement at checkpoints; and increasing duration for processing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of July, 2021.

Brian S. Hastings

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF ARIZONA, By and through its Attorney General, Mark Brnovich, et al., PLAINTIFFS, v. CENTERS FOR DISEASE CONTROL & PREVENTION; et al., DEFENDANTS.	CIVIL ACTION NO. 6:22-CV-885

PLAINTIFF STATES' MOTION FOR PRELIMINARY INJUNCTION AND TO EXPEDITE

The States of Arizona, Louisiana, Missouri, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Kansas, Kentucky, Mississippi, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Utah, West Virginia, and Wyoming (collectively, "Plaintiff States"), respectfully move for an order under Federal Rule of Civil Procedure 65 for a preliminary injunction, with expedited consideration, in their favor against the named Defendants. As explained in the First Amended Complaint ("FAC") and the attached Memorandum, Defendants have violated to Administrative Procedure Act by, *inter alia*, revoking a Title 42 Order without notice and comment, failing to consider harms to the States and other reliance interests, and failing to consider the immigration consequences of revocation.

This Motion is made on the grounds specified herein, the Complaint and other documents on file, the accompanying Memorandum of Law, the exhibits attached to the Complaint and to this Motion, all matters of which this Court may take judicial notice, and such other argument and evidence on which the Court may properly rely. Plaintiff States are substantially likely to prevail on the merits of their claims and preliminary injunctive relief is necessary to avoid substantial injuries to their

sovereign, quasi-sovereign, and proprietary interests. The public interest and balance of harms favor an order compelling Defendants to follow the law.

For the foregoing reasons, Plaintiff States respectfully request a preliminary injunction, without bond, enjoining Defendants from applying the Termination Order and requiring them to maintain the Title 42 Order in place until such time as the Title 42 Order is amended or revoked in compliance with the Administrative Procedure Act. To avoid irreparable harm, Plaintiff States further request that Defendants be ordered to respond to this motion and produce the administrative record no later than April 29, 2022, with any reply due no later than Monday, May 9 at 10 a.m. CDT. Plaintiff States have conferred with Federal Defendants and agreed upon these dates, and will separately submit a stipulation to that effect.

Plaintiff States further request that this motion be resolved before the Title 42 termination becomes effective on **May 23, 2022**.

Dated: April 14, 2022

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
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THE STATE OF ARIZONA, By and through its Attorney General, Mark Brnovich, et al., PLAINTIFFS, v. CENTERS FOR DISEASE CONTROL & PREVENTION; et al., DEFENDANTS.	CIVIL ACTION NO. 6:22-cv-00885-RRS-CBW

MEMORANDUM IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

TABLE OF CONTENTS

TABLE OF AUTHORITIES iv

INTRODUCTION 1

BACKGROUND 5

I. TITLE 42 AND CDC AUTHORITY IN THE IMMIGRATION CONTEXT 5

A. History Of Title 42 Orders During Covid-19 Pandemic 5

1. The March 2020 IFR 5

2. Title 42 Orders 6

II. CDC'S TERMINATION ORDER 8

III. TITLE 42 AND THE UNPRECEDENTED SURGE IN ILLEGAL IMMIGRATION AT THE SOUTHERN BORDER 9

A. The Failing Situation At the Border 9

B. The Effect of Title 42 At The Border 9

C. The Order's (Non-)Consideration of Immigration Consequences. 10

LEGAL STANDARD 11

ARGUMENT 11

I. PLAINTIFF STATES HAVE STANDING 11

II. PLAINTIFF STATES ARE LIKELY TO SUCCEED ON THEIR NOTICE-AND-COMMENT CLAIM 18

A. The Termination Order Is A Substantive Rule Generally Requiring Notice-And-Comment Rulemaking 18

B. Defendants' Attempt To Invoke The Good Cause Exception Fails 19

1. Defendants Had Ample Time To Conduct Notice-And-Comment Rulemaking. 20

2. CDC Improperly Ignores Its Prior Use Of Notice-And-Comment Procedures And Instead Relies On The Covid-19 Pandemic As A Categorical Exception 21

3. The Current Circumstances Do Not Constitute Good Cause 22

4. CDC's Timing Rationale Is Unpersuasive 23

C. Defendants' Reliance On The "Foreign Affairs" Exception Is Unavailing 24

D. Defendants' Circumvention Of Notice-And-Comment Requirements Is Part Of A Broader Pattern 25

III. PLAINTIFFS ARE LIKELY TO PREVAIL ON THEIR ARBITRARY-AND-CAPRICIOUS CLAIM 26

A. CDC's Failure to Consider Financial Harms to the States and Other Reliance Interests Is Arbitrary and Capricious 26

1. CDC did not consider financial harms to the States or other reliance interests 27

2. The Supreme Court and Fifth Circuit have rejected the CDC's justification for refusing to consider State reliance interests 28

3. The CDC was obligated to consider financial harms to the States flowing from its Termination Order, even without a showing of prior "resource-allocation" decisions based on the Title 42 policy 30

4. The CDC's other arguments are meritless, arbitrary, and capricious 32

B. The CDC's Failure to Consider the Immigration Consequences of Its Termination Order Is Arbitrary and Capricious 33

1. The Termination Order contradicts itself in failing to consider immigration consequences 34

2. Under the APA, the CDC must consider non-public-health impacts of its policy change 37

3. CDC's Recent Extension Of Its Transportation Mask Mandate Underscores The Termination Order's Deficiencies 39

IV. PLAINTIFF STATES WILL SUFFER IRREPARABLE HARM WITHOUT AN INJUNCTION 40

V. AN INJUNCTION WOULD SERVE THE PUBLIC INTEREST 41

VI. THIS COURT SHOULD ENTER A NATIONWIDE INJUNCTION. 41

CONCLUSION 42

TABLE OF AUTHORITIES

CASES

Am. Ass'n of Exporters & Importers-Textile & Apparel Grp. v. United States,
751 F.2d 1239 (Fed. Cir. 1985) 24

Am. Wild Horse Pres. Campaign v. Perdue,
873 F.3d 914 (D.C. Cir. 2017) 26

Arizona v. San Francisco,
No. 20-1775 (U.S. Feb. 23, 2022) 26

Arizona v. United States,
567 U.S. 387 (2012) 27, 40

Biden v. Texas,
No. 21-954, 2021 WL 6206109 (U.S. 2021) 12

BST Holdings, L.L.C. v. OSHA,
17 F.4th 604 (5th Cir. 2021) 22

City & Cnty. of San Francisco v. U.S. Citizenship & Immigr. Servs.,
981 F.3d 742 (9th Cir. 2020) 40

Corrosion Proof Fittings v. EPA,
947 F.2d 1201 (5th Cir. 1991) 33, 39

Dep't of Com. v. New York,
139 S. Ct. 2551 (2019) 3, 39

DHS v. Regents of the Univ. of Cal.,
140 S. Ct. 1891 (2020) 4, 28, 29, 30, 31, 32, 33, 34, 37, 38

East Bay Sanctuary Covenant v. Trump,
932 F.3d 742 (9th Cir. 2018) 4, 25

Env't Def. Fund, Inc. v. EPA,
716 F.2d 915 (D.C. Cir. 1983) 20

Getty v. Fed. Sav. and Loan Ins. Corp.,
805 F.2d 1050 (D.C. Cir. 1986) 39

Huisha-Huisha v. Mayorkas,
2021 WL 4206688 (D.D.C. Sept. 16, 2021) 32

Jean v. Nelson,
711 F.2d 1455 (11th Cir. 1983) 24

Jean v. Nelson,
727 F.2d 957 (11th Cir. 1984) 24

Jicarilla Apache Nation v. DOI,
613 F.3d 1112 (D.C. Cir. 2010) 22

Louisiana v. Becerra,
__ F. Supp. 3d __, 2022 WL 16571 (W.D. La. January 1, 2022) 20, 22

Mack Trucks, Inc. v. EPA,
682 F.3d 87 (D.C. Cir. 2012) 19, 23

Massachusetts v. EPA,
549 U.S. 497 (2007) 11

Michigan v. EPA,
576 U.S. 743 (2015) 26, 27, 28

New Jersey v. EPA,
626 F.2d 1038 (D.C.Cir.1980) 19

Northern Mariana Islands v. United States,
686 F.Supp.2d 7 (D.D.C. 2009) 40

NRDC v. Abraham,
355 F.3d 179 (2d Cir. 2004) 21

NRDC v. NHTSA,
894 F.3d 95 (2d Cir. 2018) 21

Opulent Life Church v. City of Holly Springs, Miss.,
697 F.3d 279 (5th Cir. 2012) 11

P.J.E.S. v. Wolf,
502 F. Supp. 3d 492 (D.D.C. 2020) 32

Rajah v. Mukasey,
544 F.3d 427 (2d Cir. 2008) 24

Sorenson Commc'ns Inc. v. FCC,
755 F.3d 702 (D.C. Cir. 2014) 19

Texas v. Biden,
20 F.4th 928 (5th Cir. 2021) 2, 12, 27, 31, 33, 39, 40

Texas v. Biden,
554 F. Supp. 3d 818 (N.D. Texas 2021) 32, 41

Texas v. Biden,
No. 2:21-cv-67, 2021 WL 3603341 (N.D. Tex. Aug. 13, 2021) 9, 30

Texas v. Biden,
142 S. Ct. 1098 (2022) 2, 12, 31

Texas v. United States,
__ F. Supp. 3d ___, 2021 WL 3683913 (S.D. Tex. Aug. 19, 2021) 26

Texas v. United States,
136 S. Ct. 2271 (2016) 40

Texas v. United States,
524 F. Supp. 3d 598 (S.D. Tex. 2021) 26

Texas v. United States,
809 F.3d 134 (5th Cir. 2015) 40, 41

U.S. Telecom Ass'n v. FCC,
400 F.3d 29 (D.C. Cir. 2005) 19

United States v. Garner,
767 F.2d 104 (5th Cir.1985) 19

United States v. Johnson,
632 F.3d 912 (5th Cir. 2011) 19, 20, 22

United Techs. Corp. v. EPA,
821 F.2d 714 (D.C. Cir. 1987) 19

Wages & White Lion Invs., L.L.C. v. FDA,
16 F.4th 1130 (5th Cir. 2021) 41

Winter v. NRDC,
555 U.S. 7 (2008) 11

Yassini v. Crosland,
618 F.2d 1356 (9th Cir. 1980) 24

Zadvydas v. Davis,
533 U.S. 678 (2001) 9

STATUTES

42 C.F.R. § 440.255 14

42 C.F.R. § 71.40 28

42 U.S.C. § 265 5

42 U.S.C. § 268 7

5 U.S.C. § 551 22

5 U.S.C. § 553 25

5 U.S.C. § 804 18

REGULATIONS

85 Fed. Reg. 16,559 (Mar. 24, 2020) 5

85 Fed. Reg. 17,060 (Mar. 26, 2020) 6

85 Fed. Reg. 22,424 (Apr. 22, 2020) 6

85 Fed. Reg. 31,503 (May 26, 2020) 6

85 Fed. Reg. 56,424 (Sep. 11, 2020) 6

85 Fed. Reg. 65,806 (Oct. 16, 2020) 6, 7

86 Fed. Reg. 42,828 (Aug. 5, 2021) 8

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87 Fed. Reg. 19,941 (Apr. 6, 2022) 8

INTRODUCTION

The Plaintiff States seek this Court's intervention to forestall an imminent calamity: Defendants' attempt to terminate the Title 42 system, which is the only safety valve preventing this Administration's already disastrous border control policies from descending into an unmitigated catastrophe. Indeed, it is estimated that *half a million* migrants will illegally cross into the United States in the *first month* that the challenged order ("Termination Order" or "Order") goes into effect. Ex. A, Declaration of James K. Rogers ("Rogers Decl."), Ex. 5. The Administration has presented *no* possible way it can identify, quarantine, treat, or mitigate communicable disease risk given the flood of border crossings it predicts. If not enjoined, the Termination Order will inflict devastating injuries upon the Plaintiff States and the entire nation.

This is not merely the opinion of the Plaintiff States, but an expectation widely shared even by many of the Administration's otherwise-ardent *supporters*. Specifically, no less than seven Democratic Senators so far have come out in opposition to the Title 42 Termination, and have even gone so far as to describe it as a "*frightening decision*" (Senator Manchin - WV) and to explain that "Ending Title 42 is expected to cause a *significant increase* of migration to the United States and put more pressure on an already broken system." (Senator Tester - MT). Rogers Decl. Exs. 2, 15 (emphases added). Those same senators are equally clear that the Administration has no plan for addressing the resulting surge in unlawful border crossings that the Termination Order will occasion, explaining variously:

- The "decision to announce an end to Title 42 despite not yet having a comprehensive plan ready shows a lack of understanding about the crisis at our border." (Senator Sinema - AZ).
- "Ending Title 42 prematurely will likely lead to a migrant surge that the administration does not appear to be ready for." (Senator Hassan - NH).
- "We are nowhere near prepared to deal with that influx." (Senator Manchin - WV).
- "This is the wrong way to do this and it will leave the administration unprepared for a surge at the border." (Senator Cortez Masto - NV).

- "I think this is the wrong time and I haven't seen a plan that gives me comfort." (Senator Warnock - GA).

Rogers Decl. Exs. 10, 13-16.

Moreover, the Administration itself has admitted that the Termination Order *will* cause a massive increase of illegal crossings, with the White House's own Communications Director outright declaring that the Administration "ha[s] *every expectation* that when the CDC ultimately decides it's appropriate to lift Title 42, *there will be an influx* of people to the border." Rogers Decl. Ex. 9 (emphasis added). U.S. Customs and Border Protection Commissioner Chris Magnus issued a public statement admitting that "[a]s a result of the CDC's termination of its Title 42 public health order, we will likely face an increase in encounters above the current high levels." Rogers Decl. Ex. 20.

Thus, there should be no serious debate that the Termination Order will cause a dramatic surge in illegal migration into the U.S. if it is not enjoined. And the Fifth Circuit has already recognized, the States will suffer harms establishing Article III standing "if the total number of in-State aliens increase." *Texas v. Biden*, 20 F.4th 928, 969 (5th Cir. 2021) *cert. granted* 142 S. Ct. 1098 (2022). Those harms occur principally in the form of increased expenditures on law enforcement (including jails and prisons), health care, and education. And because the States cannot recover against the United States and its agencies for these harms, their irrecoverable injuries constitute irreparable harm.

The Termination Order also stands out as a radical outlier in Administration policy. While the Order is expressly premised on claimed improvements in the Covid-19 pandemic, those same improvements notably have not resulted in Defendants: (1) lifting the CDC transportation mask mandate, (2) loosening or repealing any of their numerous vaccination mandates, or (3) ending their relentless campaign to discharge members of our military who have applied for religious exemptions for vaccination requirements—which have been almost uniformly denied. First Amended Complaint ("FAC") ¶¶ 9, 13. Amazingly, the "science" underlying these discordant Covid-19 measures just happens to align perfectly with the Administration's political assessments of the relative desirability of

those measures for their partisan objectives. This Court, however, is "'not required to exhibit a naiveté from which ordinary citizens are free.'" *See Dep't of Com. v. New York*, 139 S. Ct. 2551, 2575 (2019) (citation omitted).

Defendants' Termination Order is not merely terrible public policy that will inflict enormous injuries upon the States. It is also profoundly illegal. That is principally so for two reasons: (1) Defendants unlawfully flouted the notice-and-comment requirements for rulemaking under the Administrative Procedure Act ("APA"), and (2) Defendants' Order is arbitrary and capricious, thus violating the APA, because it has numerous omissions that each independently render it illegal.

As to the notice-and-comment claim, Defendants seek to excuse their flouting of that APA requirement for two reasons: invoking the "good cause" and "foreign affairs" exceptions of 5 U.S.C. §§ 553(a)(1) and (b)(3)(B). But neither applies.

As to the good cause exception, CDC had *ample* time to take public comment on revoking Title 42 and lacks any pressing need or minimally persuasive excuse for failing to do so. Indeed, CDC had been considering taking that action for *fourteen months*—far more time than needed to take public comment. Defendants also ignore completely that CDC *did take* public comment when implementing the Title 42 system, and offers no reason why it could not do so again. Moreover, while the initial emergency promulgation of Title 42 properly invoked the good cause exception—because its issuance was during the rapidly unfolding beginning of the Covid-19 pandemic—the same is not true here. This Order arises two full years into the pandemic, where it is waning in some areas while a new variant threatens others. The initial exigency simply does not exist anymore. There is no "pandemic exception" to notice-and-comment requirements, particularly two years into it.

Consider next the foreign affairs exception, which "applies in the immigration context only when ordinary application of the public rulemaking provisions [*i.e.*, taking public comment] *will provoke definitely undesirable international consequences*." *East Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 775–76

(9th Cir. 2018) (cleaned up) (emphasis added). But CDC offered only a single unspecific sentence supporting its foreign-affairs-exception claim, which does not identify *any consequences whatsoever*. Instead, it treats the mere existence of talks with Canada and Mexico about the same subject as a *carte blanche* blessing to dispense with notice-and-comment rulemaking entirely. It is not.

The Termination Order is also unlawful because it is arbitrary and capricious. That is so for two overarching reasons: (1) it fails to consider harms to the States and their reliance interests in the prior Title 42 Orders, and (2) it fails—indeed expressly refuses—to consider the immigration consequences of its actions, which are virtually certain to be calamitous and necessarily poses a serious danger to public health—at least one that must be considered.

As to the harms to the States, that is undeniably an "important aspect of the problem," which the APA mandated reasoned analysis of. But CDC refused to supply even a scintilla of the required analysis. Defendants similarly refused explicitly to consider the States' reliance interests—a position that the Fifth Circuit recently rejected as "astonishing[]" and "squarely foreclosed by" Supreme Court precedent. *Texas v. Biden*, 20 F.4th at 990. Indeed, even if the original Title 42 orders were outright *illegal*—and they plainly were not—CDC *still* would have been required to consider the States' reliance interests in them. *DHS v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1913 (2020). CDC's position that the States' interests can be ignored entirely simply because the original Title 42 orders were purportedly "short-term"—though lasting two entire years—is thus preposterous.

The Termination Order's contention that CDC lacks authority to consider immigration consequences is also at war with the Order itself. In particular CDC explicitly delayed the effective date of the termination based on *immigration consequences*—demonstrating that it has authority to consider such impacts, but lacks the willingness to do so. That is perhaps unsurprising, as CDC would have to take the requisite "hard look" at the man-made disaster that the Termination Order will occasion. But unfortunately for Defendants, that is precisely what the APA demands.

For all of these reasons, and those explained below, this Court should issue a preliminary injunction against implementation of the Termination Order.

BACKGROUND

I. TITLE 42 AND CDC AUTHORITY IN THE IMMIGRATION CONTEXT

The Public Health Services Act ("PHSA") establishes that, whenever the director of the CDC:

> determines that by reason of the existence of any communicable disease in a foreign country there is serious danger of the introduction of such disease into the United States, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health ... the [CDC Director], in accordance with regulations approved by the President, shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such danger, and for such period of time as he may deem necessary for such purpose.

42 U.S.C. § 265. Prior to the COVID-19 pandemic, the applicable § 265 regulations only permitted "suspend[ing] the introduction of property" and "quarantin[ing] or isolat[ing] persons," but did "not address the suspension of the introduction of persons into the United States under section 362." 85 Fed. Reg. 16,559, 16,560 (Mar. 24, 2020).

A. History Of Title 42 Orders During Covid-19 Pandemic

1. The March 2020 IFR

On March 20, 2020, in response to the COVID-19 pandemic, HHS issued an Interim Final Rule amending the applicable regulations to create "an efficient regulatory mechanism to suspend the introduction of persons" to prevent Covid-19 spread into the U.S. *Id.* at 16,562.

In doing so, CDC invoked the APA's good cause exception to the APA, citing "the national emergency caused by COVID-19." *Id.* at 16,565. At the same time, however, CDC expressly invited "comment on all aspects of this interim final rule, including its likely costs and benefits and the impacts that it is likely to have on the public health[.]" *Id.* After receiving 218 comments during the 30-day comment window that closed April 24, 2020, CDC published a final rule September 11, 2020. That

rule "establishe[d] final regulations under which the [CDC] may suspend … the introduction of persons into the United States for such period of time as the Director may deem necessary to avert the serious danger of the introduction of a quarantinable communicable disease into the United States." 85 Fed. Reg. 56,424, 56,424, 56,448 (Sep. 11, 2020) (codified at 42 C.F.R. § 71.40). This Final Rule became effective October 13, 2020. (CDC's collective policies of excluding aliens are hereinafter referred to as the "Title 42 Policy" and "Title 42 Orders.")

2. Title 42 Orders

Concurrently with the March 2020 IFR, the CDC Director issued an order suspending the introduction into the United States of all "persons traveling from Canada or Mexico," except for "U.S. citizens, lawful permanent residents, and their spouses and children" and other limited exceptions. 85 Fed. Reg. 17,060 (Mar. 26, 2020) (the "March 2020 Order").

The March 2020 Order was set to expire after thirty days, but was subsequently renewed twice. *See* 85 Fed. Reg. 22,424, 22,427 (Apr. 22, 2020); 85 Fed. Reg. 31,503 (May 26, 2020). In May, the 30-day renewal requirement was abandoned and instead replaced with a mandatory review of the policy's continued necessity every 30 days. 85 Fed. Reg. at 31,504. When the Final Rule became effective, CDC issued a new order, the "October 2020 Order," under its aegis.

The October 2020 Order was "substantially the same as" prior orders, was subject to 30-day periodic reviews, and was to remain in force until CDC had "publish[ed] a notice in the Federal Register terminating this Order and its Extensions." 85 Fed. Reg. 65,806, 65,807, 65,810, 65,812 (Oct. 16, 2020). The October 2020 Order's suspension of the entry of aliens, together with the orders that preceded it, was based on findings that:

- COVID-19 is a communicable disease that poses a danger to the public health;
- COVID-19 is present in numerous foreign countries, including Canada and Mexico;
- Because COVID-19 is so globally widespread, there is a serious danger that it will be carried

into the land points of entry and Border Patrol stations at or near the United States' borders with Canada and Mexico, and from there into the interior of the country;

- If their entry were not suspended, covered aliens would go through immigration processing that would require many of them (typically aliens who lack valid travel documents and are therefore inadmissible) to be held in the congregate areas of the facilities, in close proximity to one another, for hours or days;
- Holding them in such settings would increase the risk of spreading Covid-19; and
- This increased danger rose to the level that it required a temporary suspension of the introduction of covered aliens into the United States.

Id. at 65,810.

The October 2020 Order noted that CDC had requested "that DHS aid in the enforcement [of] this Order because CDC does not have the capability, resources, or personnel needed to do so." *Id.* at 65,812; *see also* 42 U.S.C. § 268 (stating that Customs and Coast Guard officers have the duty to "aid in the enforcement of quarantine rules and regulations" under the PHSA). As with the prior orders, the October 2020 Order applied to all covered aliens, defined as aliens "seeking to enter the [U.S.] … who lack proper travel documents," "whose entry is otherwise contrary to law," or "who are apprehended at or near the border seeking to unlawfully enter the United States." *Id.* at 65,807.

The October 2020 Order noted that expulsions under CDC's prior Title 42 Orders had "reduced the risk of COVID-19 transmission … and thereby reduced risks to DHS personnel and the U.S. health care system." *Id.* at 65,810. It further noted that "[t]he public health risks to the DHS workforce—and the erosion of DHS operational capacity—would have been greater" without the initial Title 42 Order. Further, the Title 42 Orders "significantly reduced the population of covered aliens in congregate settings in [points of entry] and Border Patrol stations, thereby reducing the risk of COVID-19 transmission for DHS personnel and others within these facilities." *Id.*

On July 19, 2021, CDC issued a new order excepting unaccompanied children. 86 Fed. Reg. 38,717 (July 22, 2021) (the "July 2021 Order"). It subsequently suspended the October 2020 Order and incorporating by reference the July 2021 Order excepting unaccompanied children. 86 Fed. Reg. 48,828 (Aug. 5, 2021) (the "August 2021 Order"). That order conceded that "the flow of migration directly impacts not only border communities and regions, but also destination communities and healthcare resources of both." 86 Fed. Reg. 42,828 42,835 (Aug. 5, 2021).

On March 11, 2022, CDC issued a new order (the "March 2022 Order") superseding the August 2021 Order. 87 Fed. Reg. 15,243 (Mar. 17, 2022). The March 2022 Order apparently was issued in response to litigation in Texas challenging Defendants' practice of not applying Title 42 to unaccompanied alien children ("UAC"). *See Texas v. Biden*, 21-cv-00579 (N.D. Tex.). The March 2022 Order found that suspending entry of UACs was "not necessary to protect U.S. citizens." *Id.* at 15,245.

II. CDC'S TERMINATION ORDER

On February 2, 2021, President Biden signed Executive Order 14010, in which he ordered that "[t]he Secretary of HHS and the Director of CDC, in consultation with [DHS], shall promptly review and determine whether termination, rescission, or modification of the [Title 42 orders] is necessary and appropriate." 86 Fed. Reg. 8,267 (Feb. 5, 2021). The federal government has therefore been actively considering termination of the Title 42 Policy for over 14 months.

On April 1, 2022, CDC Director Walensky issued an order terminating the Title 42 policy (the "Termination Order" or "Order") effective May 23, 2022. FAC, Exhibit A; *see also* 87 Fed. Reg. 19,941 (Apr. 6, 2022). The Termination Order claimed that it was "not a rule subject to notice and comment under the Administrative Procedure Act." Order at 29. It did so on two putative bases: the "good cause" and "foreign affairs" exceptions of 5 U.S.C. §§ 553(a)(1) and (b)(3)(B). *Id.*

III. TITLE 42 AND THE UNPRECEDENTED SURGE IN ILLEGAL IMMIGRATION AT THE SOUTHERN BORDER

A. The Failing Situation At the Border

As explained in greater detail in the FAC (at ¶¶ 104-110), the Administration has lost operational control of the border and is facing historically unprecedented levels of illegal crossings even with Title 42 in place. *See also* Appendix Table 1 (DHS Encounters). Indeed, DHS sources have indicated that "there have been more than 300,000 known 'gotaways'—migrants who were not apprehended or turned themselves in and who got past agents—since fiscal year 2022 began on October 1st." Rogers Decl. Ex. 1. In addition, "former Border Patrol Chief Rodney Scott said there had been approximately 400,000 gotaways in the entirety of FY 2021." *Id.*

B. The Effect of Title 42 At The Border

Against the backdrop of historically unprecedented numbers of encounters and "gotaways," the Title 42 Policy resulted in over one million expulsions of aliens unlawfully entering the United States in Fiscal Year 2021, and over 400,000 to date in FY 2022. *See* Appendix Table 2.

As the Northern District of Texas properly recognized, reducing the likelihood that an alien will be released into the United States reduces the number of aliens who attempt to enter the United States illegally. *Texas v. Biden*, No. 2:21-cv-67, 2021 WL 3603341, at *6, *18–19 (N.D. Tex. Aug. 13, 2021); *cf. Zadvydas v. Davis*, 533 U.S. 678, 713 (2001) (Kennedy, J., dissenting). ("An alien ... has less incentive to cooperate or to facilitate expeditious removal when he has been released, even on a supervised basis, than does an alien held at an [ICE] detention facility.") The Termination Order will thus predictably lead to greater numbers of attempted (and successful) crossings.

Recognizing the essential role that the Title 42 Policy serves, even members of President Biden's own party have severely and extensively criticized the Termination Order. *See* FAC ¶¶ 2-7. They are equally alarmed that this Termination Order will lead to disaster, with Senator Manchin calling it a "*frightening* decision," and adding that "[w]e are *nowhere near prepared to deal with that influx*."

Rogers Decl. Ex. 15 (emphasis added). Since the Complaint, Senator Jon Tester has added his voice to the chorus of criticism even amongst Democratic Senators, explaining that the Title 42 Order "risks undermining our national security" and "is expected to cause a significant increase of migration to the United States." Rogers Decl. Ex. 2.

DHS officials and officers have similarly made clear that the Order will greatly increase illegal crossings into the United States. *See* FAC ¶¶ 9-12, 31, 108, 199, 205. Indeed, DHS "intelligence estimates that perhaps 25,000 migrants already are waiting in Mexican shelters just south of the border for Title 42 to end." Rogers Decl. Ex. 3. A federal law enforcement official told CNN that the number of aliens in northern Mexico waiting to cross illegally into the United States is "[b]etween 30,000 to 60,000." Rogers Decl. Ex. 4.

C. The Order's (Non-)Consideration of Immigration Consequences.

The Termination Order acknowledged the likelihood that it would cause major public health and immigration consequences, as it delayed the effective date of Termination Order until May 23, 2022 "to give DHS time to implement additional COVID-19 mitigation measures" and "to provide DHS time to implement operational plans for fully resuming Title 8 processing." Order at 26, 28. CDC recognizes that terminating the Order will increase COVID-19 risk and spread, because it "will lead to an increase in the number of noncitizens being processed in DHS facilities which could result in overcrowding in congregate setting." Order at 28 The Order itself, however, contains no meaningful analysis of the likely increases in crossings into the United States, or the likely consequences of that increase in migration in the current context.

This failure is particularly noteworthy, as Defendants apparently made internal assessments of the immigration effects, and are predicting that the daily number of aliens unlawfully trying to enter the United States could nearly *triple* to 18,000 crossing per day. Rogers Decl. Ex. 5. According to a former DHS Secretary under the Obama administration, 1,000 crossings in a day is a "relatively bad

number" and 4,000 daily crossings is a "crisis." Rogers Decl. Ex. 6. Neither DHS nor CDC has explained whether or how either agency will be capable of safely *screening* that number of migrants for communicable disease, nor could they.

Furthermore, the Termination Order is in notable conflict with other policies of the Biden Administration. The Title 42 Termination is expressly premised on the "rapid[] decrease" of COVID-19 cases following the recent wave of the Omicron variant of the virus. FAC, Ex. A at 12. Yet, the CDC itself still classifies the level of COVID-19 danger for travelers to Mexico to be "Level 3: High" out of a 4-point scale. Rogers Decl. Ex. 7 In fact, every single country or territory in the Western Hemisphere that has been rated by the CDC is still rated as either "Level 3: High" or "Level 4: Very High." Rogers Decl. Ex. 8.

LEGAL STANDARD

To obtain a preliminary injunction, Plaintiff States "must show: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable harm if the injunction is not granted; (3) that the threatened injury outweighs any harm that the injunction might cause to the defendant; and (4) that the injunction will not disserve the public interest." *Opulent Life Church v. City of Holly Springs, Miss.*, 697 F.3d 279, 288 (5th Cir. 2012); *accord Winter v. NRDC*, 555 U.S. 7, 20 (2008).

ARGUMENT

I. PLAINTIFF STATES HAVE STANDING

States are "entitled to special solicitude in" the "standing analysis" when they are suing to protect their "procedural right[s] and ... [their] quasi-sovereign interests." *Massachusetts v. EPA*, 549 U.S. 497, 520 (2007). And even if Plaintiffs were not entitled to special solicitude, here the harms are obvious. The Termination Order *will* cause increased illegal immigration into the United States. No one—least of all the Administration—harbors any doubt about that. In the words of the White House Communications Director: "there *will be* an influx of people to the border." Rogers Decl. Ex. 9

(emphasis added). That prediction is well-grounded: during Title 42's operation, it resulted in roughly 1.7 *million* summary expulsions of those crossing into the U.S. illegally. Appendix Table 2.

Such large increases in illegal immigration will cause the Plaintiff States harm, principally in the form of increased health care, education, law enforcement, and imprisonment costs. *See, e.g.*, *Texas v. Biden*, 20 F.4th 928, 969 (5th Cir. 2021) *cert. granted* 142 S. Ct. 1098 (2022) (recognizing that "if the total number of in-State aliens increases, the States will spend more on healthcare" (emphasis added)). Indeed, the Fifth Circuit has been perfectly clear that these sorts of large-scale immigration policies are "precisely the sort of large-scale polic[ies] that [are] amenable to challenge using large-scale statistics and figures, rather than highly specific individualized documents. And [the State's] standing is robustly supported by just such big-picture evidence." *Id.* at 971. Even more tellingly, while DHS sought Supreme Court review of that decision, it made *zero attempt* to challenge that standing holding, either in its petition for certiorari or its merits brief. *See* Petition for Certiorari, *Biden v. Texas*, No. 21-954, 2021 WL 6206109 (U.S. 2021); Brief for Petitioners, *Biden v. Texas*, No. 21-954, 2022 WL 815341 (U.S. 2022); Reply Brief for the Petitioners, *Biden v. Texas*, No. 21-954, 2022 WL 340629 (U.S. 2022).

As in *Texas*, the government's only conceivable standing defense is that the Title 42 Termination won't "cause[] either an increase in entries or an increase in parolees." *Texas*, 20 F.4th at 969. But that would be wholly untenable in light of the Administration's concessions that the Order *will* cause an "influx." *Supra* at 1-2, 11. Moreover, a central premise of the delayed May 23 effective date is that this influx will be *so severe* that DHS needs additional time to prepare for it (with even Democratic Senators publicly doubting that such planning is remotely sufficient). That conceded severe influx precludes any colorable standing defense.

In addition, the States have submitted evidence showing that changes in federal immigration policy cause increased illegal immigration into their states and that illegal immigration causes increased costs to the states for law enforcement and social services. *See* Exhibits B-F.

There is universal agreement that Termination Order will induce a flood of additional illegal immigration. Arizona's recent experience helps to quantify just how staggering the impact of this will be. Cochise County, Arizona, operates "a sophisticated camera system that views remote areas of the border region across a large section of southern Arizona." Ex. B, Declaration of Anthony R. Napolitano ("Napolitano Decl."), Ex. 1 ¶ 4. That camera system shows that "only 27.6%" of "undocumented persons" crossing the southern border were apprehended by the Border Patrol from July 2020 to January 2021. *Id.* Thus, the percentage of "gotaway" aliens who are not apprehended by Border Patrol is 72.4%. Put differently, for every three migrants that Border Patrol apprehends, another seven successfully enter the U.S. without actually being stopped.

Defendants' own internal estimates are that the Termination Order could cause daily illegal border crossings to triple. Rogers Decl. Ex. 5. Because the Border Patrol already has a staffing shortage of "more than 1,000 officers," Rogers Decl. Ex. 2, it cannot triple its capacity in response to the Termination Order. Assuming that Border Patrol capacity at the southern border remains constant and that the Border Patrol continues apprehending the same number of aliens post-Termination Order, then the gotaway percentage could increase to 90.8%. Given that the Biden Administration predicts that, after Termination Order, 18,000 aliens could illegally cross the border per day, Rogers Decl. Ex. 5, there could be an additional 16,341 gotaways *every day*. A month of such flows could mean 490,230 unauthorized aliens entering the country undetected—rougly the population of Atlanta. And because the Cochise County data was collected *before* the start of the 2021 border crisis that stressed the Border Patrol's capacity even further, these numbers likely *under*estimate the number of post-Termination gotaways.

Similarly, the Border Patrol reported 25 notable apprehensions of dangerous criminal aliens at the Arizona border in December 2021. Napolitano Dec. ¶¶ 10-11. The Cochise County data of an approximate three-to-one ratio of gotaways to apprehensions thus suggests that 75 criminal aliens

whose apprehension would have been worth noting publicly managed to enter Arizona undetected in December 2021. Once again applying the federal government's estimate that the number of illegal entries will triple and the assumption that Border Patrol capacity may stay static (or increase only modestly), then the number of dangerous criminal aliens crossing the border into Arizona undetected could increase to 275 per month.

Criminal aliens impose significant law enforcement costs on the State of Arizona and other Plaintiff States. A tripling of illegal crossings will lead to an even greater increase in gotaways, and will significantly increase law enforcement costs as a result of the Termination Order. *See* Napolitano Dec. ¶¶ 2-4. These costs include environmental damage due to those crossing illegally, as well as an increase in the law enforcement costs incident to combatting the illegal drug trade. *See* Napolitano Dec. ¶ 4. Additionally, some of those who cross illegally will commit crimes and impose incarceration and supervised release costs on Arizona. *See* Napolitano Dec. ¶¶ 6-7.

Furthermore, decreased enforcement at the border leads also to increased drug trafficking. Law enforcement officials in Louisiana have "confiscated drugs suspected to have been moved from the border into Louisiana, including but not limited to marijuana, fentanyl, methamphetamine, and heroin. This criminal activity requires substantial law enforcement resources to apprehend, detain, prosecute, and incarcerate the individuals involved." Ex. C, Declaration of Tommy Romero, "Romero Dec.," ¶ 4. Law enforcement in Louisiana "is adversely affected by having to devote resources to respond to this criminal activity. Those resources are necessarily diverted from other public safety activities." *Id.*

Illegal immigration imposes significant costs on healthcare providers and on social services. Under federal law, the Plaintiff States are required to spend state monies on Emergency Medicaid for aliens not lawfully in the United States. *See* 42 C.F.R. § 440.255(c). The increased illegal immigration induced by the Termination Order will imposes real and significant harm on Plaintiffs. For example,

Yuma Regional Medical Center ("YRMC") in Arizona was forced to provide $546,050 in unreimbursed medical care for unauthorized aliens during, for example, the first six months of 2019, when border crossings were lower than even their current level. Napolitano Dec. ¶ 4. Applying the Cochise County data about gotaways and Defendants' prediction that illegal border crossings will triple suggests that YRMC's unreimbursed medical care for unauthorized aliens would increase dramatically. Similarly, "Missouri expended $361,702 in emergency medical care costs for treatment of ineligible aliens during Fiscal Year 2020," and Missouri had to spend $30,114.11 just on database inquiries to "verify unlawful individuals' lawful immigration status." Ex. D, Declaration of Maddie Green "Green Dec.", ¶¶ 11-12. If the Termination Order causes an influx of three times the prior number of illegal aliens into Missouri, then these expenditures for Missouri could increase by approximately $1.2 million a year.

Since 1982, the Supreme Court has mandated that States provide public education to school-age aliens not lawfully in the United States. *Plyler v. Doe*, 457 U.S. 202, 230 (1982). A tripling of the number of illegal alien minors in Plaintiff States will significantly increase education costs the States must spend. For example, "Missouri spent an average of $10,654 per student in school year 2019-2020," in in 2018 "an estimated 3,000 illegal alien school-aged children were enrolled in Missouri schools." Green Dec., ¶¶ 8-9. This works out to approximately $32 million spent to educate illegal aliens in Missouri during the 2019-2020 school year. If the Termination Order causes an influx of three times the prior number of illegal alien children into Missouri, then the cost to Missouri could increase by an additional $98 million a year.

Every Plaintiff State has a population of illegal immigrants residing therein, and will experience similar increases to healthcare and social service costs. *Id.*, Ex. C (chart showing illegal alien population estimates for each state; *see also* FAC ¶¶ 114-166 (allegations about illegal alien populations in each

Plaintiffs State and the related costs to each state). Compounded across all medical and social services in every Plaintiff State, the resulting costs of the Termination Order will be enormous.

Furthermore, because the Termination Order amplifies Defendants' lax border enforcement policies, it will also incentivize human trafficking for sexual exploitation: "Destination countries with weak border security and lax immigration policies in effect create an open door for traffickers to enter and do business. It creates more opportunity for them to make money and in turn motivates traffickers to recruit more victims from origin countries. Put simply, traffickers would not invest the time and resources to groom, recruit and transport large numbers of potential victims to the U.S. border if they had reason to believe a crossing would not be possible. There's no money in that.… Russian mafia, Asian organized crime, and Mexican cartels smuggle people into the United States for the purpose of human trafficking. Much of this occurs across the U.S.-Mexico border…. Unaccompanied and undocumented minors who enter the United States via smugglers are extremely vulnerable to traffickers and other abusers. There is no one to file a missing child report, or issue an Amber Alert. There is no record that the child is even here in this country. No one even knows to look. In the eyes of a trafficker, children in these circumstances make ideal victims." Ex. E, Declaration of Alison Philips, ¶¶ 7-8, 13. Such exploitation occurs in every Plaintiff State. *See id.*. at 6 and ¶ 20.

Cross-border human trafficking imposes significant costs on the States and their citizens in three ways. First, there are direct costs on the "states for things like law enforcement; and other criminal justice system resources, social service costs, [and] the public health system." *Id.* ¶ 17. Second, human trafficking of aliens to provide unskilled labor "results in lost wages and tax revenue and puts downward pressure on wages in general, especially in unskilled labor pools. This further exacerbates the economic challenges for individuals working in those areas of the economy which often impacts increased demand for assistance with housing and food." *Id.* ¶¶ 17, 33-37 And third, "[t]he money made through human trafficking by international organized criminal organizations operating in the

United States further empowers these entities and contributes to an increase in crime in general." *Id.* ¶ 17.

Cross-border human trafficking affects not only border states such as Plaintiff Arizona, but all Plaintiffs States. For example, "[f]or the three years 2017 through 2019, between 9% and 12% of calls made to the National Human Trafficking Hotline for the state of Missouri involved foreign nationals." *Id.* ¶ 19. Cases of trafficked aliens are likely underreported because "[m]ost of these victims are very isolated and marginalized by physical, geographical, cultural and linguistic factors. They, like many human trafficking victims, do not self-identify as victims, do not know their rights, and do not know who or how to ask for help." *Id.* These victims usually were able to "gain entry into the United States due to weaknesses in immigration policy." *Id.* Human trafficking, including of minors for sexual purposes, has become so pervasive that local law enforcement agencies in Plaintiff States often lack the necessary resources to investigate cases that present horrifying circumstances. *See*, *e.g.*, *id.* ¶¶ 23-33 (detailing cases of lack of law enforcement resources to investigate 1) unaccompanied three year girl from Ecuador, possibly for sexual purposes; 2) pregnant 12-year-old girl from Honduras; 3) 11-year-old Central American illegal alien rape victim who had been photographed "wearing lingerie and had sent thousands of nude photos of herself to adult men on her phone"; 4) "50 Hispanic children between the ages of 10 and 16" being trafficking in the back of a "tractor trailer for over 20 hours," where they "had been malnourished and beaten" and were abandoned when the semi-truck pulling the trailer broke down).

And beyond the costs to the States and their citizens, the trafficking which will be facilitated by the Termination Order will do untold harm to the lives of the victims of such trafficking.

Defendant DHS itself has acknowledged the immense harm caused by (intentionally) weak border enforcement. It specifically has acknowledged that both Arizona and Louisiana are "directly and concretely affected by changes ... that have the effect of easing, relaxing, or limiting immigration

enforcement. Such changes can negatively impact [Arizona's and Louisiana's] law enforcement needs and budgets, as well as its other important health, safety, and pecuniary interests." Napolitano Dec., Ex. 7, Memorandum of Understanding Between DHS and the Arizona Attorney General ("DHS-Arizona MOU") at 2; Ex. F, Declaration of Wilbur "Bill" Stiles ("Stiles Dec."), Ex. A, Memorandum of Understanding Between DHS and the Louisiana Department of Justice ("Louisiana-DHS MOU") at 2. DHS has also recognized that "rules, policies, procedures, and decisions that could result in significant increases to the number of people residing in a community" will "result in direct and concrete injuries to [Arizona and Louisiana], including increasing the rate of crime, consumption of public benefits and services, strain upon the healthcare system, and harm to the environment, as well as increased economic competition with the State of Arizona 's current residents for, among other things, employment, housing, goods and services." DHS-Arizona MOU at 3; DHS-Louisiana MOU at 2-3.

Given the multitude and magnitude of the harms that the Title 42 Termination will have upon the Plaintiff States, those States readily satisfy the requirements for Article III standing.

II. PLAINTIFF STATES ARE LIKELY TO SUCCEED ON THEIR NOTICE-AND-COMMENT CLAIM

Plaintiffs are likely to prevail on the merits as Defendants issued the Termination Order in violation of the notice-and-comment requirements of the APA.

A. The Termination Order Is A Substantive Rule Generally Requiring Notice-And-Comment Rulemaking

As an initial matter, there is little doubt that the Termination Order is a "rule" under the APA: the Order itself concedes that it is "a major rule … [under] the Congressional Review Act," Order at 29 n.185—thereby necessarily making it a "rule" under the APA. *See* 5 U.S.C. § 804(2)-(3).

The Termination Order also does not fall within the exception for procedural rules, interpretive rules, or general statements of policy. Where "the rule is based on an agency's power to

exercise its judgment as to how best to implement a general statutory mandate, the rule is likely a legislative one," requiring notice and comment. *United Techs. Corp. v. EPA*, 821 F.2d 714, 719-20 (D.C. Cir. 1987). Here CDC is doing just that—exercising its judgment (albeit poorly). Moreover, "the Supreme Court has said that if an agency … effects '*a substantive change in* the regulation,' notice and comment are required." *U.S. Telecom Ass'n v. FCC*, 400 F.3d 29, 35 (D.C. Cir. 2005) ((emphases added) (citation omitted). The Termination Order plainly does so for the prior Title 42 Orders.

Seemingly recognizing that notice-and-comment rulemaking was otherwise required, the Termination Order attempts to invoke the "good cause" and "foreign affairs" exceptions of 5 U.S.C. §§ 553(a)(1) and (b)(3)(B). The validity of its entire rule thus turns on whether CDC has met its burden of establishing those exceptions apply—for which CDC offered only a single paragraph (on page 29 of the Termination Order). As explained next, that skeletal paragraph does not satisfy either exception.

B. Defendants' Attempt To Invoke The Good Cause Exception Fails

For decades now, it has been "commonplace that notice-and-comment rule-making is a primary method of assuring that an agency's decisions will be informed and responsive." *New Jersey Dep't of Env't Prot. v. EPA*, 626 F.2d 1038, 1045 (D.C. Cir. 1980). For that reason, "it is well established that the 'good cause' exception to notice-and-comment should be 'read narrowly in order to avoid providing agencies with an 'escape clause' from the requirements Congress prescribed.'" *United States v. Johnson*, 632 F.3d 912, 928 (5th Cir. 2011) (quoting *United States v. Garner*, 767 F.2d 104, 120 (5th Cir. 1985)). Indeed, all of the "various exceptions … will be narrowly construed and only reluctantly countenanced" by federal courts. *Id.* at 1045 n.88 (quoting *New Jersey v. EPA*, 626 F.2d 1038, 1045 (D.C. Cir. 1980)); *see also Mack Trucks, Inc. v. EPA*, 682 F.3d 87, 93 (D.C. Cir. 2012) (good-cause exception is not an "escape clause[]" to be "arbitrarily utilized at the agency's whim").

Federal courts' "review of the agency's legal conclusion of good cause is de novo." *Sorenson Commc'ns Inc. v. FCC*, 755 F.3d 702, 706 (D.C. Cir. 2014). In assessing whether good cause exists, this

Court "must rely only on the 'basis articulated by the agency itself' at the time of the rulemaking. 'Post hoc explanations'" do not suffice. *Johnson*, 532 F.3d at 928 (cleaned up).

Here, CDC's rationale that "good cause" exists is fatally infirm for four independent reasons.

1. Defendants Had Ample Time To Conduct Notice-And-Comment Rulemaking

CDC's "good cause" invocation fails most obviously because the agency had ample time to take and respond to public comment about terminating the Title 42 Orders during the 14 months in which it was explicitly considering that very question. The Fifth Circuit has made plain that "the good cause exception should not be used to circumvent the notice and comment requirements whenever an agency finds it inconvenient to follow them." *Johnson*, 632 F.3d at 929. But that is all that CDC's rationale amounts to.

Under *Johnson*—binding authority here—a central question is whether "[f]ull notice-and-comment procedures *could have been run in the time taken to issue the [challenged] rule*." *Id.* at 929 (emphasis added). Here it plainly could: 14 months is more than sufficient time to take and respond to comments, particularly as CDC did so in *6 months* for the issuance of the October 13, 2020 final rule following the March 20, 2020 interim-final rule that amended 42 C.F.R. § 71.40 to permit Title 42 Orders to reach individuals. *Supra* at 5-7. Similarly, in *Johnson* the available time period was "seven months"—which precluded good cause. *Id.*; *see also Env't Def. Fund, Inc. v. EPA*, 716 F.2d 915, 920-21 (D.C. Cir. 1983) (holding eight-month delay was similarly infirm). CDC had *twice* as much time here.

More specifically in the Covid-19 context, this Court has held that HHS lacked good cause where it "took Agency Defendants almost three months (eighty-two days) from September 9, 2021 [when the mandates were announced], to November 30, 2021, to prepare the Head Start Mandate. The situation was not so urgent that notice and comment were not required." *Louisiana v. Becerra*, __ F. Supp. 3d __, 2022 WL 16571, at *13 (W.D. La. January 1, 2022). But here CDC had nearly *five times* that long between when EO 14010 mandated consideration of terminating Title 42 and its actual

termination. And the federal government tellingly *did not even appeal* from that preliminary injunction.

Moreover, given that CDC has been actively considering whether to revoke Title 42 since February 2021, any "emergency" here was of the agency's "own making [and] can[not] constitute good cause." *NRDC v. Abraham*, 355 F.3d 179, 205 (2d Cir. 2004). Indeed, "'[o]therwise, an agency unwilling to provide notice or an opportunity to comment could simply wait until the eve of a statutory, judicial, or administrative deadline, then raise up the good cause banner and promulgate rules without following APA procedures.'" *NRDC v. NHTSA*, 894 F.3d 95, 114-15 (2d Cir. 2018) (collecting cases). That is precisely what CDC has done here.

2. CDC Improperly Ignores Its Prior Use Of Notice-And-Comment Procedures And Instead Relies On The Covid-19 Pandemic As A Categorical Exception

For similar reasons, CDC's "good cause" rationale is obviously deficient and would fail even under arbitrary-and-capricious review—not the applicable *de novo* standard here—because it entirely ignores the agency's prior use of notice-and-comment procedures in this context.

CDC's principal "good cause" rationale appears to be that Title 42 Orders relating to the Covid-19 pandemic need not comply with Section 553: "Given the *extraordinary nature of an order under Section 265* [*i.e.*, Title 42], the resultant restrictions on application for asylum and other immigration processes under Title 8, and the statutory and regulatory requirements that an CDC order under the authority last no longer than necessary to protect the public health [good cause exists]." Order at 29 (emphasis added). But essentially all of that rationale could be said for the issuance of the March 20, 2020 regulations that permitted CDC to issue Title 42 orders—which the agency *did* take public comment on. *Supra* at 5-7.

By failing to address the fact that CDC previously did not regard major changes in the Title 42 system as "extraordinary" actions for which notice-and-comment could be dispensed with entirely, CDC violated the APA. And just as the initial promulgation of the Title 42 system was sufficiently

significant to demand notice-and-comment, its repeal is equally significant under CDC's own precedents. *See also* 5 U.S.C. § 551(5) (APA requirements apply for "repealing a rule").

Federal courts "have never approved an agency's decision to *completely ignore relevant precedent*." *Jicarilla Apache Nation v. DOI*, 613 F.3d 1112, 1120 (D.C. Cir. 2010) (emphasis added). But that is exactly what CDC has done here. At a bare minimum, the Termination Order's complete failure to *acknowledge* the prior public commenting—let alone *explain* the differential treatment here—violates the APA. And while DOJ will undoubtedly now attempt to backfill those omissions, such "[p]ost hoc explanations" cannot cure APA violations. *Johnson*, 532 F.3d at 928 (cleaned up).

3. The Current Circumstances Do Not Constitute Good Cause

CDC's good-cause rationale also fails to account for the current context—which differs radically from the initial issuance of the Title 42 Order. We are not—unlike March 2020—in the first month of a once-in-a-century pandemic of rapidly exploding infection numbers. Instead, we have now begun the *third* year of this pandemic, and have a very clear sense of available testing, treatment, and prevention capacities and the rates at which those tools are becoming available. The risk CDC appears to be calculating (which, of course, irrationally omits the risk of an immigration surge) was entirely predictable. In short, as predictability has increased, the exigencies have substantially decreased. But agencies' willingness to exploit the pandemic to evade notice-and-comment requirements has simultaneously grown ever bolder even as case numbers *decrease*. And lawless. As the Fifth Circuit has explained in strikingly similar circumstances, the OSHA vaccine mandate's "stated impetus—a purported 'emergency' that the entire globe has now endured for nearly two years … is unavailing." *BST Holdings, L.L.C. v. OSHA*, 17 F.4th 604, 611 (5th Cir. 2021); *see also Louisiana v. Becerra*, 2022 WL 16571, at *13 (collecting cases rejecting reliance on Covid-19 pandemic to invoke good cause exception). And unlike fine wines, this legal gambit does not improve with age into this pandemic.

Moreover, good cause does not exist where agency action "does not stave off any imminent threat to the environment or safety or national security." *Mack Trucks, Inc.*, 682 F.3d at 93. But here, CDC rather ironically invokes the "good cause" exception to *rescind* a regulation that even Democratic Senators acknowledge *has staved off an imminent threat*, and instead dispenses with notice-and-comment so that the agency can *ensure that imminent threat comes to pass*. CDC cannot invoke the "good cause" exception to *inflict* a disaster on the U.S. border, rather than "stave [one] off." But that is just what it seeks to do here.

4. CDC's Timing Rationale Is Unpersuasive

Finally, CDC's "good case" invocation rests on a timing rationale that is both counter-intuitive and pretextual. Specifically, CDC relies overwhelmingly on its purported need for *more time* as a basis for dispensing with notice-and-comment requirements—just apparently not sufficient additional to permit taking and responding to public comment. Within CDC's threadbare one-paragraph rationale, it remarkably makes this point twice, demonstrating its centrality:

- "In light of … DHS's *need for time* to implement an orderly and safe termination of this order, there is good cause *not to delay issuing this termination* … *past* May 23, 2022."
- "It would be impracticable … to delay the effective date … *beyond May 23, 2022*."

CDC's apparent position is thus simultaneously (1) some delay of the effective date of the Termination Order is absolutely essential to avoiding "significant disruption" but that (2) sufficient delay to permit notice-and-comment compliance must be avoided at all costs because … well CDC doesn't ever say. Order at 29. The Order does allude to the purported "statutory and regulatory requirement that a CDC order under the authority last *no longer than necessary to protect public health*." *Id.* (emphasis added). But two problems with that: (1) no such requirement exists (and CDC supplies no citation to it) and (2) that rationale is contradicted on the face of the Order: CDC is explicitly delaying

implementation until May 23 not because of any public-health based reason, but explicitly based on "*DHS's need* for time to implement an orderly and safe termination of the order." *Id.* (emphasis added).

The Termination Order is thus self-contradictory on its face and cannot establish good cause.

C. Defendants' Reliance On The "Foreign Affairs" Exception Is Unavailing

Defendants alternatively attempt to excuse notice-and-comment compliance by invoking the "foreign affairs" exception of 5 U.S.C. § 553(a)(1). That too is unavailing.

As an initial matter, this is hardly the first time that an administration has attempted to invoke the "foreign affairs" exception in the immigration context—which courts have frequently and repeatedly struck down. Defendants' attempt here is particularly flimsy and merits decisive rejection.

Immigration matters, by their very nature, have implications for "foreign affairs." But federal courts have long ago made clear that such implications do not provide generalized immunity from notice-and-comment requirements: "The foreign affairs exception would become distended if applied to INS actions generally, even though immigration matters typically implicate foreign affairs." *Yassini v. Crosland*, 618 F.2d 1356, 1360 n.4 (9th Cir. 1980). Instead, for the exception to apply, "'the public rulemaking provisions should provoke *definitely undesirable international consequences*.'" *East Bay,* 932 F.3d at 775 (quoting *Yassini*, 618 F.2d at 1360 n.4); *accord Rajah v. Mukasey*, 544 F.3d 427, 437 (2d Cir. 2008) (applying same "definitely undesirable international consequences" standard); *Am. Ass'n of Exporters & Importers-Textile & Apparel Grp. v. United States*, 751 F.2d 1239, 1249 (Fed. Cir. 1985) (same); *Jean v. Nelson*, 711 F.2d 1455, 1477 (11th Cir. 1983) *vacated and rev'd on other grounds*, 727 F.2d 957 (11th Cir. 1984) (en banc) (same).[1]

CDC offers the sum total of *one sentence* of reasoning to meet this demanding definitely-undesirable-consequences standard: "this Order concerns ongoing discussions with Canada, Mexico,

[1] The Fifth Circuit does not appear to have addressed the "foreign affairs" exception yet. But there is no reason to believe that it would split from, and adopt a less-stringent standard than, the four circuits have adopted the "definitely undesirable consequences" standard.

and other countries regarding immigration and how best to control COVID-19 transmission over shared borders and therefore directly 'involves a foreign affairs function of the United States.'" Order at 29 (quoting 5 U.S.C. § 553(a)(1)). That is not even conceivably sufficient.

That single sentence does not identify *any* potential "undesirable international consequences"—let along ones that will "definitely" occur. That rationale is thus insufficient on its face. Indeed, it is *exactly* what courts have made clear does not suffice: "the foreign affairs exception requires the Government to do more than merely recite that the Rule 'implicates' foreign affairs." *East Bay*, 932 F.3d at 775. But that is all CDC has done here, with the slight modification of swapping the word "implicates" for "involves." Moreover, just as while the "reference in the Rule that refers to our 'southern border with Mexico' [wa]s not sufficient" in *East Bay*, the mere allusion to discussions with Canada, Mexico, and unspecified other counties does not suffice here.

Accepting CDC's threadbare rationale here would have particularly pernicious effects. It would effectively permit any agency to avoid notice-and-comment rulemaking through the expedient of *talking* perfunctorily with foreign nations about the same subject—which is all that CDC says here. In other words, the executive branch could avoid any obligation to give notice to, and take comments from, the *American* public by talking to a foreign government or two instead. If that were the law, why would an agency *ever* trouble itself with intentionally burdensome notice-and-comment requirements when it could instead engage in a cursory and *un*burdensome conversation with a foreign government? Thankfully, federal courts have never permitted such naked circumvention of the APA under the foreign affairs exception, and there is no reason for this case to be the first.

D. Defendants' Circumvention Of Notice-And-Comment Requirements Is Part Of A Broader Pattern

It is also important to note that Defendants' skirting of notice-and-comment requirements in the immigrant context is hardly an outlier. Indeed, those APA violations are by now notorious with federal courts. *See, e.g.*, *Texas v. United States*, __ F. Supp. 3d ___, 2021 WL 3683913, at *51-58 (S.D.

Tex. Aug. 19, 2021) (holding that DHS's issuance of Interim Guidance, which similarly and severely reduced removals of aliens with criminal convictions, violated notice-and-comment requirements); *Texas v. United States*, 524 F. Supp. 3d 598, 656-62 (S.D. Tex. 2021) (holding same for 100-day moratorium on immigration removals). Indeed, Justice Kagan recently observed at oral argument another potential violation by DHS, explaining that "[t]he real issue to me is [DHS's] evasion of notice-and-comment."[2]

Defendants' violation of notice-and-comment requirements is thus no one-off aberration, but rather part of a recidivous pattern that requires decisive judicial response—particularly as the judicial decisions cited above were apparently insufficient to convince Defendants to comply with notice-and-requirements here.

III. PLAINTIFFS ARE LIKELY TO PREVAIL ON THEIR ARBITRARY-AND-CAPRICIOUS CLAIM

The Plaintiff States are also independently likely to prevail on the merits as the Termination Order is arbitrary and capricious. It is well-established that "agency action is lawful only if it rests on a consideration of the relevant factors" and considers all "important aspects of the problem." *Michigan v. EPA*, 576 U.S. 743, 750-52 (2015) (requiring "reasoned decisionmaking"). This means agencies must "examine all relevant factors and record evidence." *Am. Wild Horse Pres. Campaign v. Perdue*, 873 F.3d 914, 923 (D.C. Cir. 2017). Here, Defendants ignored entire "important aspects of the problem," and thus violated the APA.

A. CDC's Failure to Consider Financial Harms to the States and Other Reliance Interests Is Arbitrary and Capricious

As discussed above, the termination of the Title 42 policy will impose significant financial harms on the States by generating an enormous new influx of illegal immigrants. *Supra* at 1-2, 9-14; *see also* FAC ¶¶ 104-175. CDC's Order gives no consideration to such financial harms and reliance

[2] Transcript at 47-48, *Arizona v. San Francisco*, No. 20-1775 (U.S. Feb. 23, 2022) available at https://bit.ly/3itwfq7

interests. Instead, CDC insists that it *does not have* to consider them because, on CDC's current view, such reliance interests would not be "reasonable" or "legitimate." Order at 23. As the agency states, "CDC has determined that no state or local government could be said to have *legitimately* relied on CDC Orders issued under [Title 42] to implement long-term or permanent changes to its operations because those orders are, by their very nature, short-term orders…." *Id.* This is erroneous as a matter of law. In fact, as the Fifth Circuit recently held, the federal government's argument that it "had no obligation to consider the States' reliance interests at all" is "astonishing[]" and "squarely foreclosed by" Supreme Court precedent. *Texas v. Biden*, 20 F.4th at 990. It is no less astonishingly bad here.

1. CDC did not consider financial harms to the States or other reliance interests

As an initial matter, it is perfectly clear that the CDC did not actually consider any financial or public-health harms to the States or other reliance interests, because the CDC repeatedly admits that it has no idea whether or to what extent such harms exist. *See* Order at 25 ("As a factual matter, CDC *is not aware* of any reasonable or legitimate reliance on the continued expulsion of covered noncitizens…"); *id.* (discounting "any reliance interest *that might be said to exist*"); *id.* ("*To the extent* that any state or local government did rely on the expulsion of noncitizens for purpose of resource allocation…") (emphases added). CDC's professed ignorance is unsurprising, because CDC did not bother to consult with the States before terminating Title 42. Most notably, CDC did not provide the notice-and-comment procedure required by the APA, and thus its failure to consider State reliance interests was preordained—the CDC did not know what they were, and it did not try to find out.

This violated the APA. The financial impact on the States is unquestionably an "important aspect of the problem." *Michigan*, 576 U.S. at 752. Indeed, the Supreme Court has repeatedly recognized "the importance of immigration policy to the States," particularly as the States "bear[] many of the consequences of unlawful immigration." *Arizona v. United States*, 567 U.S. 387, 397 (2012). The CDC has no license to inflict massive financial injuries on the States without at least first

considering what the magnitude of those harms might be and whether they could be mitigated if the agency considered alternatives with those harms in mind. *Michigan*, 576 U.S. at 752; *id.* at 759 (explaining that agencies "must consider cost … before deciding whether regulation is appropriate and necessary").

In fact, CDC's failure to consider State reliance interests commits a twofold violation of the APA. First, the States' financial and public-health harms and other injuries from CDC's termination decision are themselves an "important aspect of the problem." *Michigan*, 576 U.S. at 752. In addition, by refusing to consider them, CDC necessarily abandoned its duty to consider whether alternative approaches would be less burdensome for the States. "[W]hen an agency rescinds a prior policy its reasoned analysis must consider the 'alternatives' that are 'within the ambit of the existing policy.'" *DHS v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1913 (2020) (cleaned up) (citation omitted). Here, CDC did not consider any "alternatives … within the ambit of the existing policy," *id.*, that might alleviate the burdens on the States, because it did not consider those burdens in any fashion.

The CDC's failure to consider the practical impact of its Order on the States is particularly egregious because, as discussed further below, the CDC *did* consider the practical impact on *federal* agencies like DHS. The CDC makes clear that, although it has determined that the public-health justification for the Title 42 policy no longer exists *now*, it delays implementation of the termination until May 23, 2022, to allow DHS to "ready its operational capacity." Order at 28. In fact, the CDC's own regulations authorize it to "consult with any State or local authorities" before issuing Title 42 orders. 42 C.F.R. § 71.40(d). The CDC's decision to consider practical impacts on *federal* agencies but not *state* agencies is the antithesis of reasoned decision-making.

2. The Supreme Court and Fifth Circuit have rejected the CDC's justification for refusing to consider State reliance interests

The CDC's stated justification for categorically discounting financial harms and other reliance interests of the States contradicts governing law from the Supreme Court and the Fifth Circuit. In

Regents, the Supreme Court held that DHS acted arbitrarily and capriciously in failing to consider "whether there was 'legitimate reliance' on the DACA Memorandum," which established the Deferred Action for Childhood Arrivals program. 140 S. Ct. at 1913. "When an agency changes course," the Supreme Court held, "it must 'be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account.'" *Id.* (citation omitted)). "It would be arbitrary and capricious to ignore such matters." *Id.*

In so holding, the Supreme Court rejected the same reasoning that the CDC employed to avoid considering State reliance interests here. In *Regents*, as here, the Government contended that it did not need to consider reliance interests because there could be no legitimate, reasonable reliance on DACA as a matter of law: "[T]he Government does not contend that [the Secretary] considered potential reliance interests; it counters that she did not need to." *Id.* at 1913. The Government argued that "DACA recipients have no 'legally cognizable reliance interests' because the DACA Memorandum stated that the program 'conferred no substantive rights' and *provided benefits only in two-year increments*." *Id.* (emphasis added). In other words, echoing the CDC here, the Government argued that any reliance interests were not reasonable or legitimate because the program created no vested rights and was inherently temporary. *Compare id. with* Order at 23-24. The Supreme Court rejected this argument as putting the cart before the horse: "[N]either the Government nor the lead dissent cites any legal authority establishing that such features automatically preclude reliance interests, and we are not aware of any. These disclaimers are surely pertinent in considering the strength of any reliance interests, but that consideration must be undertaken by the agency in the first instance, subject to normal APA review." *Regents*, 140 S. Ct. at 1913-14.

Thus, the Supreme Court rejected the same reasoning that the CDC employed to absolve itself of considering reliance interests here. Even if the CDC believes such reliance interests will turn out to

be attenuated or illegitimate, it must at least consider them: "[T]hat consideration must be undertaken by the agency in the first instance." *Id.*

3. The CDC was obligated to consider financial harms to the States flowing from its Termination Order, even without a showing of prior "resource-allocation" decisions based on the Title 42 policy

The CDC's reasoning suffers from another fatal defect. The Termination Order assumes that, to establish "legitimate" reliance interests, the States must show that they made specific *resource-allocation* decisions in reliance on the Title 42 policy. Order, at 23 (determining that "no state or local government could be said to have legitimately relied on the CDC Orders issued under [Title 42] *to implement long-term or permanent changes to its operations*…") *id.* at 25 ("To the extent that any state or local government did rely on the expulsion of noncitizens *for purposes of resource allocation*…."); *id.* ("CDC concludes that *resource allocation concerns* do not outweigh CDC's determination…") (emphases added). Again, governing precedent squarely forecloses this reasoning. The Supreme Court in *Regents* specifically held that the reliance interests that the agency must consider include financial costs to the States, noting that "States and local governments could lose $1.25 billion in tax revenue each year." *Regents*, 140 S. Ct. at 1914. The Supreme Court did not hold that specific resource-allocation decisions were required to render such costs a "noteworthy concern[]" that the agency must consider. *Id.*

Likewise, in *Texas v. Biden*, which considered the termination of another major border-control policy—the Trump Administration's Migrant Protection Protocols ("MPP")—the district court explicitly held that "fiscal harm from the termination of MPP" to the States was an important aspect of the problem that the agency was required to consider. *Texas v. Biden*, 2021 WL 3603341 at *19. "[T]he fact that the agency did not consider the costs to the States at all" rendered the termination decision "arbitrary and capricious." *Id.* "Fiscal burdens on states are 'one factor to consider' — even if the agency could conclude that 'other interests and policy concerns outweigh' those costs." *Id.* (quoting *Regents*, 140 S. Ct. at 1914). Again, in *Texas v. Biden*, there was no showing of specific resource-

allocation decisions made by the States in reliance on MPP—the fact that terminating MPP would impose significant costs on the States was itself an important aspect of the problem that must be considered under the APA.

The Fifth Circuit affirmed this holding, agreeing that the "States' reliance interests" included "costs to States." *Texas v. Biden*, 20 F.4th at 990, *cert. granted on other grounds*, 142 S. Ct. 1098 (2022). Citing *Regents*, the Fifth Circuit agreed that "the States' reliance interests" included financial harms, such as *Regents*' assertion that "States and local governments could lose $1.25 billion in tax revenue each year." *Id.* (quoting *Regents*, 140 S. Ct. at 1914). Thus, under governing Fifth Circuit precedent, the States need not demonstrate that they engaged in specific resource-allocation decisions to establish important interests in the Title 42 program. The fact that the program's abrupt termination will impose significant financial costs on them is an important aspect of the problem that the CDC was obliged to consider—regardless of each State's "resource-allocation" decisions. Indeed, in *Texas v. Biden*, the Government made the same argument that the CDC makes here, and the Fifth Circuit rejected it as "astonishing[]": "Astonishingly, the Government responds that DHS had no obligation to consider the States' reliance interests at all. Yet again, that contention is squarely foreclosed by *Regents*." *Id.* (quotation omitted).

Finally, it makes good sense to treat new financial costs and harms to the States as inherently disrupting State reliance interests, as both the Supreme Court and Fifth Circuit have done. As the federal Government acknowledged in its Agreements with Arizona and Louisiana, State agency budgets are typically "set months or years in advance," and each State typically "has no time to adjust its budget in response to [immigration] policy changes." Doc. 1-2, at 1; Doc. 1-3, at 1. Thus, new and unanticipated costs and financial harms from a change in federal immigration policy, arising in the midst of a budget cycle, necessarily disrupt State reliance interests—regardless of whether the States made specific "resource-allocation" decisions in conscious reliance on the former policy.

4. The CDC's other arguments are meritless, arbitrary, and capricious

The CDC's other justifications for refusing to consider reliance interests are equally arbitrary and capricious. The Termination Order argues that no one could have relied on CDC's two-year-long Title 42 policy because its scope has "fluctuated due to litigation, further rendering it unreasonable for any state or local government to have acted in reliance on the continued exercise of the authority." Order at 24. This is just another variation of the same argument rejected in *Regents*, *i.e.*, that the program was inherently short-term and conferred no guarantee of future benefits. *Regents*, 140 S. Ct. at 1913. It fares no better than the CDC's reliance on the temporary nature of Title 42 orders. In any event, the CDC's claim that its legal authority has "fluctuated due to litigation," Order at 24, is unsupportable. The CDC cites only two cases. First, it cites a preliminary injunction in *P.J.E.S. v. Wolf*, 502 F. Supp. 3d 492 (D.D.C. 2020), which it admits was *stayed pending appeal by the D.C. Circuit*. Order at 24 & n.163 (admitting that "the Government obtained a stay of the injunction in January 2021"). Second, it cites an injunction against "the expulsion of FMU" [*i.e.*, individuals in family units] in *Huisha-Huisha v. Mayorkas*, 2021 WL 4206688, at *12 (D.D.C. Sept. 16, 2021), but it then admits that the "D.C. Circuit recently *upheld* the government's authority under 42 U.S.C. § 265 to expel FMU." *Id.* (emphasis added). In other words, CDC's evidence of "fluctuation due to litigation" consists of two cases where the Court of Appeals effectively *upheld* the CDC's authority. This reasoning is itself arbitrary and capricious. *See Texas v. Biden*, 554 F. Supp. 3d 818 (N.D. Texas 2021) (mischaracterizing evidence and considering "irrelevant" factors is arbitrary and capricious).

Next, the CDC argues that States could not reasonably rely "on CDC's indefinite use of its expulsion authority under Section 265," because the pandemic would eventually subside, and "42 U.S.C. § 265 only authorizes CDC to prevent the introduction of noncitizens when it is required in the interest of public health." Order at 24-25. These arguments merely rehash the CDC's claim that there could be no "legitimate" reliance on the Title 42 policy because it was inherently temporary. As

discussed above, this argument is "squarely foreclosed by *Regents*." *Texas v. Biden*, 20 F.4th at 990. In particular, *Regents* anticipated and rejected the CDC's argument that it need not consider any reliance interests because it supposedly lacks legal authority to extend it further. The dissent in *Regents* made a similar argument, *i.e.*, that the agency did not need to consider reliance on DACA because *the entire program was illegal. See, e.g., Regents*, 140 S. Ct. at 1919 (Thomas, J., dissenting) (arguing that the DACA "program was unlawful from its inception"). Nevertheless, the majority held that the agency was still required to consider reliance interests before terminating the program: "[B]ecause DHS was 'not writing on a blank slate,' it was required to assess whether there were reliance interests, determine whether they were significant, and weigh any such interests against competing policy concerns." *Regents*, 140 S. Ct. at 1915. So too here.

Finally, the CDC purports to assert, in the alternative, that it would have treated the States' reliance interests as "outweigh[ed]" even if it had considered them. Termination Order, Order at 25. But "[s]tating that a factor was considered ... is not a substitute for considering it." *Texas v. Biden*, 20 F.4th at 993 (citation omitted)). Simply put, the CDC cannot cure its failure to do its job by stating, in conclusory fashion, that it would have come to the same conclusion if it *had* done its job. The CDC's "failure to consider the regulatory alternatives … cannot be substantiated by conclusory statements." *Id.* (quoting *Corrosion Proof Fittings v. EPA*, 947 F.2d 1201, 1226 (5th Cir. 1991)).

B. The CDC's Failure to Consider the Immigration Consequences of Its Termination Order Is Arbitrary and Capricious

As even the President's allies admit, the Termination Order is likely to have catastrophic consequences for an already-fraught situation at the border. The Government itself predicts a massive increase in illegal immigration as a result of the Order, potentially doubling or even tripling unlawful border encounters over the current historic highs. *Supra* at 9-11. Yet the CDC gave no meaningful consideration to this harsh reality as it assessed only mitigation measures as applied to *current* border

trends, or its impact on the States, border communities, and lawfully present Americans. The CDC's refusal to consider the immigration consequences of its Termination Order is arbitrary and capricious.

1. The Termination Order contradicts itself in failing to consider immigration consequences

As with its refusal to consider State reliance interests, the CDC erroneously contends that it "did not need to" consider the catastrophic immigration and border-control consequences of terminating its Title 42 policies at the worst possible time—right at the beginning of summer migration. *Regents*, 140 S. Ct. at 1913. The CDC reasons that it need not—indeed, cannot—consider such consequences because Title 42 is not an immigration-control provision: "[T]he CDC Orders issued under [Title 42] are not, and do not purport to be, policy decisions about controlling immigration; rather … CDC's exercise of its authority under Section 265 depends on the existence of a public health need." Order at 25. The CDC argues, "42 U.S.C. § 265 only authorizes the CDC to prevent the introduction of noncitizens when it is required in the interest of public health," *id.*, and thus termination of the policy is mandatory "once CDC determined that there is no longer sufficient public health risk present with respect to the introduction of covered noncitizens." *Id.* In other words, CDC argues, it lacks statutory authority to consider immigration consequences in deciding whether to extend or terminate the Title 42 policy. *Id.*

This is arbitrary and capricious for two reasons. First, it contradicts the CDC's own reasoning. Immediately after stating that termination is mandatory regardless of its immigration consequences, the CDC states that "[t]his Termination will be implemented on May 23, 2022, for the *operational* reasons outlined herein." *Id.* at 25-26 (emphasis added). But CDC makes very clear that it has determined that there is no longer a public-health justification for the Title 42 policy *now*. *See, e.g., id.*

at 20 ("[L]ess burdensome measures are *now* available to mitigate the introduction, transmission, and spread of COVID-19 resulting from the entry of covered noncitizens") (emphasis added).[3]

Notwithstanding its clear determination that the public-health justification for the Title 42 orders is no longer valid *now*, the CDC delays implementation of the Termination Order for seven weeks, until May 23, 2022, "for operational reasons." *Id.* at 25-26. These "operational reasons" comprise *non-public-health* considerations—notably, DHS's "resumption of border operations under Title 8 authorities." *Id.* at 28. Though the CDC insists that the seven-week delay is due, at least in part, to DHS's plan to implement a vaccination program for arriving immigrants, *id.*, it also states explicitly that the public-health justification for the Title 42 policy no longer exists regardless of whether DHS has implemented its vaccination program. *Id.* at 22 n.145 ("CDC believes the serious risk to public health that the CDC Orders were intended to address has been sufficiently alleviated, *even in the absence of complete implementation of the DHS vaccination program*.") (emphasis added). In addition, the CDC makes clear that its seven-week delay in implementation is based on other non-public-health considerations as well—particularly, DHS's ability to "operationalize" to address the additional influx of immigrants. "The implementation timeline of this termination will provide DHS with time to … ready its operational capacity … and prepare for resumption of regular migration under Title 8." *Id.* at 28. CDC acknowledges that "DHS reports that it is taking steps to plan for such increases" in illegal immigration, and that "[p]utting such plans in place, ensuring that the workforce is adequately and appropriate[ly] trained for their shifting roles, and deploying critical resources require time." *Id.* For

[3] *See also id.* at 21 (because "other public health measures are *now* available to provide necessary public health protection," the risk of COVID-19 transmission "does not present a sufficiently serious danger to public health to necessitate maintaining the August order"); *id.* at 22 n.145 ("[G]iven the *current* status of the pandemic and the range of measures *currently* in place … CDC believes the serious risk to public health … has been sufficiently alleviated"); *id.* at 23 ("At this point in the pandemic, the previously identified public health risk is no longer commensurate with the extraordinary measures instituted by the CDC Orders."); *id.* at 27 ("I find that there is *no longer a public health justification* for the August Order and previous Orders… [T]he justification … is *no longer* sustained.") (emphases added).

these reasons, "[t]his Termination will be implemented on May 23, 2022, to provide DHS with additional time to ready such operational plans." *Id.*

The CDC, therefore, speaks out of both sides of its mouth on this issue. To the States and others adversely affected by illegal immigration, it asserts that it has no statutory authority to consider the impact on illegal immigration in crafting and rescinding Title 42 orders. *Id.* at 25. Instead, it says that its hands are tied—it may only consider public-health justifications, and once those no longer exist, it must rescind the orders even if that would have catastrophic immigration consequences. *Id.* But to the federal agency most affected—DHS—the CDC sings a different tune. For DHS, the CDC is willing to consider "operational" concerns, "deploying critical resources," "[p]utting … plans in place," "ensuring that the workforce is adequately and appropriate [*sic*] trained," "ready[ing] operational capacity," and similar *non-public-health* practical factors, to justify a significant extension of a public-health policy that CDC insists no longer has a public-health justification. *Id.* at 26, 28. This reasoning is self-contradictory. If the CDC can consider the practical impacts of the anticipated upsurge in illegal immigration on DHS's "operational capacity," *id.* at 28, it can—and must—consider the practical impacts of that upsurge on the rest of the country, including the States.

Second, "immigration consequences" are certainly an important part of the public health problem, meaning failure to consider them is irrational decision-making. Title 42 never would have been necessary if the northern or southern borders experienced only 1-2 attempted crossers per day. Numbers are *extremely* relevant to public health risk. In forgetting that, CDC claims it has tools to combat Covid -19, and thus the Title 42 policy is no longer required—but will those tools be sufficient when the numbers climb to 18,000 border crossings per day as presently predicted? Rogers Decl. Ex. 5. It strains credulity to imagine that CDC could even screen that number of migrants for communicable diseases (including Covid-19). CDC certainly never indicates otherwise. And even if it could, CDC nowhere demonstrates it could treat or mitigate communicable diseases for that number

of migrants. At best, CDC hopes to vaccinate up to 6,000 migrants per day when fully operational. Rogers Decl. Ex. 17. That does nothing to address the serious risk presented by the Administration's own immigration assessments. By failing to consider immigration consequences in assessing danger to public health risk, CDC failed to consider an important aspect of the problem.

2. Under the APA, the CDC must consider non-public-health impacts of its policy change

Second, the CDC's contention that it lacks authority to consider non-public-health concerns in adopting a major policy change contradicts the APA. As *Regents* and *State Farm* held, the CDC must consider all important aspects of the problem in adopting the rescission order. Even if the CDC ultimately decides to give them limited weight, for either legal or factual reasons, it must at least consider them. It failed to do so here.

Regents makes this very clear. In *Regents*, the Supreme Court considered the termination of DACA, an immigration-related policy. But in terminating DACA, the agency was not allowed to limit its consideration only to the "operational" impact on immigration policy. Instead, the Supreme Court held that it was arbitrary and capricious to fail to consider a wide range of non-operational, and even non-immigration-related, factors impacted by DACA. *Regents*, 140 S. Ct. at 1913-14. "When an agency changes course … it must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account." *Id.* at 1913 (quotation marks omitted) (citation omitted)). Such interests extend beyond the immigration-related (or, here, public-health-related) considerations that led to the policy in the first place. *Id.* In *Regents*, these included the fact that "DACA recipients have enrolled in degree programs, embarked on careers, started businesses, purchased homes, and even married and had children," *id.* at 1914; that cancelling DACA would impact "the schools where DACA recipients study and teach," and "the employers who have invested time and money in training them," *id.*; that cancelling DACA would "result in the loss of $215 billion in economic activity and an associated $60 billion in federal tax revenue," *id.*; and (as discussed above)

that "States and local governments could lose $1.25 billion in tax revenue each year," *id.* These factors went beyond the "operational" concerns, and extended far beyond even immigration-related concerns, to areas (such as federal and state tax collection) where DHS had no statutory authority whatsoever. Yet *Regents* held that the agency (DHS) was required at least to consider these important impacts of its sudden change in policy. "[T]hat consideration must be undertaken by the agency in the first instance, subject to normal APA review." *Id.* at 1913-14. "There was no such consideration in the Duke Memorandum," and there was no such consideration here. *Id.* at 1914. Instead, CDC "did not appear to appreciate the full scope of [its] discretion." *Id.* at 1911.

As discussed above, the CDC's decision to consider the immigration consequences of its decision *only* in the context of accommodating DHS's "operational" concerns, Order at 28, makes its decision even worse. By considering DHS's operational concerns and delaying implementation for a full seven weeks based on them, the CDC effectively concedes that it *does* have authority to consider the impact of terminating Title 42 on illegal immigration. By delaying its Order, it effectively concedes that it *does* have authority to consider "alternatives" short of full termination "within the ambit of the existing policy." *Regents*, 140 S. Ct. at 1913. But it artificially cabins its consideration to one tiny slice of the problem—DHS's "operational" concerns—while ignoring the catastrophic non-public-health consequences of an enormous surge in illegal immigration at the height of the migration season for the States, border communities, American citizens, and lawfully present aliens.

Finally, the CDC's recital that it "recognizes that the Termination of the August Order will lead to an increase in the number of noncitizens being processed in DHS facilities," Order at 28, does not cure this problem for two reasons. First, as discussed above, this statement occurs only in the context of acknowledging (and accommodating) DHS's "operational" concerns, while giving no consideration whatsoever to the consequences of increased illegal immigration on the States and others. *Id.* Second, this one-line recital is made in conclusory terms with no discussion of the potential

scope of the problem or any of its practical impacts. As noted above, "[s]tating that a factor was considered ... is not a substitute for considering it," *Texas v. Biden*, 20 F.4th at 993 (quoting *Getty v. Fed. Sav. and Loan Ins. Corp.*, 805 F.2d 1050, 1055 (D.C. Cir. 1986)), and the CDC's "failure to consider the regulatory alternatives … cannot be substantiated by conclusory statements." *Id.* (quoting *Corrosion Proof Fittings*, 947 F.2d at 1226).

In sum, the CDC cannot have it both ways. It cannot insist to the States that it may only consider public-health concerns, while granting a significant change in policy to accommodate DHS's non-public-health, "operational" concerns. If the CDC may consider the impact of a massive surge in illegal immigration on DHS's "operational capacity," it must consider the impact on States, border communities, and ordinary Americans as well. Its refusal to do so is arbitrary and capricious.

3. CDC's Recent Extension Of Its Transportation Mask Mandate Underscores The Termination Order's Deficiencies

The April 1 Termination Order is expressly predicated on *improvements* in the Covid-19 pandemic. *See, e.g.*, Order at 22-23. But a mere 12 days later, CDC extended its mask mandate for transportation (airplanes, buses, etc.) because it fears of the BA.2 variant worsening the pandemic, Rogers Decl. 18 and 19—the very same fears it downplays in the Order. Order at 13. This divergence is not yet explained, rendering the Order arbitrary and capricious. CDC cannot simultaneously take actions based upon the Covid-19 pandemic both *improving and deteriorating* at the same time.

Moreover, CDC discordant treatment of Title 42 and the mask mandate (and other restrictions) renders incredible CDC's claims that it is "aligning the public health measures response … with the best available science." Order at 20. That rationale is obviously pretextual and, at a bare minimum, the mask-mandate extension makes plain that the timing of the Title 42 Termination is overwhelmingly and self-evidently based on *political* grounds, not those of public health.

An order may not stand if it rests on a "pretextual basis" *Department of Commerce*, 139 S. Ct. at 2573. Nor is this Court "'required to exhibit a naiveté from which ordinary citizens are free.'" *Id.* at 2575 (2019) (citation omitted). And accepting that the differing treatment between Title 42 and the mask mandate is based

only on "best available science"—rather than the perfect correlation with the ideological views on the respective policies of the Administration's political base—requires a level of naiveté that even the most credulous of our citizenry likely lacks.

IV. PLAINTIFF STATES WILL SUFFER IRREPARABLE HARM WITHOUT AN INJUNCTION

Plaintiff States will also suffer irreparable harm in the absence of injunctive relief. As set forth above, the Termination Order will impose costs on the States in the form of increased law enforcement, education, and health care spending. *See supra* Section I. Indeed, states bear the "heavy financial costs" of supporting an increased number of immigrants "on state and local programs" as a consequence of a federal agency rulemaking. *City & Cnty. of San Francisco v. U.S. Citizenship & Immigr. Servs.*, 981 F.3d 742, 762 (9th Cir. 2020). The Supreme Court has similarly recognized that States "bear[] many of the consequences of unlawful immigration." *Arizona*, 567 U.S. at 397.

Due to sovereign immunity, the States cannot recover damages from the federal government. Their irrecoverable injuries thus constitute irreparable harm. *See*, *e.g.*, *Texas v. Biden*, 20 F.4th at 1001; *East Bay*, 993 F.3d at 677. Indeed, the Fifth Circuit has squarely recognized economic harms resulting from unlawful federal immigration policy as constituting irreparable harm. *See Texas v. United States*, 809 F.3d 134, 186 (5th Cir. 2015), *aff'd by an equally divided Court*, 136 S. Ct. 2271 (2016).

Plaintiffs have also suffered irreparable procedural harm tied to their unrecoverable monetary damages, having been deprived of the opportunity to provide input through notice-and-comment rulemaking. *East Bay,* 993 F.3d at 677 ("Intangible injuries may also qualify as irreparable harm, because such injuries 'generally lack an adequate legal remedy.'" (citation omitted)). The States are subject to actionable harm when "depriv[ed] of a procedural protection to which [they] are entitled" under the APA, including the opportunity to shape the rules through notice and comment. *Northern Mariana Islands v. United States*, 686 F.Supp.2d 7, 17, 18 (D.D.C. 2009).

V. AN INJUNCTION WOULD SERVE THE PUBLIC INTEREST

The remaining *Winter* factors also support the States' motion. As to the balance of harms, this case is unusual and the States' arguments are uniquely strong. A preliminary injunction here will not only avoid harm to the States, but also prevent the federal government from perpetrating self-inflicted harm upon itself. Even CDC backhandedly acknowledges that its Termination Order is likely to cause calamitous immigration consequences—which is the entire basis for delaying the effective date until May 23 to mitigate those harms. Order at 28. But those harms to the *federal government* can be *completely averted* by entering a preliminary injunction—as well as the harms to the States. This case is truly rare in that a preliminary injunction will *avoid* harms to all sides. Here there is no balancing to be had, because all the harms are on one side of the scale.

The public interest also favors the states: "The 'public interest is in having governmental agencies abide by the federal laws that govern their existence and operations.' And 'there is generally no public interest in the perpetuation of unlawful agency action.'" *Wages & White Lion Invs., L.L.C. v. FDA*, 16 F.4th 1130, 1143 (5th Cir. 2021) (cleaned up). Because the Termination Order's promulgation violates the APA multiple times over, the public interest favors enjoining it.

VI. THIS COURT SHOULD ENTER A NATIONWIDE INJUNCTION.

This Court should enjoin implementation of the Termination Order nationwide, and not just in Plaintiff States. On this issue, "the Fifth Circuit's precedent in this area is applicable and controlling." *Texas v. United States*, 524 F. Supp. 3d at 667. In this context "a geographically-limited injunction would be ineffective" as once migrants crossed U.S. borders in other states they "would be free to move among states." *Texas v. United States*, 809 F.3d at 188. Instead, "immigration policy" is supposed to be "a comprehensive and *unified* system." *Id.* Moreover, given that Plaintiffs include 21 states, an injunction limited to those states could create an unworkable patchwork.

Given the magnitude of harms that even Defendants predict will occur if Title 42 is permitted to expire in the current context, it should not be permitted to go into effect anywhere.

CONCLUSION

For the foregoing reasons, this Court should grant Plaintiff States' Motion for a Preliminary Injunction.

Dated: April 14, 2022

Respectfully submitted,
By: */s/ Elizabeth B. Murrill*

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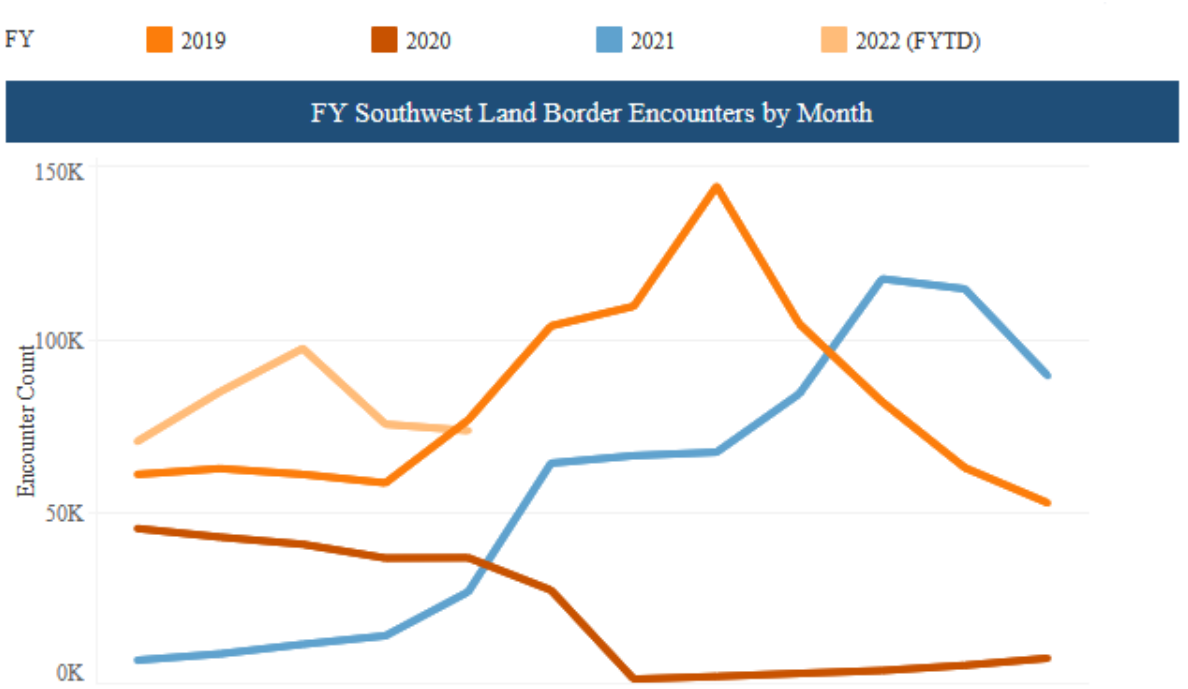
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APPENDIX

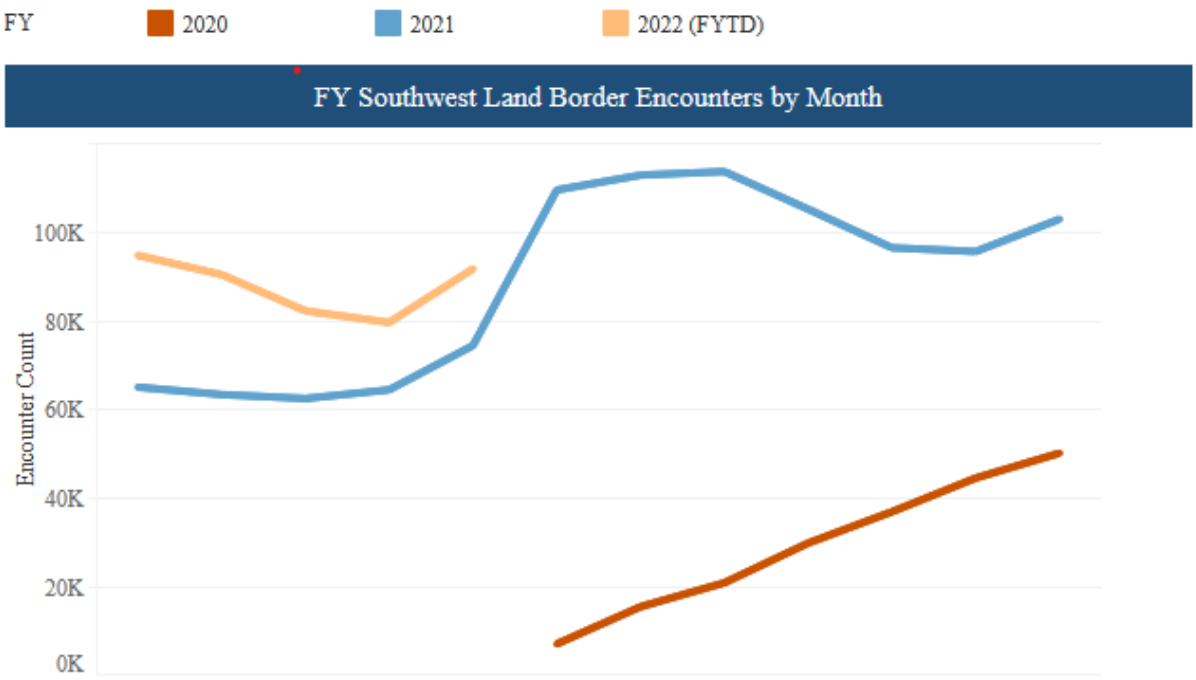
Table 1: DHS Encounters by Month



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	Total
2022 (FYTD)	70,305	84,659	97,203	75,295	73,460								400,922
2021	7,035	8,883	11,652	14,110	26,834	64,028	66,205	67,205	84,106	117,341	114,433	89,328	671,160
2020	45,139	42,643	40,565	36,585	36,687	27,310	1,584	2,342	3,220	4,058	5,561	7,607	253,301
2019	60,781	62,469	60,794	58,317	76,545	103,731	109,415	144,116	104,311	81,777	62,707	52,546	977,509

Source: https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters

Table 2: DHS Expulsions Under Title 42 Policy



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	Total
2022 (FYTD)	94,536	90,211	82,053	79,450	91,513								437,763
2021	64,894	63,230	62,342	64,304	74,265	109,249	112,590	113,392	104,928	96,252	95,407	102,673	1,063,526
2020						7,150	15,522	20,895	29,829	36,871	44,453	50,067	204,787
2019													

Source: https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF ARIZONA, By and through its Attorney General, Mark Brnovich, et al., THE STATE OF LOUISIANA, By and through its Attorney General, JEFF LANDRY, THE STATE OF MISSOURI, By and through its Attorney General, ERIC S. SCHMITT, et al.; PLAINTIFFS, v. CENTERS FOR DISEASE CONTROL & PREVENTION; et al., DEFENDANTS.	CIVIL ACTION NO. 6:22-CV-00885-RRS-CBW

DECLARATION OF JAMES K. ROGERS

I, James K. Rogers, declare as follows:

1. I am over 18 years of age and am fully competent to make this declaration. I am Senior Litigation Counsel in the Solicitor General's Office at the Arizona Attorney General's Office, and I am admitted to practice law in the State of Arizona. My pro hac vice application in this matter is forthcoming. I submit this Declaration in support of Plaintiffs' Motion for Preliminary Injunction in the above-captioned matter. I have personal knowledge of the facts stated herein.

2. Attached hereto are true and correct copies of the following exhibits, which are cited in Plaintiffs' Motion for Preliminary Injunction:

Exhibit No.	Title
1	Bill Melugin, *62,000+ illegal immigrants got past Border Patrol agents in March: sources*, FOX NEWS (April 1, 2022), https://fxn.ws/37fqLNq.

2	Letter from Jon Tester, U.S. Senator for Montana, to Alejandro Mayorkas, Secretary of Homeland Security (Apr. 5, 2022), https://bit.ly/3NSoCId
3	Jonathan Swan and Stef W. Kight, *Scoop: Biden officials fear "mass migration event" if COVID policies end*, AXIOS, (Mar. 17, 2022), https://www.axios.com/biden-border-mexico-migrants-title-42-a91b6441-2197-463f-ab1f-2435824a9566.html
4	Catherine E. Shoichet, *We're expecting a big increase in migrants at the US-Mexico border. But this time is different*, CNN, (Apr. 1, 2022), https://www.cnn.com/2022/03/31/politics/border-title-42-whats-next-cec/index.html
5	Nick Miroff and Maria Sacchetti, *Biden officials bracing for unprecedented strains at Mexico border if pandemic restrictions lifted*, THE WASHINGTON POST, (Mar. 29, 2022). https://www.washingtonpost.com/national-security/2022/03/29/border-pandemic-title-42-immigration/
6	Tim Hains, *Obama DHS Secretary Jeh Johnson: "We Are Truly In A Crisis" On Southern Border*, REAL CLEAR POLITICS (Mar. 29, 2019), https://www.realclearpolitics.com/video/2019/03/29/obama_dhs_secretary_jeh_johnson_we_are_truly_in_a_crisis_on_southern_border.html
7	CDC, *COVID-19 in Mexico*, last visited on Apr. 13, 2022 https://wwwnc.cdc.gov/travel/notices/covid-3/coronavirus-mexico
8	CDC, *COVID-19 Travel Recommendations by Destination*, last visited on Apr. 13, 2022, https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html
9	Maria Sacchetti and Nick Miroff, *Biden administration to lift pandemic border restrictions*, THE WASHINGTON POST (Mar. 30, 2022), https://www.washingtonpost.com/national-security/2022/03/30/title-42-border-restrictions-no-longer-needed-public-health-cdc-says/
10	Kyle Morris, *Georgia Sen. Warnock, other vulnerable Democrats oppose ending Title 42 border policy*, FOX NEWS (Apr. 7, 2022), https://www.foxnews.com/politics/georgia-sen-warnock-vulnerable-democrats-oppose-ending-title-42-border
11	Mark Moore, *GOP, Dem senators back bill to postpone ending Title 42 at border: report*, NEW YORK POST (Apr. 7, 2022), https://nypost.com/2022/04/07/gop-dem-senators-back-bill-to-postpone-ending-title-42/
12	Public Health and Border Security Act of 2022, S.----, 117th Cong. (2d. Sess. 2022)
13	Mark Kelly and Kyrsten Sinema, *Sens. Kelly and Sinema on the Biden Administration's Decision to End Title 42* (April 1, 2022), https://bit.ly/36MvE0g

14	Maggie Hassan, (@SenatorHassan), TWITTER, (Apr. 1, 2022, 9:53 AM), https://twitter.com/SenatorHassan/status/1509936999267983364
15	Joe Manchin, Title 42 Must Stay In Place Until We Have Major Immigration Reforms (April 1, 2022) https://bit.ly/37azEI0
16	Alexander Bolton, *Vulnerable Democrats brace for border surge*, THE HILL, (Apr. 5, 2022), https://thehill.com/news/3258941-vulnerable-democrats-brace-for-border-surge/
17	Eileen Sullivan, *C.D.C. Confirms It Will Lift Public Health Order Restricting Immigration*, NEW YORK TIMES, (Apr. 1, 2022), https://www.nytimes.com/2022/04/01/us/politics/cdc-immigration-title-42.html
18	Tom Howell Jr., *CDC extends transportation mask rule for two weeks*, WASHINGTON TIMES, (Apr. 13, 2022), https://www.washingtontimes.com/news/2022/apr/13/cdc-extends-transportation-mask-rule-two-weeks/.
19	Zeke Miller, *CDC extends travel mask requirement to May 3 as COVID rises*, ASSOCIATED PRESS, (Apr. 13, 2022), https://apnews.com/article/covid-health-centers-for-disease-control-and-prevention-e603a9dfc361ad095733bc868ebeba74
20	U.S. CUSTOMS AND BORDER PROTECTION, *Statement of U.S. Customs and Border Protection Commissioner Chris Magnus Concerning Title 42*, (Apr. 4, 2022), https://www.cbp.gov/newsroom/speeches-and-statements/statement-us-customs-and-border-protection-commissioner-chris

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was issued on April 13, 2022 in Mesa, Arizona.

James K. Rogers
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EXHIBIT 1

Rogers Declaration

Print Close

62,000+ illegal immigrants got past Border Patrol agents in March: sources

By Bill Melugin, Adam Shaw

Published April 01, 2022

Fox News

More than 62,000 illegal immigrants evaded Border Patrol agents in March, averaging about 2,000 a day, according to multiple Customs and Border Protection (CBP) sources – showing the extent to which Border Patrol agents are already being overwhelmed by the massive number of migrants trying to get into the United States.

Per those same sources there have been more than 300,000 known "gotaways" -- migrants who were not apprehended or turned themselves in and who got past agents -- since fiscal year 2022 began on October 1st. For comparison, former Border Patrol Chief Rodney Scott said there had been approximately 400,000 gotaways in the entirety of FY 2021.

BORDER PATROL AGENTS BRACING FOR NEW MIGRANT WAVE IF TITLE 42 LIFTS: 'WE ARE EXPECTING TO GET WRECKED'



Dec. 7, 2021: Immigrant men from many countries are taken into custody by U.S. Border Patrol agents at the U.S.-Mexico border in Yuma, Arizona. (Photo by John Moore/Getty Images)

Known gotaways are migrants that are seen on cameras, sensors and other means but there is no manpower to get to. Agents will also used a method called "cutting sign" in which they use a chain link fence to smooth out the surface of a dirt road – coming back later to observe foot prints.

The sources point out that the true number of getaways is likely much higher, because these numbers only account for the ones they know about. The sources told Fox that Del Rio Sector has the most gotaways with about 700 a day, followed by Tucson Sector with over 500 a day.

The massive numbers are the latest indicator of a surging migrant crisis on track to eclipse last year, as the Biden administration reportedly moves to end Title 42 public health protections that allow agents to quickly expel migrants at the border. Title 42 was used to expel more than half of the more than 164,000 migrants encountered in February. The 164,973 encounters was up dramatically from 101,099 in Feb. 2021 – and the number is expected to rise in the months ahead.

Border Patrol Chief Raul Ortiz on Tuesday said that the U.S. is currently on track to hit one million migrant encounters so far in Fiscal Year 2022, compared to 1.7 million in all of FY 2021. Ortiz described a situation on the ground in which Border Patrol is short on staff, is facing additional challenges due to the ongoing COVID-19 pandemic and where "every sector is busier than they were back in '21." He also said that agents have encountered migrants from 157 different countries.

DEM SENATORS SOUND ALARM OVER REPORTS BIDEN ADMINISTRATION WILL END TITLE 42 BORDER POLICY

The Biden administration is reported to be planning to end Title 42 in May, which has led to fears within the administration and among lawmakers and Border Patrol agents that it will encourage even more migrants to try to get into the U.S.

Multiple Border Patrol officials have told Fox News that ending Title 42 would lead to what one agent described as a "surge on top of a surge" as word spreads among migrants that they will not be deported. There are also believed to be a considerable number of migrants waiting in Mexican cities waiting for Title 42 to drop.

"We are expecting to get wrecked," one Border Patrol agent told Fox News Digital.

Brandon Judd, head of the National Border Patrol Council, told Fox News Digital this week that busy parts of the border like Del Rio and Yuma Sectors are already seeing overcrowding to four times their capacity.

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The Border Patrol Union president warned that agents will have less than 50% of their resources in the field as agents will have to shift into administrative duties like processing and dealing with transports.

"This administration has created the most dangerous situation we have ever seen on the border," he said.

Fox News' Peter Hasson contributed to this report.

Bill Melugin currently serves as a national correspondent for FOX News Channel based out of the Los Angeles bureau.

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EXHIBIT 2

Rogers Declaration

JON TESTER
MONTANA

COMMITTEES
APPROPRIATIONS
BANKING
COMMERCE
INDIAN AFFAIRS
VETERANS' AFFAIRS

United States Senate

HART SENATE OFFICE BUILDING
SUITE 311
WASHINGTON, DC 20510
202-224-2644
tester.senate.gov/contact

April 5, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave. N.E.
Washington, D.C. 20016

Secretary Mayorkas:

I write to raise concerns about the Department of Homeland Security's preparedness for ending Title 42. The White House recently announced it would terminate the program on May 23, 2022. Ending this policy without sufficient preparation risks undermining our national security. I urge the Department to provide Congress with a comprehensive plan on how it will address the increased strain on our immigration system and increased security needs before Title 42 is now set to expire next month.

Ending Title 42 is expected to cause a significant increase of migration to the United States and put more pressure on an already broken system. These problems do not only affect the southern border, but put more strain on those working to secure the northern border as well.

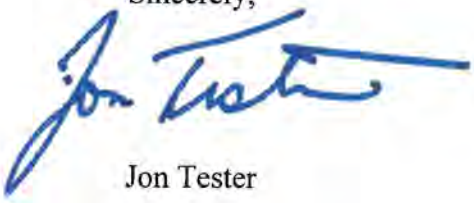
Reports indicate that the Department is developing contingency plans, but it has not provided sufficient information to Congress. The Department must provide additional information on how it is working with other federal, state, and local agencies to ensure that additional staffing, processing, humanitarian, and security resources are in place, and how it is prepared to address the increased numbers of encounters and asylum claims that are expected to follow.

Customs and Border Patrol's (CBP) own staffing models show a current shortage of more than 1,000 officers, and I continue to hear from officers that frequent reassignments to the southern border are negatively impacting security at the northern border, officer morale, and staffing levels. I also urge the Department to provide additional information about how it is working to address this staffing shortage, and improve recruitment and retention of CBP officers. The Department must also ensure that CBP officers from the northern border ports of entry will not be subject to frequent reassignments to the southern border and that the northern border will remain secure.

Title 42 is an emergency order and should not stay in effect indefinitely, especially as we continue to make headway in combatting the COVID-19 pandemic. But we should not end this policy without ample preparation. I appreciate your work to ensure the Department provides Congress with a comprehensive plan that will safely ease immigration restrictions.

I stand ready to work with you on this matter.

Sincerely,



Jon Tester

EXHIBIT 3

Rogers Declaration

AXIOS



A message from Ericsson

Consistent low latency is crucial in making 5G experiences a reality. Learn why.

Mar 17, 2022 - Politics & Policy

Scoop: Biden officials fear "mass migration event" if COVID policies end

Jonathan Swan, Stef W. Kight



Asylum-seeking migrants from Colombia, Cuba and Venezuela. Photo: Katie McTiernan/Anadolu Agency via Getty Images

emergency are ended, sources with direct knowledge of the discussions tell Axios.

- **The response under way** includes a newly created — and previously unreported — Southwest Border Coordination Center (SBCC), essentially a war room to coordinate an interagency response.

Why it matters: Border officials have used Title 42 more than 1 million times to rapidly expel migrants at the southern border without hearing asylum claims. But the Trump-era order wasn't set up to be permanent, and senior Biden officials are preparing for its end as the virus is brought under control.

- Department of Homeland Security intelligence estimates that perhaps 25,000 migrants already are waiting in Mexican shelters just south of the border for Title 42 to end.

- On Wednesday, DHS Deputy Secretary John Tien asked employees "to consider stepping forward to support the DHS Volunteer Force," citing large numbers of migrants at the southwest border, according to an email seen by Axios. The email seeks general support for U.S. Customs and Border Protection and help with data entry.

- Sources spoke to Axios on condition of anonymity to discuss sensitive internal conversations.

What they're saying: White House spokesperson Vedant Patel did not confirm or dispute specifics of Axios' reporting but said in a statement, "Of course the Administration is doing our due diligence to prepare for potential changes at the border."

humanity to our immigration system and bring it into the 21st century."

Behind the scenes: Internal discussions have raised alarms that human trafficking networks throughout Mexico and Central America will exploit the situation to "generate a mass migration event."

- **Top Biden officials representing multiple agencies** have been meeting to discuss a whole-of-government plan to deal with the potentially record-breaking spring influx of migrants. DHS has branded it the Southwest Border Mass Irregular Migration Contingency Plan.

- **The plan is sweeping,** reflecting how serious the Biden administration believes the situation could soon become, worsening a border surge that has troubled it from the beginning.

Details: The SBCC will physically operate out of the DHS headquarters at St. Elizabeth's in the case of a border emergency and will be led by Border Patrol's Matthew Hudak, according to two sources familiar with the details.

- Although SBCC members have not been finalized yet, DHS is asking for senior officials to support the center from relevant agencies such as the departments of State, Justice, Defense and Health and Human Services.

- Meanwhile, DHS's modeling would trigger some extreme measures, many of which have been taken during past border surges such as in 2021 and 2019.

The department could surge hundreds or thousands of additional personnel from Customs and Border Protection, Immigration and

- DHS could request aircraft from the U.S. Marshals Service to help transfer migrants to other areas of the border, and call on additional air and ground transportation from the Department of Defense.

- Officials could also request dozens of buses from the Bureau of Prisons to transport migrants between DHS facilities.

- And they anticipate having to expand and even build new soft-sided facilities that can shelter up to 2,000 migrants apiece.

Between the lines: Border resources are already strained with unusually high numbers of people attempting to cross every month for a year straight.

- Officials expect those numbers to climb even higher in coming months due both to seasonal trends and the expected end of Title 42.

The backstory: The CDC's Title 42 order, first issued under then-President Donald Trump in March of 2020, uses the pandemic as a reason for expelling migrants attempting to enter the U.S. — without the chance to seek asylum.

- Despite outcry from progressive Democrats and immigration advocates, the Biden administration has continued to rely on the policy to turn back migrant families and single adults.

- At the same time, the Biden administration has attempted to end Trump's "Remain in Mexico" policy, which forced migrants into dangerous situations by making them wait for asylum hearings in Mexico.

in a unanimous decision blocking the U.S. from expelling migrant families to countries where they may face persecution or torture.

What to watch: Reuters recently reported that the administration is leaning toward ending Title 42 itself.

- The CDC was recently forced by courts to again end the use of Title 42 for unaccompanied minors, and the order notes "CDC anticipates additional lifting of restrictions" as DHS becomes increasingly able to prevent the spread of COVID-19 in its facilities.

- CDC reassesses Title 42 every 60 days. The next deadline for renewal is in early April. "We continue to defer to the CDC on the use of Title 42 and how long it might remain in effect," a White House official told Axios.

- "As it stands right now — there are no changes: Title 42 is still in effect and anyone attempting to enter the country unlawfully will be subject to border restrictions — including potentially expulsion," the official added.

In addition to preparations on the U.S. side of the border, officials are planning how to coordinate with Mexico and other Latin American nations.

- Buzzfeed News recently reported on DHS planning to discuss with Mexico Title 42 ending as soon as April, and what that could mean for migration flows. DHS Secretary Mayorkas visited Mexico this week.

The issue of immigration has plagued President Biden since he took office, opening him up to criticism from both the right and the left.

admissions and the reimplementation of "Remain in Mexico" as ordered by a federal court.

- Meanwhile Republicans have pointed to record numbers at the border and reports of migrants being released into the U.S. by overwhelmed officials, saying Biden is creating "open borders."

By the numbers: After declining in January, the number of encounters with migrants at the border ticked up in February to 165,000, according to new data released on Tuesday.

- While the number is well below last year's peak of nearly 214,000 encounters in July, it is higher than last February's, which initially sparked concerns of a border crisis.

- Border patrol arrests reached an all-time high in fiscal year 2021 at nearly 1.7 million.

- Officials are projecting similar numbers for this fiscal year with the end of Title 42, according to sources familiar with the estimates. And some are concerned that reports of migrants being released into the U.S. in lieu of Title 42 could further encourage migration.

Go deeper: Migrant advocates fed up as Biden continues controversial Trump practices

EXHIBIT 4

Rogers Declaration

We're expecting a big increase in migrants at the US-Mexico border. But this time is different

By Catherine E. Shoichet, CNN
Updated 12:47 PM ET, Fri April 1, 2022

DHS officials warn of massive influx of migrants if Trump-era rule lifted 03:13

(CNN) — More migrants are coming to the US-Mexico border, and officials say they expect the number to grow.

This is something we've seen many times before. But some key details are different this time around.

Here's a look at what's changing, why it's happening now and why it matters.

There's a huge backlog of migrants waiting to cross

For two years, a pandemic public health order has been in place that stopped many migrants from crossing the border and seeking asylum in the United States. The policy is known as Title 42 for the US code invoked in its implementation, and its days are numbered.

Under that policy, authorities turned away migrants more than 1.7 million times, expelling them into Mexico or back to their home countries, according to Customs and Border Protection statistics.

Now there's a big bottleneck of people waiting to cross. And the rule that stood in their way is soon set to be lifted.

A migrant from Haiti stands near a border crossing bridge in Tijuana, Mexico, on March 22.

The Biden administration announced Friday that it's planning to end that public health policy on May 23.

Why wait until May? Officials appear to be giving themselves a cushion to plan for the possibility that the number of migrants at the border will significantly increase.

And for days now, they've been telling us it will.

The US Border Patrol chief told CNN about it last week, describing a record-breaking surge and estimating agents would be arresting about 8,000 people daily. And the White House also says officials are preparing for things to intensify.

"We have every expectation that when the CDC ultimately decides it's appropriate to lift Title 42, there will be an influx of people to the border," White House communications director Kate Bedingfield said on Wednesday. "And so we are doing a lot of work to plan for that contingency."

Already the number of people arrested at the border is going up

The number of arrests at the US-Mexico border has already been on the rise. The Border Patrol made more than 158,000 arrests there in February, up from January when there were nearly 148,000 apprehensions.

A US Customs and Border Protection officer directs migrants seeking asylum into vans before transferring them to temporary shelters in Yuma, Arizona, in February.

That increase isn't surprising. To some extent, migration is seasonal. And the number of people trying to cross the border tends to go up in the spring. Experts say the economic hardships of the pandemic have further intensified migration trends.

In the border city of Del Rio, Texas, Tiffany Burrow told CNN's Rosa Flores this week that she's been seeing the increase at the respite center she directs. More than 4,400 migrants have been dropped off there after being released from US Customs and Border Protection custody over the past month, she says -- more than twice the number in January. Asked whether she was ready for what could happen if Title 42 is lifted, Burrow said, "I don't think anyone can truly be prepared."

Val Verde County Sheriff Joe Frank Martinez told Flores he thinks back to last year, when thousands of migrants camped under a bridge in Del Rio, waiting for immigration authorities to process them.

"Last year we called it a crisis. This year, (if) we see the same thing here in Del Rio, you know, it's going to be a disaster," Martinez said.

At the national level, politicians and advocacy groups also appear to be bracing themselves for something big to happen.

Immigrant rights advocates who work along the border and leading Democratic lawmakers have been pushing the administration to end Title 42, arguing the public health restriction was merely a pretext for the US to stop vulnerable people from seeking asylum. Many have praised reports that the policy will be ending soon, while also criticizing the delay.

Meanwhile, Republican lawmakers have been lambasting the Biden administration for even considering lifting Title 42. And Stephen Miller, a senior adviser in the Trump administration, warned on Twitter that revoking the policy would be "one of history's most spectacular travesties" and "open the floodgates on a biblical scale."

WDLA-PI-0080

Migrants and asylum seekers march in Tijuana to protest the Title 42 policy on March 21.

This time, it will be hard for officials to claim they didn't see it coming

Time after time, in administration after administration, officials have seemed surprised when large numbers of migrants start showing up at the border -- even though there were many reasons they should have been prepared.

But this time, as an announcement over Title 42's future neared, administration officials repeatedly told reporters they were preparing for the possibility of a significant increase.

Between 30,000 to 60,000 people are estimated to be in northern Mexico waiting to cross the southern US border, according to a federal law enforcement official. Some of them could seek entry within hours if the CDC rule is repealed, the official said.

Three planning scenarios have been devised to trigger what resources might be needed. A planning document outlines three possibilities officials are preparing for as they assess what resources could be needed, with a worst-case scenario of up to 18,000 people trying to cross the border daily.

And officials issued a fact sheet outlining the many steps they said DHS had taken to prepare, including establishing a border coordination center, making plans to send more resources to the region and taking steps to adjudicate asylum claims more efficiently.

It's possible both to end Title 42 and process asylum seekers in an orderly fashion, says Erika Pinheiro, litigation and policy

Related Video: Biden officials bracing for mass migration if Covid policies end 05:52

director of Al Otro Lado, an organization that provides aid to migrants and refugees.

But Pinheiro told CNN last week she was concerned administration officials haven't done more to include advocates in their plans. Still, she says she's found hope in the Ukrainian families who have recently been allowed to cross the border.

"I feel angry on behalf of my clients who've been waiting for two years, but it also gives me a lot of hope that we can end Title 42 in a dignified and orderly way," she says.

know about what will happen next.

Will officials be prepared as numbers increase? Or will we yet again see overcrowded facilities, an overwhelmed system and political debate over the border escalating to a fever pitch?

There are a lot of things that are different about the current moment at the border. But we could still see history repeat itself.

We'll be watching what steps the administration takes in the coming months — and what happens at the border — closely.

CNN's Priscilla Alvarez, Kaitlan Collins, Kevin Liptak, Brenda Goodman and Rosa Flores contributed to this report.

Related Article: As the US rolls out the welcome mat for Ukrainian refugees, some see a double standard at the border

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EXHIBIT 5

Rogers Declaration

The Washington Post
Democracy Dies in Darkness

Biden officials bracing for unprecedented strains at Mexico border if pandemic restrictions li ed

By Nick Miroff and Maria Sacchetti

March 29, 2022 at 6:30 p.m. EDT

Listen to article 5 min

Biden administration officials who are coping with record numbers of migrants crossing the southern border said Tuesday they are making contingency plans for an even bigger surge if pandemic-related immigration restrictions are lifted in the coming days.

The Centers for Disease Control and Prevention is due to complete its review Wednesday of the Title 42 public health order that since March 2020 has allowed U.S. agents to rapidly "expel" most border crossers. Border authorities have used Title 42 to send at least 1.7 million migrants back to Mexico or their home countries, without giving them a chance to seek asylum under U.S. law.

In preparation for a possible post-Title 42 border rush, the Department of Homeland Security has enlisted Federal Emergency Management Administration (FEMA) officials to help prepare for as many as 18,000 migrants per day. That volume would be nearly three times the current pace of arrivals.

When U.S. agents ran out of capacity to hold and process migrants last year, DHS opted to release them from custody, with instructions to self-report to U.S. Immigration and Customs Enforcement later on.

"The nature and scope of migration has changed fundamentally," said one DHS official, who briefed reporters and spoke on the condition of anonymity under rules set by the department.

The official said an "unprecedented" 40 percent of the migrants being taken into custody are arriving from countries outside Mexico and the Northern Triangle of Guatemala, Honduras and El Salvador that have traditionally been the largest sources for migration.

Mexico and Haiti, along with Cuba, Venezuela and Nicaragua, account for a large share of the latest arrivals. Troubled relations between the latter three nations and the United States limit DHS's ability to return migrants to those countries.

The Title 42 order must be renewed every 60 days, and with the Biden administration easing pandemic restrictions elsewhere, the White House is under mounting pressure from Democratic lawmakers and advocacy groups demanding an end to the restrictions.

The DHS officials who briefed reporters said they did not know if Title 42 would be extended or allowed to lapse. But they described contingency planning for mass migration events similar to the one in Del Rio, Tex., last year that placed severe strains on U.S. agents, holding facilities, transportation networks, humanitarian shelters and border communities.

Officials said they established a "Southwest Border Coordination Center" in February, and DHS Secretary Alejandro Mayorkas appointed a FEMA regional administrator, MaryAnn Tierney, to run it on March 18. Officials are lining up additional buses and aircraft, while separately announcing they will implement long-delayed plans to provide coronavirus vaccines to migrants taken into custody by U.S. Customs and Border Protection.

CBP also has deployed approximately 400 agents from the northern and coastal borders to support the southwest operations.

"Transportation, medical service providers, law enforcement personnel, and holding facilities are all being strained to maintain current operations," officials said in a planning document, adding that lifting Title 42 "will likely cause a significant increase in arrivals along all United States (U.S.) borders — primarily along the Southwest Border."

CBP has made nearly 1 million detentions along the southern border through the first six months of the 2022 fiscal year, on pace to easily exceed the record 1.73 million taken into custody during the 2021 fiscal year, according to the latest government figures.

The volume of crossings has left some border sectors completely overwhelmed: the agency's Yuma sector is at nearly 300 percent of its holding capacity, according to the most recent figures obtained by The Washington Post. The Del Rio sector is also maxed out after weeks of mass crossings.

The influx of migrants, and the unpredictability of the coronavirus variants, have infuriated Republicans and rattled some Democrats who worry it may be too soon to return to pre-pandemic immigration rules at the border. The CDC has noted that 91 percent of the U.S. counties along the southwest border are classified as low- or medium-risk for the coronavirus.

Sens. Kyrsten Sinema and Mark Kelly, Democrats from the border state of Arizona, wrote President Biden on March 24 saying the administration's plans for lifting Title 42 were unclear and warned that it would be "premature" to end the public health order without coordinating first with nonprofits and local governments. While they said the order cannot go on "indefinitely" they expressed "great concern" that the government was not ready.

And in a bipartisan appeal Tuesday, members of the Texas congressional delegation urged the administration to keep the order in place until the number of apprehensions "drops to a manageable level." In a letter to the DHS and Health and Human Services secretaries, they said DHS "appears unprepared" to handle a massive influx at the border.

Homeland Security officials were planning to hold briefings Tuesday with lawmakers from both parties about their response to a variety of possible scenarios on the border in coming months, according to officials with knowledge of the meetings.

Leading Democrats such as Senate Majority Leader Charles E. Schumer (D-N.Y.) have said it is long past time for the administration to end Title 42 after Biden campaigned for president on promises to stop expelling migrants into dangerous border cities and allow them to apply for safe refuge in this country.

The Biden administration is also increasingly facing pressure from the federal courts over the program. The administration last year exempted unaccompanied minors from the expulsions and then, after a federal judge blocked the exemption this month, terminated the order as it applies to them entirely, citing improved conditions on the border.

A D.C. appeals court also ruled this month — in a lawsuit that sought to stop the expulsions of migrant families — that the government could not expel families to countries where they might face persecution. The decision has not yet taken effect.

Advocates for immigrants say those measures and other safeguards demonstrate the government can safely lift Title 42 and uphold asylum protections. They argue the United States should process vulnerable migrants at a time when nations such as Poland are welcoming millions of refugees from Ukraine.

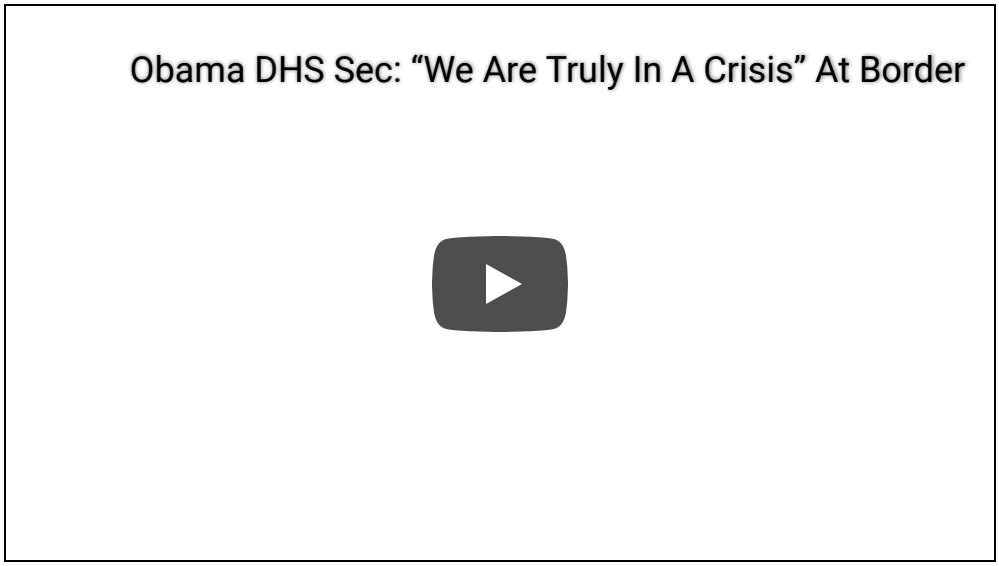
EXHIBIT 6

Rogers Declaration

Obama DHS Secretary Jeh Johnson: "We Are Truly In A Crisis" On Southern Border

Posted By Tim Hains

On Date March 29, 2019



Jeh Johnson, who served as President Obama's Department of Homeland Security Secretary said "we are truly in a crisis" at the Mexican border Thursday on MSNBC's Morning Joe.

"When I was in office in Kirstjen Nielsen's job, at her desk, I'd get to work around 6:30 in the morning and there'd be my intelligence book sitting on my desk, the PDB, and also the apprehension numbers from the day before," Johnson said. "And I'd look at them every morning, it'd be the first thing I'd look at. And I probably got too close to the problem, and my staff will tell you if it was under 1,000 apprehensions the day before that was a relatively good number, and if it was above 1,000 it was a relatively bad number, and I was gonna be in a bad mood the whole day."

"On Tuesday, there were 4,000 apprehensions. I know that a thousand overwhelms the system. I cannot begin to imagine what 4,000 a day looks like, so we are truly in a crisis," Johnson explained.

Related Videos

EXHIBIT 7

Rogers Declaration

Centers for Disease Control and Prevention

COVID-19 in Mexico

Level 3: High Level of COVID-19 in Mexico

Key Information for Travelers to Mexico

- **Make sure you are vaccinated and up to date with your COVID-19 vaccines before traveling to Mexico.**
- If you are not up to date with COVID-19 vaccines, avoid travel to Mexico.
- Even if you are up to date with your COVID-19 vaccines, you may still be at risk for getting and spreading COVID-19.
- Anyone 2 years or older should properly wear a well-fitting mask in indoor public spaces.
- Follow all requirements and recommendations in Mexico.

COVID-19 Levels

- Level 4: Very High
- **Level 3: High**
- Level 2: Moderate
- Level 1: Low
- Level unknown

Learn more about COVID-19 levels.

See all COVID-19 travel notices.

Land Travel

For information about COVID-19 requirements for land travel, visit the U.S. Department of Homeland Security's Fact Sheet: Guidance for Travelers to Enter the U.S. at Land Ports of Entry and Ferry Terminals.

ALL TRAVELERS
Before You Leave the United States

Make sure to plan ahead:

- Follow all airline requirements as well as any requirements at your destination, including mask wearing, proof of vaccination, testing, or quarantine.
- Requirements for travelers in other countries may differ from U.S. requirements. If you do not follow your destination's requirements, you may be denied entry and required to return to the United States.

Testing

RECOMMENDED

- **If you are not vaccinated and up to date with your COVID-19 vaccines,** get tested with a viral test as close to the time of departure as possible (no more than 3 days) **before** your trip.
  - Find a U.S. COVID-19 testing location near you.

Do NOT travel if...

- You are sick, even if you recovered from COVID-19 within the past 90 days or are up to date with your COVID-19 vaccines.
- You tested positive for COVID-19.

WDLA-PI-0090

- Do not travel until a full 10 days after your symptoms started or the date your positive test was taken if you had no symptoms.

- You are waiting for results of a COVID-19 test.
- You had close contact with a person with COVID-19 and **are recommended** to quarantine.
  - Do not travel until a full 5 days after your last close contact with the person with COVID-19. It is best to avoid travel for a full 10 days after your last exposure.
  - If you must travel during days 6 through 10 after your last exposure:
    - Get tested at least 5 days after your last close contact. Make sure your test result is negative and you remain without symptoms before traveling. If you don't get tested, avoid travel until a full 10 days after your last close contact with a person with COVID-19.
    - Properly wear a well-fitting mask when you are around others for the entire duration of travel during days 6 through 10. If you are unable to wear a mask, you should not travel during the days 6 through 10.
- If your test comes back positive while you are at your destination, you will need to isolate and postpone your return until it's safe for you to end isolation. Your travel companions may need to quarantine.

If you had close contact with a person with COVID-19 but are NOT recommended to quarantine...

- Get tested at least 5 days after your last close contact. Make sure your test result is negative and you remain without symptoms before traveling.
  - If you had confirmed COVID-19 within the past 90 days, you do NOT need to get tested, but you should still follow all other recommendations (including if you develop COVID-19 symptoms).
- If you travel during the 10 days after your last exposure, properly wear a well-fitting mask when you are around others for the entire duration of travel during the 10 days. If you are unable to wear a mask, you should not travel during the 10 days.

During Travel

Masks

REQUIRED

- Wearing a mask over your nose and mouth is required in indoor areas of public transportation (including on airplanes) traveling into, within, or out of the United States and indoors in U.S. transportation hubs (including airports).

Protect Yourself and Others

RECOMMENDED

- Follow all recommendations and requirements at your destination.
- Anyone 2 years or older should properly wear a well-fitting mask in indoor public spaces.
- In areas with high numbers of COVID-19 cases, consider properly wearing a well-fitting mask in crowded outdoor settings and for activities with close contact with others who are not vaccinated and not up to date with their COVID-19 vaccines.
- Wash your hands often with soap and water or use hand sanitizer with at least 60% alcohol.

Before Traveling to the United States

Testing - ALL Travelers

REQUIRED

Before boarding a flight to the United States, you are required to show the following:

- A negative COVID-19 test result taken no more than 1 day before travel.

Children under 2 years old do not need to test. There is also an option for people who have documented recovery from COVID-19 in the past 90 days. Learn more about these requirements

Contact Information

REQUIRED

All air passengers to the United States are also required to provide contact information to airlines before boarding flights to the United States. This strengthens a travel process already in place to rapidly identify and contact people in the U.S. who may have been exposed to a communicable disease, such as COVID-19. Access to travelers' contact information will allow U.S. federal, state, and local health departments and agencies to share appropriate health and public health information necessary to help keep the public safe.

After Arrival in the United States

You might have been exposed to COVID-19 on your travels, whether you traveled by air, land, or sea. You might feel well and not have any symptoms, but you can still be infected and spread the virus to others. For this reason, CDC recommends the following:

If You are NOT Vaccinated and Up to Date with your COVID-19 Vaccines

RECOMMENDED

In addition to the recommendations above

- Stay home and self-quarantine for a full **5 days** after travel.
- Follow additional recommendations below for ALL travelers.

All Travelers

RECOMMENDED

- Get tested with a COVID-19 viral test 3–5 days after travel.
  - Find a U.S. COVID-19 testing location near you.
- Self-monitor for COVID-19 symptoms; isolate and get tested if you develop symptoms.
- Follow all state and local recommendations or requirements after travel.

ALL TRAVELERS
If Your Test Result is Positive or you Develop COVID-19 Symptoms

Isolate yourself to protect others from getting infected. Learn what to do and when it is safe to be around others.

If You Recovered from COVID-19 Recently

If you recovered from a confirmed COVID-19 infection **within the past 90 days (regardless of vaccination status),** you do NOT need to get a test 3–5 days after travel. You also do not need to self-quarantine after travel. If you develop COVID-19 symptoms after travel, isolate and consult with a healthcare provider for testing recommendations.

More Information

- How CDC Determines the Level of a Destination's COVID-19 Travel Health Notice
- US Department of State: Smart Traveler Enrollment Program (STEP)

WDLA-PI-0092

- Frequently Asked Questions about Travel and COVID-19
- COVID-19 Travel Recommendations by Destination
- Health Information for International Destinations
- Domestic Travel During the COVID-19 Pandemic

Page last reviewed: March 07, 2022

Content source: National Center for Emerging and Zoonotic Infectious Diseases (NCEZID)
Division of Global Migration and Quarantine (DGMQ)

WDLA-PI-0093

EXHIBIT 8

Rogers Declaration

Centers for Disease Control and Prevention

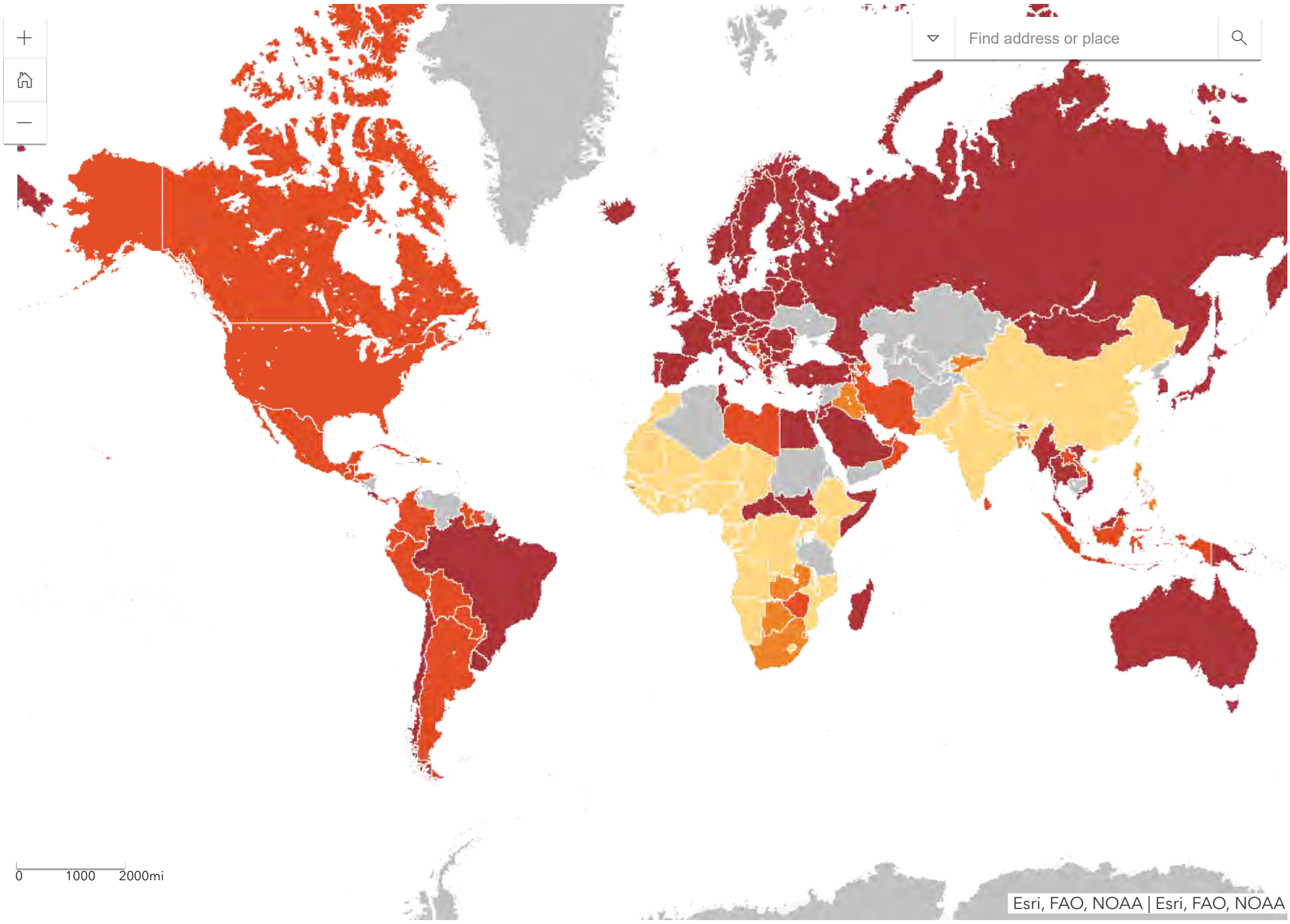
COVID-19

COVID-19 Travel Recommendations by Destination

Updated Apr. 4, 2022, 02:00 PM

< Return to Travel

Current Travel Notices



Risk Assessment Level for COVID-19

- Level 4: COVID-19 Very High
- Level 3: COVID-19 High
- Level 2: COVID-19 Moderate
- Level 1: COVID-19 Low
- Level Unknown: COVID-19 Unknown

WDLA-PI-0095

Level 4: COVID-19 Very High

Avoid travel to these destinations. If you must travel to these destinations, make sure you are fully vaccinated before travel.

- Andorra
- Aruba
- Australia
- Austria
- Bahrain
- Barbados
- Belarus
- Belgium
- Bermuda
- Bhutan
- Bonaire
- Brazil
- Brunei
- Bulgaria
- Burma (Myanmar)
- Cayman Islands
- Central African Republic
- Chile
- Costa Rica
- Croatia
- Curaçao
- Cyprus
- Czech Republic
- Denmark
- Dominica
- Egypt
- Estonia
- Faroe Islands
- Finland
- France
- French Polynesia
- Georgia
- Germany
- Gibraltar
- Greece
- Guadeloupe
- Guernsey
- Haiti
- Hungary
- Hong Kong SAR
- Iceland
- Ireland
- Isle of Man
- Israel
- Italy
- Japan
- Jersey (part of the UK)
- Jordan
- Kuwait
- Latvia
- Lebanon
- Liechtenstein
- Lithuania
- Luxembourg
- Madagascar
- Malaysia
- Maldives
- Malta
- Martinique
- Mauritius
- Moldova
- Monaco
- Mongolia
- Montenegro
- Netherlands, The
- New Zealand
- North Macedonia
- Norway
- Papua New Guinea
- Poland
- Portugal
- Réunion
- Romania
- Russia
- Saint Barthelemy
- Saint Martin
- San Marino
- Saudi Arabia
- Serbia
- Seychelles
- Singapore
- Slovakia
- Slovenia
- Somalia
- South Korea
- South Sudan
- Spain
- Sweden
- Switzerland
- Thailand
- Trinidad and Tobago
- Tunisia
- Turkey
- United Kingdom
- Uruguay
- Vietnam

Level 3: COVID-19 High

Make sure you are fully vaccinated before traveling to these destinations. Unvaccinated travelers should avoid nonessential travel to these destinations.

- Albania
- Anguilla
- Antigua and Barbuda
- Azerbaijan
- Belize
- Bolivia
- Canada
- Colombia
- Cuba

Argentina
Armenia
El Salvador
Fiji
Grenada
Guatemala
Guyana
Honduras
Indonesia
Iran
Kosovo
Laos
Bosnia and Herzegovina
British Virgin Islands
Libya
Mexico
Oman
Panama
Paraguay
Peru
Qatar
Saint Lucia
Saint Pierre and Miquelon
Saint Vincent and the Grenadines
Easter Island
Ecuador
Sint Eustatius
Sint Maarten
Sri Lanka
Suriname
Timor-Leste (East Timor)
Turks and Caicos Islands (U.K.)
United Arab Emirates
Zimbabwe

Level 2: COVID-19 Moderate

Make sure you are fully vaccinated before traveling to these destinations. Unvaccinated travelers who are at increased risk for severe illness from COVID-19 should avoid nonessential travel to these destinations.

Bahamas, The
Bangladesh
Botswana
Dominican Republic
Eswatini
Guinea-Bissau
Iraq
Kyrgyzstan
Montserrat
Philippines
Saint Kitts and Nevis
South Africa
Zambia

Level 1: COVID-19 Low

Make sure you are fully vaccinated before travel to these destinations.

Angola
Benin
Burkina Faso
Cameroon
Cape Verde
Chad
China
Comoros
Congo, Republic of the
Cote d'Ivoire (Ivory Coast)
Democratic Republic of the Congo
Djibouti
Equatorial Guinea
Ethiopia
Falkland Islands
Gabon
Gambia, The
Ghana
Guinea
India
Jamaica
Kenya
Lesotho
Liberia
Malawi
Mali
Mauritania
Morocco
Mozambique
Nepal
Niger
Nigeria
Namibia
Pakistan
Rwanda
Saba
São Tomé and Príncipe
Senegal
Sierra Leone
Taiwan
Togo
Uganda

Level Unknown: COVID-19 Unknown

Avoid travel to these destinations. If you must travel to these destinations, make sure you are fully vaccinated before travel.

- Afghanistan
- Algeria
- Antarctica
- Azores
- Burundi
- Cambodia
- Canary Islands
- Christmas Island
- Cocos (Keeling) Islands
- Cook Islands
- Eritrea
- French Guiana
- Greenland
- Kazakhstan
- Kiribati
- Macau SAR
- Madeira Islands
- Mayotte
- Nauru
- New Caledonia
- Nicaragua
- Niue
- Norfolk Island
- North Korea
- Pitcairn Islands (U.K.)
- Saint Helena
- Samoa
- Solomon Islands
- South Georgia and the South Sandwich Islands
- Sudan
- Syria
- Tajikistan
- Tanzania
- Tokelau
- Tonga
- Turkmenistan
- Tuvalu
- Ukraine
- Uzbekistan
- Vanuatu
- Venezuela
- Wake Island
- Yemen

More Information:

- How CDC Determines the Level of a Destination's COVID-19 Travel Health Notice
- Notices of Arrival Restrictions Due to Coronavirus, Department of Homeland Security
- Communication Resources for Travelers
- About Coronavirus Disease 2019 (COVID-19)
- Frequently Asked Question and Answers about COVID-19

Last Updated Apr. 4, 2022, 02:00 PM

WDLA-PI-0098

EXHIBIT 9

Rogers Declaration

The Washington Post
Democracy Dies in Darkness

Biden administration to lift pandemic border restrictions

By Maria Sacchetti and Nick Miroff

March 30, 2022 | Updated March 30, 2022 at 5:19 p.m. EDT

Listen to article 7 min

The Biden administration is planning to lift the Title 42 border controls that authorities have relied upon during the past two years of the pandemic, but the restrictions will not end immediately, according to two officials familiar with the preparations.

The administration is expanding border facilities and migrant processing capacity with the goal of fully lifting the pandemic restrictions in May, according to one of the officials, who spoke on the condition of anonymity because they were not authorized to discuss the plans publicly. Biden officials have insisted they will defer to the Centers for Disease Control and Prevention, which is completing a review of the Title 42 restrictions and said it will announce its determination this week.

The Trump administration implemented the Title 42 order in March 2020, characterizing the measure as an emergency safeguard to prevent the spread of infection inside detention cells, border stations and other crowded settings. The order has allowed border authorities to bypass normal immigration screening procedures and rapidly expel border crossers to their home countries or to Mexico without affording them a chance to seek humanitarian protection under U.S. law.

U.S. Customs and Border Protection has carried out more than 1.7 million of these “expulsions” over the past 24 months, the majority under President Biden.

The decision to ease Title 42 carries political risks for Biden whose administration’s border performance rates poorly in opinion polls. Arrests along the southern border reached an all-time high last year, and this year’s pace is on track to go even higher. The border is a major campaign issue for Republicans aiming to take control of the House and Senate in the November midterm elections.

The administration’s plan was first reported by the Associated Press.

A White House spokeswoman said Wednesday that lifting the order is the CDC’s call and that the president and senior administration officials have not interfered with that decision-making process. But if the CDC rescinds Title 42, the official said the Biden administration expects even higher numbers of migrants at the border.

“We have every expectation that when the CDC ultimately decides it’s appropriate to lift Title 42, there will be an influx of people to the border,” White House Communications Director Kate Bedingfield said at a press briefing Wednesday. “And so we are doing a lot of work to plan for that contingency.”

The most immediate challenge facing U.S. agents along the border is the soaring number of adult migrants they are taking into custody, particularly from Mexico. Over the past week, U.S. agents have made more than 7,000 arrests per day on average, and Homeland Security officials are making contingency plans for that number to increase sharply when Title 42 is lifted.

Their immediate concern is a repeat of the chaotic scenes witnessed last September in Del Rio, Tex., when thousands of mostly Haitian migrants waded across the Rio Grande, overwhelming U.S. capacity. Authorities responded to that incident by using the Title 42 order to carry out mass deportations to Haiti, measures denounced by leading Democrats.

Thousands more Haitian migrants are believed to be waiting in Mexico in anticipation of the end of Title 42, according to DHS officials familiar with the government's planning and preparations.

Republicans demanded Wednesday that the Biden administration keep Title 42 in place for public health reasons, noting that travelers are still wearing masks on airplanes and buses and that an even higher influx would overwhelm the Border Patrol and distract them from stopping drug and human smugglers. Admitting migrants into the United States will only add them to the massive backlogs in federal immigration courts, leaving cases unresolved, they said.

Sen. James Lankford (R-Okla.), a member of the Senate Committee on Homeland Security and Government Affairs, said he has been asking the Biden administration for months about its plan for a post-Title 42 scenario. He said he was disappointed by the administration's contingency work.

"Their plan is to move people into the country faster," Lankford said at the news conference. "That's their whole plan. What they have worked on, apparently for a year, is the way to expedite people crossing the border and moving into the interior at a faster rate."

DHS officials say they will deport migrants who do not qualify for protection under U.S. law. But during previous peaks of unauthorized border crossings, they have conducted mass releases, directing migrants to voluntarily report to authorities later on.

Biden officials said they are girding for the influx by expanding CBP holding capacity with temporary tent facilities, while scaling up their transportation networks and adding personnel who can support emergency operations at the border.

In an article in the New England Journal of Medicine last week, physicians and health advocates from medical schools and nonprofits argued that the rationale for the order is "unsupported by evidence" and in some cases, "blatantly false."

The authors said the policy has inflicted harm on migrants pushed back to dangerous homelands or crime-ridden border cities in Mexico, where some have been attacked.

"There is no evidence that noncitizens who lack documentation are more likely to transmit covid than are residents, citizens, or tourists entering the country," they wrote. "Asylum seekers represent a small fraction of the travelers who cross the border; in the same period in which 1 million asylum seekers were expelled, nearly 100 million other travelers were admitted at U.S. land borders."

Democratic leaders such as Senate Majority Leader Charles E. Schumer (N.Y.) and Sen. Robert Menendez (N.J.) have been urging the Biden administration to end the program, citing the dangers migrants face. Rep. Raul Ruiz (D-Calif.), a medical doctor and chair of the congressional Hispanic Caucus, said low transmission rates, quarantine programs and vaccines make the end an imperative. "Enough is enough," he said this week.

But others have been raising alarms, mainly Republicans but also some prominent Democrats, such as Sen. Joe Manchin III (W.Va.) and Sens. Kyrsten Sinema and Mark Kelly of the border state of Arizona who fear the administration is unprepared for an even larger influx at the southwest border.

Manchin wrote to CDC Director Rochelle Walensky on Tuesday urging her to keep the order in place, warning of rising border crossings and increasing covid-19 cases in parts of Europe and Asia. “Now is not the time to throw caution to the wind,” he wrote.

The Biden administration has also been facing legal pressure to end Title 42.

After a federal judge in Texas ruled this month the government could no longer exempt unaccompanied minors from being expelled, the CDC officially terminated the policy for that group on March 11.

In that order, Walensky said CBP could mitigate covid transmission for children and teens traveling without a parent because they had a robust testing program and access to Health and Human Services shelters where the minors could recover.

But she said CBP told the CDC it could not offer the same to single adults and families.

“Due to operational and facility constraints, CBP reports that it is not able to replicate this robust coronavirus testing and isolation program for (single adults) and (family members) in its custody,” Walensky wrote.

Further pressure to alter Title 42 came from an appeals court ruling this month that said the government could expel families, but not to nations where they might face persecution or torture. The court found the administration’s claim that the policy slowed covid transmission “questionable.” The ruling is expected to take effect in late April, according to the American Civil Liberties Union, which filed the lawsuit on behalf of migrant families.

“We are not cavalier about the risks of COVID-19,” the D.C. appeals court wrote. “And we would be sensitive to declarations in the record by CDC officials testifying to the efficacy of (the restrictions). But there are none.”

EXHIBIT 10

Rogers Declaration

Georgia Sen. Warnock, other vulnerable Democrats oppose ending Title 42 border policy

By Kyle Morris

Published April 07, 2022

Fox News

Several Democrats, many who are up for reelection in their states, are pushing back against the Biden administration's decision to terminate the use of Title 42 to expel migrants at the border.

Georgia Democrat Sen. Raphael Warnock, who won a 2021 special election and is now seeking a full term, is part of a growing list of Democrats who are speaking out against the decision to end the policy which gave the administration the ability to bar people from entering the country during a health crisis such as the COVID-19 pandemic.



Sen. Raphael Warnock, D-Ga., at the U.S. Capitol in Washington, June 15, 2021. (REUTERS/Evelyn Hockstein)

OBAMA HOMELAND SEC. SAYS END OF TITLE 42 BORDER POLICY 'BIG NEWS' IN CENTRAL AMERICA, 'AMPLIFIED BY SMUGGLERS'

Doubling down on prior remarks he made in opposition to ending Title 42, a spokesperson for Warnock said in a statement Thursday morning that he "does not support lifting Title 42 at this time" and recommended that the Biden administration release an outline for how it plans to deal with the crisis at the southern border once the policy is lifted.

"Senator Warnock believes in protecting the humanity of migrants at the border, but before this policy is rescinded, the Administration should present a plan for how it will ensure our border security has the manpower, infrastructure, humanitarian and legal resources they need to prevent this policy change from making an already dire humanitarian situation worse," the spokesperson said.

Sen. Jon Tester, D-Mont., has also spoken out against the move, saying the decision to end the policy "will only add to the strain on our broken immigration system."

"Ending Title 42 is expected to cause a significant increase of migration to the United States and put more pressure on an already broken system," Texas Gov. Greg Abbott said Tuesday after Homeland Security Secretary Alejandro Mayorkas announced the move. "These policies will affect the southern border, but put more strain on those working to secure the northern border as well."

Sen. Joe Manchin, D-W.Va., has described the move as a "frightening decision" and said last week that Title 42 has been "essential" in combating COVID-19 and controlling the migrant flows.



Sen. Joe Manchin, D-W.Va., speaks during a Senate Armed Services Committee hearing, Tuesday, Sept. 28, 2021, on Capitol Hill in Washington. (Stefani Reynolds/The New York Times via AP, Pool)

"We are already facing an unprecedented increase in migrants this year, and that will only get worse if the Administration ends the Title 42 policy," Manchin said. "We are nowhere near prepared to deal with that influx."

Arizona Democrat Sens. Kyrsten Sinema and Mark Kelly have both written to and spoke with Mayorkas to express their concerns about the policy being lifted without proper planning. Sen. Maggie Hassan, D-N.H., meanwhile, said that ending the order "will likely lead to a migrant surge that the administration does not appear to be ready for."

Despite her willingness to sign onto letters calling for a reversal to the policy when it was used under former President Trump's administration, Sen. Catherine Cortez Masto, D-Nev., has now changed her tune.

"This is the wrong way to do this and it will leave the administration unprepared for a surge at the border," Cortez Masto said in a statement this week.

"We should be working to fix our immigration system by investing in border security and treating immigrant families with dignity," she added. "Instead, the administration is acting without a detailed plan."

Cortez Masto's comments come after a 2020 letter she – along with several other congressional Democrats – signed which referred to the policy as the "CDC asylum ban." The letter also said the policy was "designed to further an ongoing agenda to exclude asylum seekers."



Sen. Catherine Cortez Masto, D-Nev. (Bill Clark/CQ-Roll Call, Inc via Getty Images)

Cortez Masto's office said the senator signed the letter "condemning the Trump Administration for its harmful policies that have dismantled the United States' asylum system."

CLICK HERE TO GET THE FOX NEWS APP

The Centers for Disease Control (CDC) announced on Friday that it will be ending Title 42, which has been used by both the Biden and Trump administrations to quickly expel migrants at the border due to the pandemic, on May 23.

"After considering current public health conditions and an increased availability of tools to fight COVID-19 (such as highly effective vaccines and therapeutics), the CDC Director has determined that an Order suspending the right to introduce migrants into the United States is no longer necessary," the Centers for Disease Control said in a statement.

Fox News' Adam Shaw contributed to this article.

Kyle Morris covers politics for Fox News. On Twitter: @RealKyleMorris.

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URL

https://www.foxnews.com/politics/georgia-sen-warnock-vulnerable-democrats-oppose-ending-title-42-border

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EXHIBIT 11

Rogers Declaration

GOP, Dem senators back bill to postpone ending Title 42 at border: report

A bipartisan group of senators introduced a bill Thursday meant to force the Biden administration to delay ditching the Title 42 health policy next month, warning that suspending the order will unleash a humanitarian crisis as thousands of illegal immigrants flock to the southern border, according to a report.

The proposal, backed by five Democrats and six Republicans, would postpone the scheduled May 23 rescission of Title 42 by the Centers for Disease Control and Prevention until the administration comes up with a plan to counter the expected influx. The bill was first reported by Axios.

“Arizona communities bear the brunt of the federal government’s failure at our border, so we’re stepping in and protecting border communities by ensuring the Administration works hand-in-hand with local leaders, law enforcement, and nonprofits to put a comprehensive, workable plan in place before lifting Title 42,” Sen. Kyrsten Sinema (D-Ariz.), who drafted the bill with Sen. James Lankford (R-Okla.), said in a statement. “I’ll continue pushing for transparency and accountability from the Administration to help secure the border, keep Arizona communities safe, and ensure migrants are treated fairly and humanely.”



Migrants expelled from the US and sent back to Mexico under Title 42, April 1, 2022.



Sen. James Lankford is the top Republican on the Senate Border Management Subcommittee.



An asylum seeker from Mexico waits outside the San Ysidro Port of Entry, which he hopes to cross to plead for asylum in the US, on March 22, 2022, in Tijuana, Mexico.

“The Biden Administration is declaring the pandemic over on our southern border but still active on our healthcare workers, military, and travelers,” added Lankford, the top Republican on the Senate Border Management Subcommittee, which Sinema chairs. “Department of Homeland Security intel projections show that potentially a million people will illegally cross the moment Title 42 is lifted. But instead of a workable replacement plan, the only plan the Biden Administration seems to have is moving people faster into the interior of the country.

“They cannot have it both ways. If they think it’s safe enough to lift Title 42 at the border, then it must be safe enough to lift the COVID-19 state of emergency on the whole country,” Lankford added. “But when we drop Title 42 at the border, DHS must also implement a workable solution to expel migrants.”



Sen. Joe Manchin has called the CDC's decision to rescind the policy "frightening."



Sen. Kyrsten Sinema drafted the bill with Sen. James Lankford.



Sen. Mark Kelly is one of the Democratic co-sponsors of the bill.

The CDC instituted Title 42 in March 2020, at the onset of the COVID-19 pandemic in the US. The public health order has allowed border officials to expel nearly 2 million migrants attempting to enter the US without hearing asylum claims.

Democratic co-sponsors of the bill include Sens. Mark Kelly of Arizona and Maggie Hassan of New Hampshire, both of whom face tough re-election fights this November. Fellow Democratic Sens. Joe Manchin of West Virginia and Jon Tester of Montana have also signed on.

Republicans on board with the bill include Sens. John Thune of South Dakota, John Cornyn of Texas, Thom Tillis of North Carolina, Shelley Moore Capito of West Virginia and Rob Portman of Ohio.



Asylum seekers from Central America pass their time at a migrant camp and now hope to be allowed into the US when Title 42 is lifted, in Reynosa, Mexico, April 1, 2022.



A Cuban woman and her daughter wait in line to be escorted to a Border Patrol van for processing in Yuma, Ariz., Feb. 6, 2022, hoping to remain in the United States to seek asylum.

Manchin, who represents a state that former President Donald Trump won by nearly 40 percentage points in 2020, has called the CDC's decision to rescind the policy "frightening."

"Title 42 has been an essential tool in combating the spread of COVID-19 and controlling the influx of migrants at our southern

border. We are already facing an unprecedented increase in migrants this year, and that will only get worse if the Administration ends the Title 42 policy," Manchin said last week. "We are nowhere near prepared to deal with that influx."

Hassan, reacting after the CDC's April 1 announcement that Title 42 would be scrapped, warned of the consequences of canceling the policy.

"Ending Title 42 prematurely will likely lead to a migrant surge that the administration does not appear to be ready for. I'll keep pushing the administration to strengthen border security & look forward to hearing directly from border agents during my upcoming trip to the border," she said on Twitter.

The White House responded to Axios that lawmakers should approve the administration's request for $10 billion in new coronavirus-related funding.



The vast majority of people staying at Good Samaritan shelter are women and their children from Mexico and Central America who have been expelled under Title 42 authority or were still waiting to try for asylum.



Sen. John Cornyn speaks about the US-Mexico border during a press conference, March 30, 2022.

“On the president’s first day in office, he sent an immigration bill to Congress that invests in smart solutions, effectively manages the border and addresses the root causes of migration. Those that are concerned about [the US] immigration system that [are] holding up COVID funding should pass it,” the White House said in a statement.

Senate Republicans voted against the spending bill on Wednesday, demanding that it include an amendment keeping Title 42 in place.

At Wednesday’s White House briefing, press secretary Jen Psaki said Title 42 is not an immigration policy, “it’s a public health measure,” and insisted the administration has a plan in place.



A woman embraces a child at the Good Samaritan shelter in Juarez, Mexico, Wednesday, March 30, 2022.



The bill is meant to force the Biden administration to delay ditching the Title 42 health policy next month.

“But as we’re implementing this over the course of the next five weeks, if I’m doing my math correctly, we’ve also surged resources from the Department of Homeland Security. And we will continue to take additional steps to implement and make clear that this is not the time to come, that there are — there will still be significant measures put in place for anyone who tries to irregularly migrate to the United States,” she said.

Federal officials estimate that as many as 170,000 migrants will head to the border once the Title 42 policy ends.

The number of illegal immigrants encountered at the southern border shot up 6.6% in February from January, Customs and Border Protection said.

EXHIBIT 12

Rogers Declaration

117TH CONGRESS
2D SESSION

S. _____

To establish a procedure for terminating a determination by Surgeon General to suspend certain entries and imports from designated places.

IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD (for himself, Ms. SINEMA, Mr. CORNYN, Mr. KELLY, Mr. THUNE, Mr. MANCHIN, Mrs. CAPITO, Mr. TESTER, Mr. PORTMAN, Ms. HASSAN, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish a procedure for terminating a determination by Surgeon General to suspend certain entries and imports from designated places.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health and Border Security Act of 2022".

SEC. 2. TERMINATION OF SUSPENSION OF ENTRIES AND IMPORTS FROM DESIGNATED PLACES RELATED TO THE COVID–19 PANDEMIC.

(a) IN GENERAL.—An order of suspension issued under section 362 of the Public Health Service Act (42 U.S.C. 265) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic declared under section 319 of such Act (42 U.S.C. 247d) on January 31, 2020, and any continuation of such declaration (including the continuation described in Proclamation 9994 on February 24, 2021), shall be lifted not earlier than 60 days after the date on which the Surgeon General provides written notification to the appropriate authorizing and appropriating committees of Congress that such public health emergency declaration (including the continuation described in Proclamation 9994 on February 24, 2021) have been terminated.

(b) PROCEDURES DURING 60-DAY TERMINATION WINDOW.—

(1) PLAN.—Not later than 30 days after the date on which a written notification is provided under subsection (a) with respect to an order of suspension, the Surgeon General, in consultation with the Secretary of Homeland Security, and the head of any other Federal agency, State, local or Tribal government, or nongovernmental organization that has

a role in managing outcomes associated with the suspension, as determined by the Surgeon General (or the designee of the Surgeon General), shall develop and submit to the appropriate committees of Congress, a plan to address any possible influx of entries or imports, as defined in such order of suspension, related to the termination of such order.

(2) FAILURE TO SUBMIT.—If a plan under paragraph (1) is not submitted to the appropriate committees of Congress within the 30-day period described in such paragraph, not later than 7 days after the expiration of such 30-day period, the Secretary shall notify the appropriate committees of Congress, in writing, of the status of preparing such a plan and the timing for submission as required under paragraph (1). The termination of order related to such plan shall be delayed until that date that is 30 days after the date on which such plan is submitted to such committees.

EXHIBIT 13

Rogers Declaration

Sens. Kelly and Sinema on the Biden Administration's Decision to End Title 42 » Senator Mark Kelly

- April 1, 2022

Today, Arizona Senators Mark Kelly and Kyrsten Sinema issued the following statements regarding the Biden Administration's decision to announce an end to the Title 42 public health authority without first implementing a comprehensive response plan. Last week, Kelly and Sinema underscored to the Administration how Arizona communities, migrants, and public health could be harmed if a Title 42 end is not accompanied by proper planning, coordination, and resources.

"This is the wrong decision. It's unacceptable to end Title 42 without a plan and coordination in place to ensure a secure, orderly, and humane process at the border. From my numerous visits to the southern border and conversations with Arizona's law enforcement, community leaders, mayors, and non-profits, it's clear that this administration's lack of a plan to deal with this crisis will further strain our border communities. Despite this decision, I'm going to continue pushing for Arizona to get every additional resource that we can to assist at the border," **said Senator Kelly.**

"Prematurely ending Title 42 without a comprehensive, workable plan would put at risk the health and safety of Arizona communities and migrants. Today's decision to announce an end to Title 42 despite not yet having a comprehensive plan ready shows a lack of understanding about the crisis at our border. I'll continue pushing for transparency and accountability from the Administration to help secure the border, keep Arizona communities safe, and ensure migrants are treated fairly and humanely," **said Sinema, Chair of the Border Management Subcommittee.**

This week Kelly and Sinema spoke with U.S. Homeland Security Secretary Alejandro Mayorkas to discuss the Administration's Title 42

contingency plans. Both senators underscored how Arizona communities and migrants could be harmed if a Title 42 end is not accompanied by proper planning, coordination, and resources. Sinema also raised concerns she heard from her recent virtual border roundtable with federal and non-governmental partners in Arizona, and other conversations she has had with Arizona DHS officials. Sinema called for DHS to launch an intergovernmental coordination effort to ensure communication between federal, state, local, and non-governmental partners to strengthen cooperation. Secretary Mayorkas agreed to move forward with that strategy across the country. Kelly emphasized the need for proactive engagement and clear communications between the Department of Homeland Security, Congressional offices, local officials, sheriffs, and local governments. He also asked Secretary Mayorkas for details on how the increased funding Kelly and Sinema secured in the omnibus for border management and security will be used, especially as Title 42 is lifted.

Recently, Kelly and Sinema sent a letter to President Biden expressing concerns that an abrupt end to Title 42 enforcement without a comprehensive response plan in place could harm Arizona communities and migrants and greatly increase the strain on Department of Homeland Security, and local nonprofits that are already near or at capacity due to the current border crisis. Kelly and Sinema's letter states that Title 42 authority should not be used indefinitely, but points out that migrants and Arizona communities could be harmed if an ending to Title 42 is not accompanied by proper planning, coordination, and resources.

Last June, Kelly and Sinema asked Department of Homeland Security Secretary Alejandro Mayorkas to proactively create a comprehensive plan in advance of an end to Title 42 and requested to be briefed on this plan. In their most recent letter, the Senators say they have not seen evidence that DHS has developed and implemented a sufficient plan. Recently, Kelly and Sinema secured critical federal funding to help Arizona manage the current migrant crisis, improve border security, and keep Arizona communities safe.

No related posts.

EXHIBIT 14

Rogers Declaration

Tweet



Sen. Maggie Hassan
@SenatorHassan

Ending Title 42 prematurely will likely lead to a migrant surge that the administration does not appear to be ready for. I'll keep pushing the administration to strengthen border security & look forward to hearing directly from border agents during my upcoming trip to the border.

9:53 AM · Apr 1, 2022 · Twitter for iPhone

43 Retweets **144** Quote Tweets **184** Likes

WDLA-PI-0126

EXHIBIT 15

Rogers Declaration

American Rescue Plan: Learn More About Direct Funding For Recovery And Infrastructure In West Virginia

(/arp)

APRIL 01, 2022

MANCHIN: TITLE 42 MUST STAY IN PLACE UNTIL WE HAVE MAJOR IMMIGRATION REFORMS

Washington, DC – Today, U.S. Senator Joe Manchin (D-WV) released the following statement on the Biden Administration's decision to end the Title 42 policy on May 23, 2022.

"Today's announcement by the CDC and the Biden Administration is a frightening decision," said Senator Manchin. "Title 42 has been an essential tool in combatting the spread of COVID-19 and controlling the influx of migrants at our southern border. We are already facing an unprecedented increase in migrants this year, and that will only get worse if the Administration ends the Title 42 policy. We are nowhere near prepared to deal with that influx. Until we have comprehensive, bipartisan immigration reform that commits to securing our borders and providing a pathway to citizenship for qualified immigrants, Title 42 must stay in place."

In Fiscal Year (FY) 2021, encounters with migrants reached an all-time high of 1.7 million people, which is four times higher than the 400,000 encounters reported the previous year, and the United States is on pace to set a new record again this year. Through the first five months of FY22, the Department of Homeland Security (DHS) reports that Customs and Border Patrol (CBP) has experienced more than 838,000 migrant encounters.

Earlier this week, Senator Manchin called on the Centers for Disease Control and Prevention (CDC) Director Rochelle Walensky to extend the Title 42 policy due to rising COVID-19 cases across the globe and surging migrant encounters.

EXHIBIT 16

Rogers Declaration

Vulnerable Democrats brace for border surge

by Alexander Bolton - 04/05/22 6:00 AM ET

Senate Democrats are bracing for a surge of migrants at the southern border in the wake of President Biden's decision to rescind a key restriction, creating yet another political headwind for Democratic candidates ahead of the midterm elections.

Vulnerable and centrist Democrats are scrambling to distance themselves from Biden's decision, which came under intense pressure from progressives and immigration advocates, to limit their own political liability.

Biden's decision to reverse the rule, known as Title 42, which the Trump administration implemented in 2020 and has been used to carry out 1.7 million deportations, is expected to spur huge new inflows of migrants.

Sen. Raphael Warnock (Ga.) on Monday became the latest vulnerable Senate Democrat to criticize Biden's decision.

"I think this is not the right time and we have not seen a detailed plan from the administration. We need assurances that we have security at the border and that we protect communities on this side of the border," he said. "I think this is the wrong time and I haven't seen a plan that gives me comfort."

He faces a tough race in a state that Biden narrowly won by 12,000 votes.

Democratic strategists say the Biden administration needs to be prepared to send federal resources to Arizona and other border areas to prevent local communities from being overwhelmed.

"When voters think that our party cares more about something else other than we care about the issues that matter in their everyday lives, we lose. And management of the border provides a really good

example of that fact," said John LaBombard, a former aide to Sen. Kyrsten Sinema (D-Ariz.), who last week criticized Biden's decision.

"It would be a mistake to underestimate the impact on these communities, these small towns whenever there's a surge in migrants attempting to cross the border. It's a really big deal," he added. "These communities have always felt, and Sen. Sinema often points this out, that they're not getting the support they need from the federal government and instead they're having to carry the water for decades, for multiple administrations' failures, as it relates to effectively managing the border."

Sinema says that "prematurely ending Title 42 without a comprehensive, workable plan" will put at risk the health and safety of Arizona communities.

It's a looming problem for Sen. Mark Kelly (D-Ariz.), who is running for reelection in a state where Biden's approval rating has dropped precipitously in recent months. One of Biden's biggest vulnerabilities in the state is his handling of immigration-related issues, according to a recent poll.

Kelly on Friday blasted the administration's order as "the wrong decision" and said "it's unacceptable to end Title 42 without a plan and coordination in place to ensure a secure, orderly and humane process at the border."

It's also a political headache in other Senate battlegrounds, where Republicans plan to use the southern border as a cudgel against Democratic candidates.

"If they're going to withdraw Title 42, they got to have something in its place and right now they have nothing, and it's going to be a human tsunami across the border and we're going to lose control, that's what the Border Patrol tells me," said Sen. John Cornyn (Texas), the senior Republican on the Senate Judiciary Committee's immigration subcommittee.

Sen. Maggie Hassan (D), who has a tough race in New Hampshire, warned that "ending Title 42 prematurely will likely lead to a migrant

surge that the administration does not appear to be ready for."

Senate Minority Leader Mitch McConnell (R-Ky.) on Monday panned the administration's move as "an unbelievably bad decision."

"They're going to further cave to the far left that wants open borders. They're going to cancel Title 42 this spring with no real border security plan to replace it," he said on the floor. "This is such an absurd decision, such an unforced gaffe that even some of our Democratic colleagues have come out swinging."

Democratic strategists say it's smart for Warnock, Kelly and Hassan to ready their defenses in case Biden's decision invites new waves of migrants, negative media attention and Republican political attacks.

"I think it's probably inevitable that we're going to be facing down another big surge in migrants here at some point," LaBombard said.

"We know there's going to be challenges at the border, so the best case scenario is that there's a plan in place and the resources in place to support. … That should be shaped and guided by direct input from mayors, law enforcement, nonprofits," he added.

Steve Jarding, a Democratic strategist and former advisor to the Democratic Senatorial Campaign Committee, said vulnerable Democrats were going "to pay a price" for what's happening at the U.S.-Mexico border regardless of Biden's decision on Title 42. But he said the president's action likely makes the political problem worse.

"If you look at some of the polling that's come out … those issues are working" for Republicans, he said.

"It seems to add fuel to the fire and it puts some of these more middle-of-the-road Democrats in an awkward position, and all of that begs the question as to why you would do that," he added.

Lanae Erickson, senior vice president for social policy at Third Way, a centrist Democratic think tank, said the administration was under pressure to act because courts were likely to soon rule against the continued use of Title 42 to deny asylum claims.

"The courts were moving in direction of forcing the administration to act here. To the extent that the administration is now getting in front of that and setting up a plan to do this in an orderly fashion, I think that's great news," she said.

"It's also better that it's happening further away from the midterms because obviously immigration is a tricky subject for Democrats and one that divides swing voters from our base in a lot of circumstances," she explained. "We could not rely on this public safety measure indefinitely to keep people out of the country."

Morgan Jackson, a leading Democratic strategist based in North Carolina, a swing state, said he expects Republicans to come at Democratic candidates hard on border- and immigration-related issues.

"Obviously Republicans are going to try to make immigration a top issue. They have tried to do that for the last 10 years, almost every election," he said.

He said voters are more concerned about "pocketbook issues" such as the strength of the economy, inflation, rising gas prices and the cost of health care.

"I think what you'll see Democrats try to do is talk about issues that actually affect families in 2022. Based on where we are with the economy, based on the uncertainty where we are with Ukraine, I think people are looking for solutions and not just pointing at problems," he said.

At the same time, he says its smart for Democrats such as Warnock, Kelly and Hassan to distance themselves from Biden's Title 42

decision.

> "You've got Democrats who are making smart decisions in tough races — Mark Kelly, Maggie Hassan — who say, 'Hey, I'm not going to let Republicans use this as a talking point on me,'" he said. "By issuing a criticism [of Biden's decision], they take this issue off the table for their races."

EXHIBIT 17

Rogers Declaration

C.D.C. Confirms It Will Lift Public Health Order Restricting Immigration

The agency cited "current public health conditions and an increased availability of tools to fight Covid-19" as grounds for returning in late May to prepandemic policies for admitting migrants.



By Eileen Sullivan

April 1, 2022

WASHINGTON — The Centers for Disease Control and Prevention announced on Friday that it would lift an emergency public health order that had restricted immigration at U.S. land borders since the beginning of the pandemic, citing "current public health conditions and an increased availability of tools to fight Covid-19."

Federal officials expect the policy change, which will go into effect on May 23, to draw thousands more migrants to the southwestern border every day, in addition to the already high number of people who have been arriving over the past year from Latin America and across the globe. Republicans, who have described the border situation as out of control under President Biden, immediately condemned the C.D.C.'s decision. The order has been used to expel migrants about 1.7 million times over the past two years.

"I hereby determine that the danger of further introduction, transmission or spread of Covid-19 into the United States from covered noncitizens, as defined in the August order, has ceased to be a serious danger to the public health," Dr. Rochelle P. Walensky, the C.D.C. director, wrote in her justification for ending the policy. She also said that she could issue a new order in the future "based on new findings, as dictated by public health needs."

The order, known as Title 42, gives officials the authority to turn away migrants at the border, including those seeking asylum. The process takes about 15 minutes, a factor that has helped the Border Patrol manage the sometimes overwhelming number of undocumented migrants gathering at the border.

Without the order in place, stations will be more overcrowded and backed up while officials go through the typical screening process, which can take more than an hour per person. Under the normal process, migrants who cannot provide a legal reason for why

they are in the United States are detained until they are deported. Those who request asylum are typically released, often with monitoring devices, while they away court dates.

The continuation of the public health order over the past two years thrust the typically apolitical C.D.C. into the heated immigration debate, even as the Biden administration has argued the order is not being used to manage illegal migration.

The agency had been under growing pressure from Democratic lawmakers, including Senator Chuck Schumer of New York, the majority leader, to not only end the rule but also provide justification for why it was necessary.

Public health experts have questioned the order's value in containing the coronavirus, especially at this point in the pandemic. The Biden administration began offering vaccinations to undocumented migrants at the border this week — about 2,000 a day along 11 areas of the border, the department said. In the next few weeks, that number will go up to 6,000 vaccinations a day at 27 locations.

"These measures, along with the current public health landscape where 97.1 percent of the U.S. population lives in a county identified as having 'low' Covid-19 community level, will sufficiently mitigate the Covid-19 risk for U.S. communities," the C.D.C. said in a statement.

News of the decision broke on Wednesday; it is expected to face legal challenges.

When the C.D.C. explained in August why it was extending the order, Covid-19 cases were averaging more than 60,000 a day, the highly transmissible Delta variant was causing more hospitalizations, and the number of deaths caused by the virus was increasing.

Now, case numbers have fallen sharply in most of the United States, and the C.D.C. has loosened many restrictions. The average number of cases on Thursday was less than 28,000 a day. An Omicron subvariant, BA.2, could cause another surge in the United States in the coming months, though it does not appear to be causing widespread severe illness in Europe, where caseloads are higher.

The White House and Department of Homeland Security have deflected questions about the policy in recent months to the C.D.C., which said little about its rationale for extending the order.

But unlike with other public health measures put in place during the pandemic, the C.D.C. never publicly disclosed scientific data that showed that undocumented migrants crossing the border were a major vector for the coronavirus.

"It's far from clear that the C.D.C.'s order serves any purpose," a panel of judges on the

U.S. Court of Appeals for the District of Columbia Circuit wrote in a ruling in March on a case about the public health rule.

Dr. Anthony S. Fauci, the nation's top infectious disease expert, has said immigrants were not a driving force in the spread of the coronavirus in the United States.

"Focusing on immigrants, expelling them or what have you, is not the solution to an outbreak," he said on CNN in October.

The order — which advocates say has put many people who were expelled under it in grave danger because of violence, poverty and instability in their home countries — has faced several lawsuits. Immigration advocates were under the impression that the Biden administration was working to lift the rule last summer for some migrants, but that never happened.

Some advocates said this week that waiting until late May to lift the order would further endanger the lives of vulnerable migrants seeking asylum.

"Given how long the administration has had to plan for the end of Title 42, the number of lives at stake daily and the court decisions finding Title 42 illegal, it is essential the administration immediately begins winding down Title 42 and not wait to do so until the end of May," said Lee Gelernt, a lawyer with the American Civil Liberties Union who has been one of the lead voices arguing that the rule should be lifted for migrant families.

Border officials enforce the order inconsistently, using it a little more than half the time they encounter migrants. This has led to great confusion for migrants about whether they should make the attempt.

Alejandro N. Mayorkas, the homeland security secretary, warned in a statement that smugglers offering transportation to areas just south of the U.S. border "will spread misinformation to take advantage of vulnerable migrants."

He said, "Let me be clear: Those unable to establish a legal basis to remain in the United States will be removed."

Because border officials did not have to ask migrants whether they feared returning to their country under the public health order, officials expect the summer surge to include a significant number of asylum seekers. Those found eligible to apply for asylum typically spend years — sometimes a decade — waiting for their case to be heard, because the immigration court system is so backlogged.

Some critics have also said that the rule has fueled racist notions that immigrants carry infection into the United States and has been used more as a way to control immigration.

Even before the pandemic, the Trump administration tried to get the C.D.C. to use its authority to issue such an order to address an outbreak of mumps in immigration detention centers in six states, and separately when Border Patrol stations were hit with the flu. Those attempts were not successful, in part because other administration officials argued that there was no legal basis.

On Friday, Ronna McDaniel, the chairwoman of the Republican National Committee, criticized the administration for lifting the rule, repeating the Republican talking point that illegal immigration has spun out of control since Mr. Biden succeeded former President Donald J. Trump. Illegal immigration had spiked under Mr. Trump, as well, in 2019. But it declined in 2020 because of restrictions his administration put in place and the pandemic.

“By removing Title 42, Biden’s doubling down on his commitment to actively worsening the crisis he created,” Ms. McDaniel said in a statement.

EXHIBIT 18

Rogers Declaration

CDC extends transportation mask rule for two weeks

Agency cites the uncertain impact of BA.2 variant, as airlines seek relief



Travelers are lining up at O'Hare airport in Chicago, Friday, July 2, 2021. The federal requirement to wear face masks on airplanes and public transportation is scheduled to expire next week, and airline executives and Republican lawmakers are urging the ... more >

By Tom Howell Jr. - The Washington Times - **Updated:** 1:14 p.m. on Wednesday, April 13, 2022

The Biden administration will extend the federal mask mandate on public transportation for another two weeks because it wants time to evaluate the BA.2 variant and whether it will cause major problems.

The mask rule had been set to expire on April 18 but it will last until at least May 3.

The Centers for Disease Control and Prevention said the fast-moving variant, which now accounts for over 85% of cases in the U.S., is causing a noticeable uptick in infections.

"Since early April, there have been increases in the seven-day moving average of cases in the U.S. to assess the potential impact the rise of cases has on severe disease, including hospitalizations and deaths,

and health care system capacity, the CDC order will remain in place at this time," the CDC said in a written statement.

The Transportation Security Administration decided to accept the CDC recommendation and extend the mask rule, which requires face coverings on planes, trains and buses. It is one of the few remaining mandates in place as much of the country tries to let individuals manage their own risk from the coronavirus.

The Washington Times

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Republicans swiftly lambasted the extension.

Sen. Rand Paul, Kentucky Republican, said people should vote out the "petty tyrants" imposing mask rules.

Others said the extension was inconsistent with the CDC's move to lift Title 42, a pandemic order that allowed the U.S. to swiftly turn back migrants at the border.

"I bet masks aren't enforced for the illegal immigrants streaming across our southern border – just for Americans who simply want to go on vacation," tweeted Morgan Ortagus, a former State Department spokeswoman and GOP candidate for Congress in Tennessee.

While some passengers might feel safer because of the mandate, major airlines have lobbied President Biden to let the rule expire, citing the burden of enforcement and the fact the CDC does not recommend universal mask-wearing in much of the country.

Flight attendants have made similar arguments in lawsuits against the mandate and say it is difficult to wear masks for hours on end.

Daily case counts remain close to pandemic lows across the country but are slowly increasing and top 30,000 per day.

Hospitalizations have continued to decline and the daily average of patients sits below 15,000 as scientists point to a possible decoupling of cases and bad outcomes because of vaccines, boosters and available treatments.

White House COVID-19 Coordinator Ashish Jha told NBC's "Today" earlier in the week that CDC scientists will be taking the lead on the decision and are developing a scientific framework that guides the mandate.

"We'll make a decision collectively based on that," he said.

EXHIBIT 19

Rogers Declaration

CDC extends travel mask requirement to May 3 as COVID rises

By ZEKE MILLER and DAVID KOENIG
31 minutes ago



WASHINGTON (AP) — The Biden administration announced Wednesday that it is extending the nationwide mask requirement for airplanes and public transit for 15 days as it monitors an uptick in COVID-19 cases.

The Centers for Disease Control and Prevention said it was extending the order, which was set to expire on April 18, until May 3 to allow more time to study the BA.2 omicron subvariant that is now responsible for the vast majority of cases in the U.S.

“In order to assess the potential impact the rise of cases has on severe disease, including hospitalizations and deaths, and health care system capacity, the CDC order will remain in place at this time,” the agency said in a statement.

When the Transportation Security Administration, which enforces the rule for planes, buses, trains and transit hubs, extended the requirement last month, it said the CDC had been hoping to roll out a

more flexible masking strategy that would have replaced the nationwide requirement.

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Alabama health officer tests positive for COVID-19

The mask mandate is the most visible vestige of government restrictions to control the pandemic, and possibly the most controversial. A surge of abusive and sometimes violent incidents on airplanes has been attributed mostly to disputes over mask-wearing.

Airlines have lobbied for months to kill the requirement, arguing that effective air filters on modern planes make transmission of the virus during a flight highly unlikely. Republicans in Congress also fought to kill the mandate.

Critics have seized on the fact that states have rolled back rules requiring masks in restaurants, stores and other indoor settings, and yet COVID-19 cases have fallen sharply since the omicron variant peaked in mid-January.

“It is very difficult to understand why masks are still required on airplanes, but not needed in crowded bars and restaurants; in packed sports arenas; in schools full of children; or at large indoor political gatherings,” Nicholas Calio, the CEO of industry trade group Airlines for America, said Wednesday in a letter to the heads of the CDC and the Health and Human Services Department. “Simply put, an extension of the mask mandate does not make sense.”

There has been a slight increase in cases in recent weeks, with daily confirmed cases nationwide rising from about 25,000 per day to more than 30,000. More than 85% of those cases are the highly contagious BA.2 strain. Those figures could be an undercount since many people now test positive on at-home tests that are not reported to public health agencies.

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Severe illnesses and deaths tend to lag infections by several weeks. The CDC is awaiting indications whether the increase in cases correlates to a rise in adverse outcomes before announcing a less restrictive mask policy for travel.

A poll in mid-March by the Kaiser Family Foundation found that Americans are evenly divided over keeping the mask rule for transportation.

The poll found that 51% wanted the mandate to expire and 48% said it should remain in place – in effect, a tie, given the poll's margin of error. Democrats overwhelmingly supported the rule, and Republicans were even more united in opposing it. Vaccinated people and those with chronic health conditions favored keeping the rule, but by smaller margins.

Airlines imposed their own mask mandates in 2020, when the Trump administration declined to take action. Unions representing flight attendants, which once backed mask rules, now decline to take a position because their members are divided over the issue.

It is unclear whether eliminating the rule would make people more or less likely to travel on planes or subways.

Ed Bastian, the CEO of Delta Air Lines, said that some people might start flying if they don't have to wear a mask, and others might stop flying if other passengers are unmasked. He called both groups "fringe," and he predicted that many people will continue to wear masks even if the rule is dropped.

—

David Koenig reported from Dallas. AP Health Writer Mike Stobbe in New York contributed to this report.

EXHIBIT 20

Rogers Declaration

U.S. Customs and Border Protection
(/)

Statement of U.S. Customs and Border Protection Commissioner Chris Magnus Concerning Title 42

Release Date: April 4, 2022

WASHINGTON—U.S. Customs and Border Protection Commissioner Chris Magnus issued the following statement following Friday's announcement that Centers for Disease Control and Prevention's (CDC) will, effective May 23, 2022, terminate its Title 42 public health Order:

"The Centers for Disease Control and Prevention announced Friday that it will terminate its Title 42 public health order effective May 23, 2022. Pursuant to its Title 42 authority, the CDC has, since March 2020, required the expulsion of unauthorized single adults and family units arriving at the land borders in order to protect against the spread of COVID-19. The CDC's Title 42 order, implemented at the height of the pandemic, is not a border management authority.

"Throughout our agency's history we have capably managed immigration at the border utilizing the authorities under Title 8 of the US Code (traditional immigration management authorities). These authorities allow non-citizens appropriate access to make asylum claims and include a range of enforcement options to hold individuals accountable for entering the U.S. illegally. This means most individuals who cross the border without legal authorization will be promptly placed in removal proceedings.

"As a result of the CDC's termination of its Title 42 public health order, we will likely face an increase in encounters above the current high levels. There are a significant number of individuals who were unable to access the asylum system for the past two years, and who may decide that now is the time to come.

"We are doing everything we can to prepare for this increase, ensure we continue to process people humanely, and impose consequences on those who break the law. At the same time, we will continue to use all available resources to secure our borders. This includes the increased use of technology, on-ground monitoring, use of drones, and additional support personnel to supplement BP agents and free them up from processing duties whenever possible.

"I'd like to note that we are not in this alone. Specific actions being taken to address ongoing and potential future developments at the border include:

- Increasing our work with other governmental agencies, including Immigration and Customs Enforcement, the Federal Emergency Management Agency, the Department of Health and Human Services, U.S. Citizenship and Immigration Services, the Department of Justice, the U.S. Marshals Service, the Department of State and other federal entities to address potential increases in the number of migrants coming across the border.
- Expanding coordination with various non-governmental agencies, including a range of non-profit organizations, faith-based entities, and others (both at and away from the border area) to help facilitate short-term-care and transportation for migrant asylum-seekers.
- Shifting Border Patrol agents and CBP officers from other locations to assist at the border.
- Increasing the number of ICE personnel working alongside CBP personnel to assist in processing migrants and enforcement actions along the border.
- Activating other DHS personnel who have volunteered to temporarily work on the border assisting with data entry and the care and custody of migrants.
- Increasing the number of (non-sworn) Border Patrol Processing Coordinators and contractors to assist with processing migrants.
- Maximizing the use of air and ground transportation to move migrants from sectors that are over capacity to other CBP locations.
- Shifting our processing of migrants to utilize the full range of options under Title 8 (traditional immigration authorities).
- Increasing the investigation and prosecution of human smuggling networks responsible for illegal border crossings.
- Increasing access to and efficiency of the asylum system by restarting normal asylum-seeker processing at ports of entry and working with other DHS partners to decrease the length of these processes *(this is being done, in part, by adopting a new rule to expedite processing by asylum officers)*.
- Adding new short-term facilities at key border locations to reduce over-crowding.
- More effectively tracking the movements of various migrant groups who may be headed towards the U.S. border.
- Working closely with foreign governments to conduct joint enforcement operations.
- Increasing repatriations under Title 8 *(returning migrants to their counties of origin).*
- Continuing work with foreign governments to increase economic opportunities and stem migration out of those countries.
- Developing and utilizing new approaches in the use of social media to educate and warn migrants about the dangers of human smugglers (often associated with cartels) who facilitate travel to the U.S.

"Our nation has asked for much of the CBP team over the past several years. This challenging work is not done; we face demanding days ahead. I am continually impressed by the dedication of CBP personnel every day and honored to serve as CBP's Commissioner."

U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the comprehensive management, control, and protection of our nation's

Case 6:22-cv-00085-BMM-KLD Document 1-5 Filed 11/14/22 Page 51 of 51 PageID #:
USCA Case #22-5325 Document #1977164 Filed: 12/09/2022 Page 51 of 100

borders, combining customs, immigration, border security, and agricultural protection at and between official ports of entry.

Last modified: April 4, 2022

Tags: Border Security, COVID-19, Office of Field Operations, U.S. Border Patrol

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(mailto:?subject=Statement of U.S. Customs and Border Protection Commissioner Chris Magnus Concerning Title 42&body=UNIURL)

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF ARIZONA, By and through its Attorney General, Mark Brnovich, et al., THE STATE OF LOUISIANA, By and through its Attorney General, JEFF LANDRY, THE STATE OF MISSOURI, By and through its Attorney General, ERIC S. SCHMITT; PLAINTIFFS, v. CENTERS FOR DISEASE CONTROL & PREVENTION; et al., DEFENDANTS.	CIVIL ACTION NO. _____

DECLARATION OF ANTHONY R. NAPOLITANO

I, Anthony R. Napolitano, declare as follows:

1. I am over 18 years of age and am fully competent to make this declaration. I am an Assistant Attorney General in the Solicitor General's Office at the Arizona Attorney General's Office, and I am admitted to practice law in the State of Arizona. My pro hac vice application in the above-captioned is forthcoming. I submit this Declaration in support of Plaintiffs' Motion for Preliminary Injunction. I have personal knowledge of the facts stated herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Declaration of Mark D. Napier, who at the time the declaration was executed was the Chief of Staff for the Cochise County Sheriff's Office in Cochise County, Arizona. He has also previously served as the Sheriff of Pima County, Arizona and began his career in law enforcement in 1981. Among other things, the declaration states that:

- "For the period from July 2020 to January 2021" "only 27.6%" of "undocumented persons" crossing the southern border were apprehended by DHS personnel.

- From "January through September 2020 there were 181 sets of human remains recovered in the border region of Arizona's desert. Each of these recoveries results in the tremendous expenditure of law enforcement resources."

- "Migrants abandoned by transnational criminal organizations trafficking in humans on the north side of the border frequently call local law enforcement in distress….. These often led to significant expenditures of county and Border Patrol resources to affect rescue in the hope of preventing additional migrant deaths."

- U.S. policies that incentivize increased illegal immigration "will likely increase the number of those who perish in the desert" and that "[t]he recovery of human remains will continue to place additional strains on law enforcement."

3. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Mark Lamb, who is the Sheriff of Pinal County, Arizona, and has over 14 years of law enforcement experience. Among other things, the declaration states that:

   - The Pinal County Sherriff's Office "has recorded a surge in the number of pursuits of suspected unauthorized aliens" since the beginning of 2021.

   - The cost of such pursuits "represents a roughly 71% increase in [personnel] costs over ... the same time period last year."

   - When "pursuits result in arrests, the Pinal County Sheriff's Office incurs the cost of incarcerating the individual….an additional cost of $1,750 per booking on average."

   - "[T]he increase in incidents, and therefore increase in costs, ... is at least in part directly related to announced changes in federal border enforcement and alien removal policies."

4. Attached hereto as Exhibit 3 is a true and correct copy of the Declaration of Mark Dannels, who is the Sheriff of Cochise County, Arizona, and has over 37 years of law enforcement experience. The declaration includes a PowerPoint presentation created by the Cochise County Sheriff's Office detailing several key statistics regarding illegal immigration and drug smuggling through the portion of the U.S.-Mexico border on which Cochise County sits. Among other things, the declaration states that:

   - "Individuals illegally crossing through [the border] cut trails, trample plant life, and leave behind litter and potentially hazardous waste including soiled clothing and excrement."

   - Since October 2021, Cochise County has experienced "an increase in costs related to pursuits and apprehensions of illegal immigrants and the costs of property damage and other crimes in our community."

5. Attached hereto as Exhibit 4 is a true and correct copy of the Declaration of Robert J. Trenschel, DO, MPH, FACHE, who is the President and Chief Executive Officer of Yuma Regional Medical Center (YRMC), which "is a 406-bed, not-for-profit hospital serving Yuma, Arizona, and the surrounding area. Among other things, the declaration states that:

   - "From January through June 2019, … an estimated 1,293 adult [alien] patients were brought to YRMC while in ICE custody" and that "[t]he estimated cost of [their] care in that six-month period was $810,433," but that only $264,383 was reimbursed, "leaving a $546,050 unreimbursed gap for that six-month period alone…. These cost estimates also do not include the substantial care expenses for the multiple mothers who delivered babies at YRMC while under ICE custody during that timeframe."

6. Attached hereto as Exhibit 5 is a true and correct copy of the Declaration of Jennifer Abbotts, who is an Administrative Services Officer III at the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR). Among other things, the declaration names specific individuals subject to immigration detainers, indicating that they are illegally present in the United States, but who are or were released on community supervision within Arizona. The declaration also includes a report showing ADCRR's records of the large number of inmates subject to ICE Detainers as of April 29, 2021:

7. Attached hereto as Exhibit 6 is a true and correct copy of the Declaration of Shaka Okougbo, DC Operations Manager at ADCRR. Among other things, the declaration states:

   - "The cost to ADCRR and the State of Arizona from persons being placed in community supervision per person is $4,163.60 per year. (2019)"

8. Exhibits 1 through 6 contain declarations and reaffirmations of declarations that were originally filed in *Arizona v. DHS*, No. CV-21-00186-PHX-SRB, 2021 WL 2787930 (D. Ariz. June 30, 2021) or *Arizona v. Mayorkas*, No. CV-21-00617-PHX-DWL, 2022 WL 357348 (D. Ariz. Feb. 7, 2022), as indicated, and contain facts the court found relevant to determining that Arizona had standing in those cases. of

9. Attached as Exhibit 7 is a true and correct copy of a Memorandum of Understanding between the U.S. Department of Homeland Security and the Arizona Attorney General's Office ["AGO"] that was executed on January 8, 2021 in which DHS states the following:

> DHS recognizes that [the AGO], like other state agencies and municipalities, is directly and concretely affected by changes to DHS rules and policies that have the effect of easing, relaxing, or limiting immigration enforcement. Such changes can negatively impact [the AGO's] law enforcement needs and budgets, as well as its other important health, safety, and pecuniary interests of the State of Arizona. The harm to [the AGO] is particularly acute where [the AGO's] budget has been set months or years in advance and it has no time to adjust its budget to respond to DHS policy changes. Specifically, DHS recognizes that the following actions result in direct and concrete injuries to [the AGO], including increasing the rate of crime, consumption of public benefits and services, strain upon the healthcare system, and harm to the environment, as well as increased economic competition with the State of Arizona's current residents for, among other things, employment, housing, goods and services:

(1) a decrease of any immigration enforcement priorities;
(2) a voluntary reduction in the number of DHS agents performing immigration enforcement functions;
(3) a decrease or pause on returns or removals of removable or inadmissible aliens;
(4) a decrease or pause on apprehensions or administrative arrests;
(5) relaxation of the standards for granting relief from return or removal, such as asylum;
(6) an increase in releases from detention;
(7) a relaxation of the standards for granting release from detention;
(8) changes to immigration benefits or eligibility, including work authorization, discretionary actions, or discretionary decisions; and
(9) rules, policies, procedures, and decisions that could result in significant increases to the number of people residing in a community.

10. Attached as Exhibit 8 are true and correct copies of posts from the official Twitter account for the CBP Chief Patrol Agent for the Yuma Sector that list the following notable border apprehensions of 10 criminal aliens during the month of December 2021:

- Rosario Lugo-Parra who had "multiple felony convictions for drug possession, assault and robbery." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 21, 2021, 7:56 PM), https://twitter.com/USBPChiefYUM/status/1473487668168192000.
- Joel Campos-Velis, "a suspected MS-13 gang member with an assault conviction." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 15, 2021, 7:09 PM), https://twitter.com/USBPChiefYUM/status/1471120221268185090.
- Gabriel Hernandez-Perez who previously had been "convicted of attempted aggravated sexual battery." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 15, 2021, 7:09 PM), https://twitter.com/USBPChiefYUM/status/1471120221268185090.
- Jose Jesus Villanueva-Canchola who previously had been "convicted of conspiracy to distribute a controlled substance." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 7, 2021, 8:01 PM), https://twitter.com/USBPChiefYUM/status/1468596679356006406.
- Armando Veliz-Samayoa who previously had been convicted of "a drive-by shooting, theft, transporting and selling narcotics, and bank robbery." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 3, 2021, 12:17 PM), https://twitter.com/USBPChiefYUM/status/1466849092185690113.
- Isaac Humberto Cuen-Logo who previously had been convicted of "a drive-by shooting, theft, transporting and selling narcotics, and bank robbery." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 3, 2021, 12:17 PM), https://twitter.com/USBPChiefYUM/status/1466849092185690113.
- Jose Reynaldo Argueta-Ventura who previously had been "convicted of voluntary manslaughter." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem

(@USBPChiefYUM), TWITTER, (Dec. 3, 2021, 12:14 PM), https://twitter.com/USBPChiefYUM/status/1466848448833994754.

- Elvis Guzman-Rodriguez who "two [prior] felony convictions for robbery and assault on a fellow inmate." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 2, 2021, 2:34 PM), https://twitter.com/USBPChiefYUM/status/1466521070920298497.
- Guadalupe Salamanca-Sedano who had been "convicted ... in 2000 and 2010 for possession of narcotics." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 2, 2021, 2:33 PM), https://twitter.com/USBPChiefYUM/status/1466520814623199235.
- Border Patrol "attempted a vehicle stop ..., but the driver fled and a pursuit involving multiple agencies ensued. The driver was stopped in San Luis, AZ, and had meth, fentanyl, cocaine, heroin and $10K." Yuma, Arizona Border Patrol Sector Chief Patrol Agent Chris T. Clem (@USBPChiefYUM), TWITTER, (Dec. 2, 2021, 7:46 PM), https://twitter.com/USBPChiefYUM/status/1466418419595624459.

11. Attached as Exhibit 9 are true and correct copies of posts from the official Twitter account for the CBP Chief Patrol Agent for the Tucson Sector that list the following notable border apprehensions/encounters of 15 criminal aliens during the month of December 2021:

- Border Patrol agents "seized over 50 pounds of meth from a pickup truck" being driven by a Mexican citizen who "will be prosecuted." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 31, 2021, 11:39 AM), https://twitter.com/USBPChiefTCA/status/1476986269175533570.
- A "previously removed Mexican citizen, [who] was carrying a loaded firearm" was apprehended smuggling three illegal aliens, including a minor. The driver "faces prosecution." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 27, 2021, 10:20 AM), https://twitter.com/USBPChiefTCA/status/1475516835810398218.
- Jose Toxqui-Milhultecalt, "a previously removed Mexican citizen, felon, and registered sex offender. In 2011, he plead guilty to 2nd Degree Rape with a person under 15 years old in Kings County, #NYC." He will be prosecuted." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 24, 2021, 11:25 AM), https://twitter.com/USBPChiefTCA/status/1474446026555731972.
- Orlando Alvarado-Avila, a "Guatemalan citizen was convicted of felony Kidnapping in #NewJersey, and received an 11 year prison sentence." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 18, 2021, 2:59 PM), https://twitter.com/USBPChiefTCA/status/1472325554896519183.
- Vincente Lopez-Jacinto a "Mexican citizen ... felon, convicted of unlawful sexual intercourse with a minor under 16 in #FresnoCounty, CA." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 14, 2021, 6:28 AM), https://twitter.com/USBPChiefTCA/status/1470747405591138305.
- "Eduardo Zaldaña-Calderon, a citizen of El Salvador and registered sex offender. In 2015, he was convicted of Sexual Assault of a Child in #Houston, TX. Tucson Sector agents continue to encounter migrants convicted of dangerous crimes." Tucson, Arizona Border

Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 12, 2021, 4:52 PM), https://twitter.com/USBPChiefTCA/status/1470179664786333706.

- Victor Renteria, a Mexican citizen ... convicted of felony Endangering the Welfare of a Child, Sexual Conduct, in #NewJersey." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 11, 2021, 2:58 PM), https://twitter.com/USBPChiefTCA/status/1469788587851976712.
- Lazaro Lopez-Gomez a "Mexican citizen ... felon, convicted of Taking Indecent Liberties With a Child Under 15 in #Virginia." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 9, 2021, 4:33 PM), https://twitter.com/USBPChiefTCA/status/1469087719708143624.
- "Juan Montes, a Mexican citizen, ... convicted of Participating in a Criminal Street Gang, Assault w/ a Deadly Weapon, Conspiracy Assault w/ a Firearm, and Attempted Murder in #OrangeCounty, CA." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 8, 2021, 1:58 PM), https://twitter.com/USBPChiefTCA/status/1468686325071200259.
- Border Patrol observed two aliens hiding a car tire containing "[o]ver 55 pounds of cocaine, methamphetamine, and fentanyl." The aliens "abscond[ed] to Mexico." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 6, 2021, 5:30 PM), https://twitter.com/USBPChiefTCA/status/1468014915944386569.
- "Miguel Vasquez-Hernandez, a Guatemalan citizen, ... convicted of lewd or lascivious acts with a child, a felony, in #LosAngeles, CA." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 5, 2021, 4:52 PM), https://twitter.com/USBPChiefTCA/status/1467642950092001282.
- "Erick Elias-Ramirez, a Guatemalan citizen and registered sex offender ... [with a] felony conviction of attempted 1st Degree Rape with a child under 13 in #SuffolkCounty, NY." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 4, 2021, 3:12 PM), https://twitter.com/USBPChiefTCA/status/1467255395857149959.
- Two aliens were arrested "carrying large packs containing methamphetamine. The combined weight exceeded 93 pounds." Tucson, Arizona Border Patrol Sector Chief Patrol Agent John R. Modlin (@USBPChiefTCA), TWITTER, (Dec. 2, 2021, 9:30 AM), https://twitter.com/USBPChiefTCA/status/1466444577879986181.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was issued on April 13, 2022 in Phoenix, Arizona.

Anthony R. Napolitano
Assistant Attorney General
Arizona Attorney General's Office

Exhibit 1

Napolitano Declaration

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

State of Arizona; State of Montana; and Mark Brnovich, in his official capacity as Attorney General of Arizona,

Plaintiffs,

v.

United States Department of Homeland Security; United States of America; Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security; Troy Miller, in his official capacity as Acting Commissioner of United States Customs and Border Protection; Tae Johnson, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; and Tracy Renaud, in her official capacity as Acting Director of U.S Citizenship and Immigration Services,

Defendants.

Case No: 2:21-cv-00186-SRB

DECLARATION OF MARK D. NAPIER

I, Mark D. Napier, declare as follows:

1. I am competent to testify as to the matters contained herein and make this declaration based on my own personal and professional knowledge, law enforcement expertise, and the information available to me in my positions in public service.

2. I currently serve as the Chief of Staff for the Cochise County Sheriff's Office in Cochise County, Arizona. I previously served as the Sheriff of Pima County, Arizona, from January 2017 to December 2020. I began my enforcement career in 1981.

3. I am also the current Chair of the Executive Committee of the Arizona High Intensity Drug Trafficking Area (AZ HIDTA), a program established in 1990 to facilitate, support, and enhance collaborative drug control efforts among federal and local law enforcement agencies and community-based organizations with the goal of

significantly reducing the impact of illegal trafficking and use of drugs throughout Arizona.

4. Cochise County operates a sophisticated camera system that views remote areas of the border region across a large section of southern Arizona. For the period from July 2020 to January 2021, this system viewed 13,528 suspected undocumented persons crossing the border. Only 3,740 were known to be apprehended by Border Patrol. This represents a probable capture rate of only 27.6%.

5. From January through September 2020 there were 181 sets of human remains recovered in the border region of Arizona's desert. Each of these recoveries results in the tremendous expenditure of law enforcement resources. Generally, each must be treated as a potential homicide, requiring the commitment of personnel and financial resources to investigate and otherwise attempt to resolve the matter. Additionally, each requires the expenditure of resources at the Office of the Medical Examiner. Moreover, many of the remains will never be identified. This leaves some family in some part of the world left to only wonder what befell a loved one. As a person who has dedicated his life to the service of others and is a staunch humanitarian, I am troubled by the undeniable fact that these crossings are also potentially deadly to these migrants.

6. Migrants abandoned by transnational criminal organizations trafficking in humans on the north side of the border frequently call local law enforcement in distress. The harsh environment and significant distances to be traveled lead to urgent requests for assistance. When I was Pima County Sheriff approximately 80% of the time my department contacted Border Patrol it was due to a call for assistance by a migrant in serious distress lost in the remote areas of the county. These often led to significant expenditures of county and Border Patrol resources to affect rescue in the hope of preventing additional migrant deaths.

7. Undocumented migration will likely require the migrant(s) to engage transnational criminal organizations who control the ingress points into the United States.

All indications are that this leads to financial, criminal, and even sexual victimization of migrants. No matter how well-intended or seemingly compassionate the posture toward undocumented immigration on the north side of the border we cannot ameliorate the perils and victimization faced by migrants on the south side of the border.

8. In my professional opinion, a pause or significant decrease in ICE removals will incentivize undocumented immigration. This will most certainly encourage an increase in the number of migrants who attempt to illegally cross the border into Arizona. We are seeing this presently with record numbers of crossers. This will likely increase the number of those who perish in the desert, as they seek to enter undetected through less traditional means. Further, it is reasonable to assume that this current posture may allow transnational criminal organizations to engage in increased profiteering from the trafficking of humans to the border and increase the victimization of migrants. The recovery of human remains will continue to place additional strains on law enforcement and leave more families in Mexico and Central America grieving. As a life-long public servant, humanitarian, father and grandfather it pains me to see that the current policies toward undocumented immigration will likely lead to increased, although perhaps unintended, humanitarian suffering and exploitation of those persons arguably only coming here for a better life.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was issued on March 8, 2021, in Benson, Arizona.

Mark D. Napier
Chief of Staff
Cochise County Sheriff's Office

Exhibit 2

Napolitano Declaration

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

State of Arizona; State of Montana; and Mark Brnovich, in his official capacity as Attorney General of Arizona,

Plaintiffs,

v.

United States Department of Homeland Security; United States of America; Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security; Troy Miller, in his official capacity as Acting Commissioner of United States Customs and Border Protection; Tae Johnson, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; and Tracy Renaud, in her official capacity as Acting Director of U.S. Citizenship and Immigration Services,

Defendants.

Case No: 2:21-cv-00186-SRB

DECLARATION OF MARK LAMB

I, Mark Lamb, declare as follows:

1. I am competent to testify as to the matters contained herein and make this declaration based on my own personal and professional knowledge, law enforcement expertise, and the information available to me in my positions in public service.

2. I currently serve as Sheriff of Pinal County, Arizona, and have been a law enforcement officer for over 14 years.

3. Pinal County, Arizona, includes a large section of desert through which unauthorized aliens often attempt to travel. Pinal County Sheriff's Office

routinely works with the U.S. Border Patrol and other federal authorities in the pursuit and capture of such individuals.

4. My office has recorded a surge in the number of pursuits of suspected unauthorized aliens it has been involved in since the beginning of the year compared to the same months in previous years. We have been involved in 24 such pursuits in January and February 2021. We only had 10 in 2019 and 14 in 2020.

5. The 24 pursuits this year required an estimated 377 man-hours at an average personnel cost of $30 per hour, totaling a cost of $11,310 to my office, not including other expenses such as vehicle and aviation wear and tear, vehicle and aviation fuel costs, administrative costs, and investigative costs from specialty units.

6. This represents a roughly 71% increase in costs over the estimated $6,597.50 in personnel costs experienced during the same time period last year.

7. Additionally, where these pursuits result in arrests, the Pinal County Sheriff's Office incurs the cost of incarcerating the individual. Our records indicate an average jail stay of 25-29 days at an average cost of $70 per day. This represents an additional cost of $1,750 per booking on average.

8. In my professional opinion, the increase in incidents, and therefore increase in costs, my office is experiencing is at least in part directly related to announced changes in federal border enforcement and alien removal policies. A pause or significant decrease in ICE removals will serve to incentivize individuals to illegally cross the border into Arizona because, among other things, it removes one of the chief consequences that deters such actions. This will, in turn, increase the number of unauthorized crossings and further exacerbate the current increase in law enforcement costs we are experiencing.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was issued on March 7th, 2021, in San Tan Valley, Arizona.

Mark Lamb
Sheriff
Pinal County Sheriff's Office

Exhibit 3

Napolitano Declaration

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF ARIZONA,
By and through its Attorney General, Mark Brnovich, et al.,

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF LANDRY,

THE STATE OF MISSOURI,
By and through its Attorney General, ERIC S. SCHMITT;

PLAINTIFFS,

v.

CENTERS FOR DISEASE CONTROL & PREVENTION; et al.,

DEFENDANTS.

CIVIL ACTION NO. _____

DECLARATION OF MARK DANNELS

I, Mark Dannels, declare as follows:

1. I am over 18 years of age and am fully competent to make this declaration.

2. Attached hereto as Exhibit MD-1 is a true and correct copy of the Declaration of Mark Dannels ("Declaration") I previously prepared and signed, which was submitted to the District of Arizona.

3. I reaffirm the statements made in that Declaration.

4. Since the time of that Declaration, the costs and impacts of illegal immigration on my Department have either remained roughly the same or increased. This includes an increase in costs related to pursuits and apprehensions of illegal immigrants and the costs of property damage and other crimes in our community.

Mark Dannels
Sheriff
Cochise County, Arizona

Exhibit MD-1

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

State of Arizona, Plaintiff, v. Alejandro Mayorkas in his official capacity as Secretary of Homeland Security; United States Department of Homeland Security; Troy Miller in his official capacity as serves as Senior Official Performing the Duties of the Commissioner of U.S. Customs and Border Protection; Tae Johnson in his official capacity as Senior Official Performing the Duties of Director of U.S. Immigration and Customs Enforcement; United States Department of Defense; Lloyd Austin in his official capacity as Secretary of Defense, Defendants.	Case No: 2:21-cv-00617-DWL **DECLARATION OF MARK DANNELS**

I, Mark Dannels, declare as follows:

1. I am competent to testify as to the matters contained herein and make this declaration based on my own personal and professional knowledge, law enforcement expertise, and the information available to me in my positions in public service.

2. I currently serve as Sheriff of Cochise County, Arizona, and have been a law enforcement officer for over 37 years.

3. Cochise County includes over 80 miles of the international border between the United States and Mexico, east of Nogales, AZ.

4. Construction of the border wall was ongoing in Cochise County until it ceased on or about January 20, 2021, roughly four weeks shy of the anticipated completion time the construction contractors communicated to my office

5. The border wall construction site left behind by the crews is incomplete and in its current state is worse in many respects than it was before construction started.

6. Significant gaps exist in the wall through which illegal human traffic funnels into the United States, and ground sensors that were installed as part of the wall project have not been made fully operational

7. Individuals illegally crossing through these gaps cut trails, trample plant life, and leave behind litter and potentially hazardous waste including soiled clothing and excrement.

8. Much of the border area of Cochise County, representing the southeastern corner of Arizona, contains natural barriers such as mountains and large desert.

9. The border wall construction site added now-unprotected infrastructure to some of these places, making the passage easier to those entering the country illegally.

10. Other areas contain construction roads where the natural land surface was turned into a dirt road but not finished into an all-weather road. These construction roads can flood or otherwise become impassable during and after rains, making law enforcement patrol of certain border areas impossible at times.

11. Drug cartels and other smuggling operations take advantage of the opportunity where these road conditions restrict law enforcement movement along the border (due to the condition of the roads running parallel to the wall) to increase their traffic, across the border in areas law enforcement cannot reach when it storms.

12. The border wall construction project also left floodgates unfinished and/or open, creating gaps in the wall through which illegal crossing activity frequently occurs and preventing the originally planned management of water flows.

13. These open or unfinished floodgate gaps turn waterways into popular points of human traffic, increasing the amount of waste, contaminants, and debris left behind by illegal border crossers, which may then be further disbursed into the environment when carried by water flows.

14. Cochise County, Arizona, includes a large section of desert through which unauthorized aliens often attempt to travel. Cochise County Sheriff's Office routinely works with the U.S. Border Patrol and other federal authorities in the pursuit and capture of such individuals.

15. That the Nogales section of the border wall, which neighbors Cochise County, is unfinished is also of particular significance to the flow of illegal traffic across the U.S.-Mexico border.

16. Much illegal border crossing activity originates from and converges back onto main highways, such as I-19 through Nogales on the U.S. side and the highways it connects to in Mexico, with individuals often crossing on a parallel path to the highway just a few miles east or west of it. My office observes similar highway-focused trafficking behavior in connection with Highway 92 in Cochise County, a portion of which runs parallel to the border roughly three miles north of it.

17. In addition to the natural barriers described above, no interstate highway connects to the international border in Cochise County as I-19 does in Nogales.

18. This makes the Nogales area a more popular illegal crossing point than Cochise County due to Nogales's ease of transit, especially before the changes to the Cochise landscape initiated by the incomplete border wall construction project, so completion of the border wall in Nogales is highly likely to reduce the volume and ease of illegal traffic across the border.

19. Overall, the unfinished state of the border wall project has contributed to increased illegal traffic across the United States-Mexico border and the negative environmental impacts that come with it.

20. Attached as Exhibit 1 is a true and correct copy of a PowerPoint presentation covering Southeastern Arizona Border Region Enforcement Team (SABRE) statistics regarding border enforcement activities collected in the normal course of business.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was issued on October __, 2021, in Cochise County, Arizona.

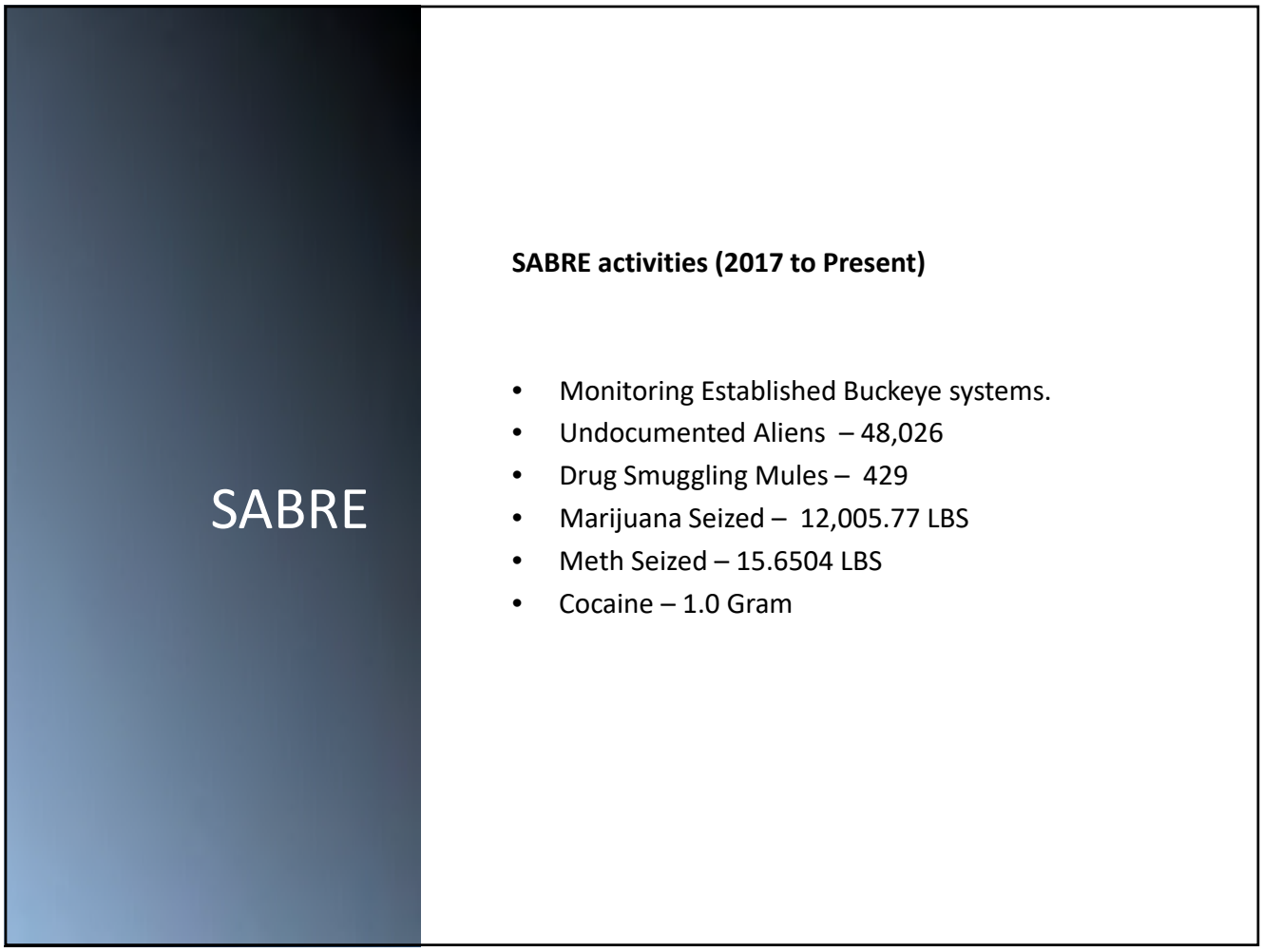
_____
Mark Dannels
Sheriff
Cochise County Sheriff's Office

Declaration of Mark Dannels

Exhibit 1


COCHISE COUNTY SHERIFF'S OFFICE
DEPUTY
GREAT SEAL OF THE STATE OF ARIZONA
DITAT DEUS
1912
ARIZONA
Cochise County Sheriff's Office
SABRE / Ranch Patrol
Sergeant Williams

1

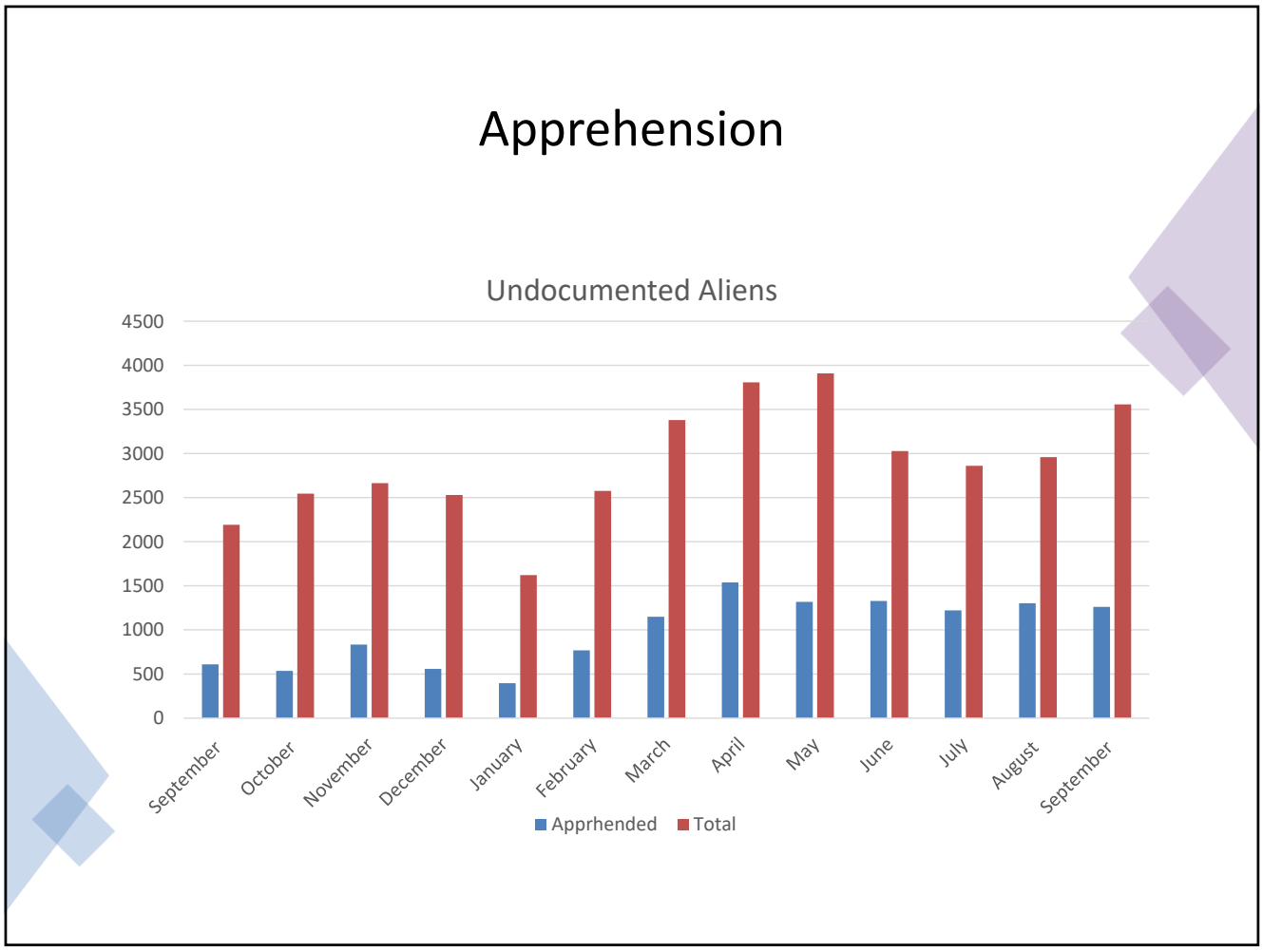

SABRE
SABRE activities (2017 to Present)
• Monitoring Established Buckeye systems.
• Undocumented Aliens – 48,026
• Drug Smuggling Mules – 429
• Marijuana Seized – 12,005.77 LBS
• Meth Seized – 15.6504 LBS
• Cocaine – 1.0 Gram

2

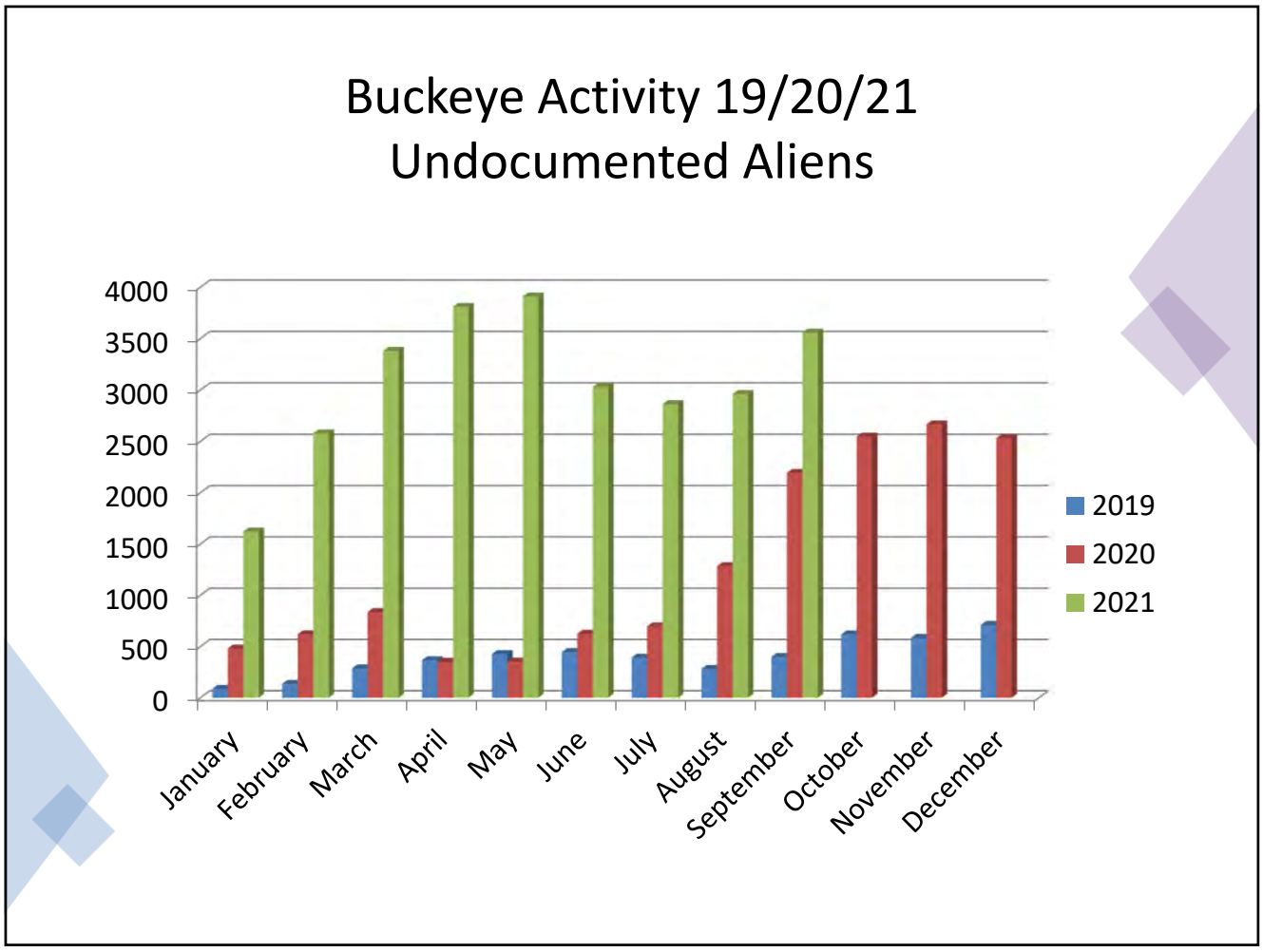
September Unit Statistics

- Undocumented Aliens – 3557
- Apprehended - 1260
- Drug Smuggling Mules - 0
- Apprehended - 0

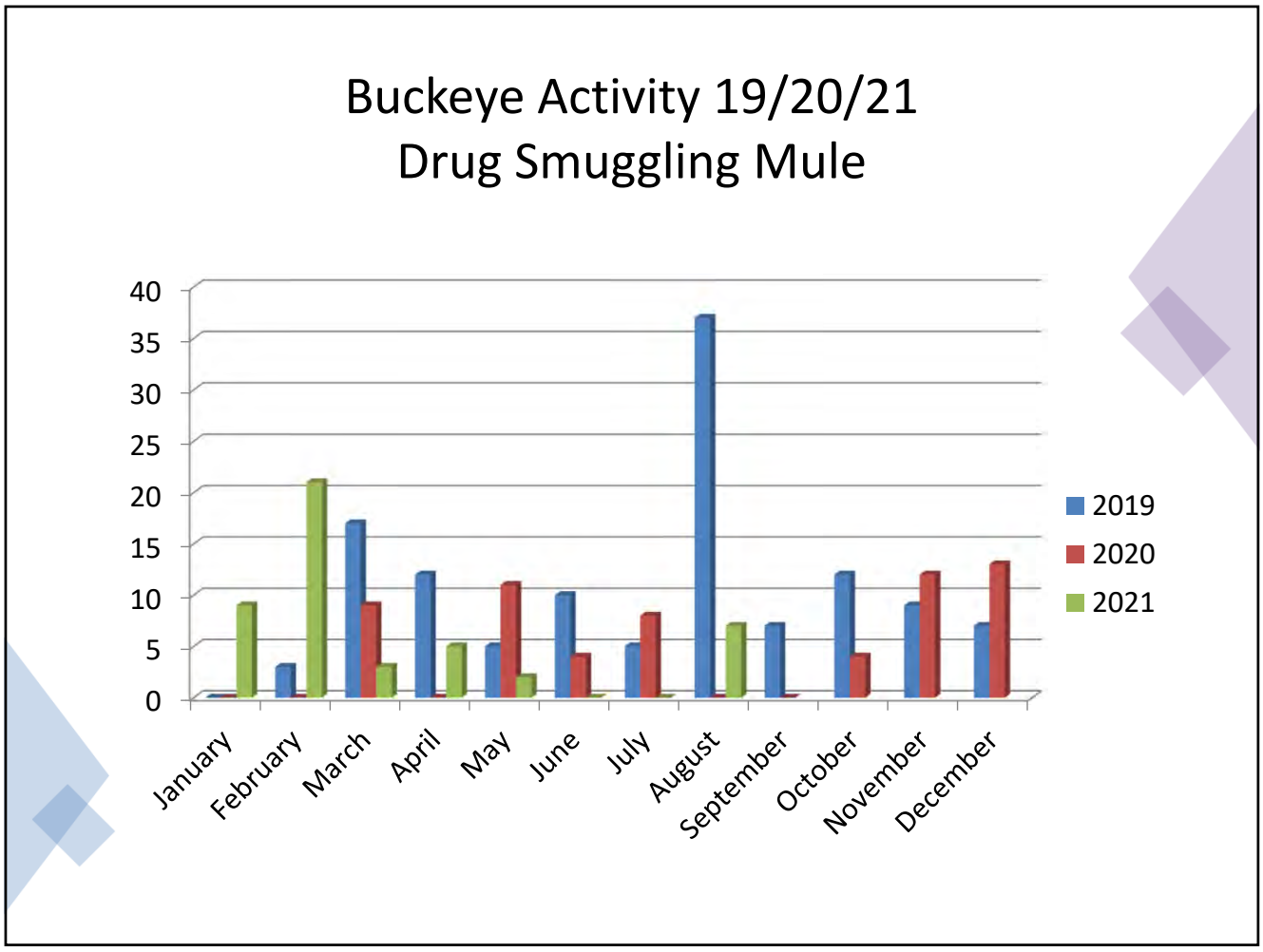
3


Apprehension
Undocumented Aliens
4500
4000
3500
3000
2500
2000
1500
1000
500
0
September
October
November
December
January
February
March
April
May
June
July
August
September
Apprhended
Total

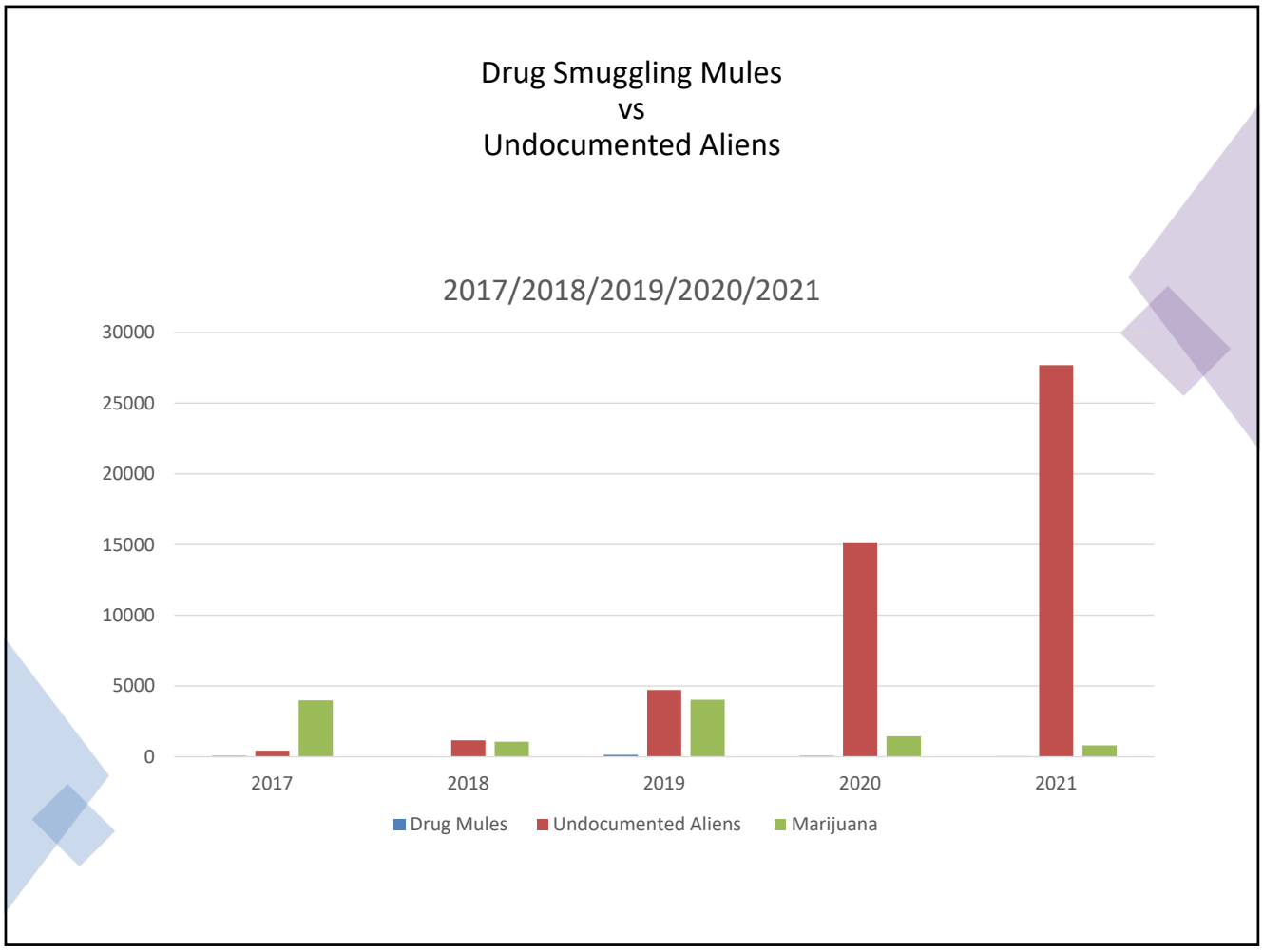
4


Buckeye Activity 19/20/21
Undocumented Aliens
4000
3500
3000
2500
2000
1500
1000
500
0
January
February
March
April
May
June
July
August
September
October
November
December
2019
2020
2021

5


Buckeye Activity 19/20/21
Drug Smuggling Mule
40
35
30
25
20
15
10
5
0
January
February
March
April
May
June
July
August
September
October
November
December
2019
2020
2021

6


Drug Smuggling Mules
vs
Undocumented Aliens
2017/2018/2019/2020/2021
30000
25000
20000
15000
10000
5000
0
2017
2018
2019
2020
2021
Drug Mules
Undocumented Aliens
Marijuana

7

2021 Total SABRE Statistics

- LBS OF Marijuana -807.60
- Undocumented Aliens – 27,695
- Drug Smuggling Mules - 47

8

Total SABRE Statistics January 2017 to Present

Felony Arrest - 89

Years of Incarceration – 114

LBS of Marijuana - 12,005.77 LBS

Undocumented Aliens – 48,026

Drug Smuggling Mules – 429

Undocumented Aliens Apprehended – 17,645/48,026 (37% Apprehension Rate)

9

Exhibit 4

Napolitano Declaration

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF ARIZONA, By and through its Attorney General, Mark Brnovich, et al., THE STATE OF LOUISIANA, By and through its Attorney General, JEFF LANDRY, THE STATE OF MISSOURI, By and through its Attorney General, ERIC S. SCHMITT; PLAINTIFFS, v. CENTERS FOR DISEASE CONTROL & PREVENTION; et al., DEFENDANTS.	CIVIL ACTION NO. _____

DECLARATION OF ROBERT J. TRENSCHEL, DO, MPH, FACHE

I, Dr. Robert J. Trenschel, declare as follows:

1. I am over 18 years of age and am fully competent to make this declaration.

2. Attached hereto as Exhibits RT-1 and RT-2 are true and correct copies of the Declarations of Robert Trenschel, DO, MPH, FACHE, ("Declarations") I previously prepared and signed, which were submitted to the District of Arizona.

3. I reaffirm the statements made in that Declarations.

4. Similar costs and other impacts as set out in those Declarations are ongoing and continue today. The exact amounts of these costs and other impacts may fluctuate with time and changes in circumstances from those listed, but the Declarations provide a reasonable representation of the ongoing costs and impacts currently experienced by Yuma Regional Medical Center.

Robert Trenschel (Apr 8, 2022 16:35 PDT)

Robert J. Trenschel
President and Chief Executive Officer
Yuma Regional Medical Center

Exhibit RT-1

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

State of Arizona; State of Montana; and Mark Brnovich, in his official capacity as Attorney General of Arizona,
Plaintiffs,

v.

United States Department of Homeland Security; United States of America; Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security; Troy Miller, in his official capacity as Acting Commissioner of United States Customs and Border Protection; Tae Johnson, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; and Tracy Renaud, in her official capacity as Acting Director of U.S Citizenship and Immigration Services,
Defendants.

Case No: 2:21-cv-00186-SRB

DECLARATION OF ROBERT J. TRENSCHEL, DO, MPH, FACHE

I, Dr. Robert J. Trenschel, declare as follows:

1. I am competent to testify as to the matters contained herein and make this declaration based on my own personal and professional knowledge and the information available to me in the course of business.

2. I currently serve as the President and Chief Executive Officer of Yuma Regional Medical Center (YRMC).

3. YRMC is a 406-bed, not-for-profit hospital serving Yuma, Arizona, and the surrounding area.

4. YRMC regularly provides emergency medical services to undocumented migrants, including such migrants brought to YRMC under the custody of U.S. Immigrant and Customs Enforcement (ICE).

5. From January through June 2019, YRMC records show that an estimated 1,293 adult patients were brought to YRMC while in ICE custody. This number does not include children brought to YRMC by ICE or non-custodial visits by undocumented migrants who obtained care at YRMC.

6. The estimated cost of care in that six-month period for the 1,293 individuals mentioned above was $810,433 according to our business records.

7. YRMC has only received $264,383 in reimbursement for the care it provided, leaving a $546,050 unreimbursed gap for that six-month period alone.

8. These cost estimates also do not include the substantial care expenses for the multiple mothers who delivered babies at YRMC while under ICE custody during that timeframe.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was issued on March 5, 2021, in Yuma, Arizona.

Robert Trenschel (Mar 5, 2021 18:46 PST)

Robert J. Trenschel
President and Chief Executive Officer
Yuma Regional Medical Center

WDLA-PI-0188

Exhibit RT-2

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

State of Arizona; State of Montana; and Mark Brnovich, in his official capacity as Attorney General of Arizona,

Plaintiffs,

v.

United States Department of Homeland Security; United States of America; Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security; Troy Miller, in his official capacity as Acting Commissioner of United States Customs and Border Protection; Tae Johnson, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; and Tracy Renaud, in her official capacity as Acting Director of U.S. Citizenship and Immigration Services,

Defendants.

No. 2:21-cv-00186-SRB

DECLARATION OF ROBERT TRENSCHEL, DO, MPH, FACHE

I, Dr. Robert J. Trenschel, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I currently serve as the President and Chief Executive Office of Yuma Regional Medical Center ("YRMC").

2. Attached as Exhibit A is a true and correct copy of a report generated based on YRMC business records collected in the normal course of business. It is a table showing the number of patients, charges incurred, cost of care, and payments received for all patients brought to YRMC under the custody of U.S. Immigration and Customs

Enforcement.

3. Exhibit A shows an average cost of care per patient of $1,659 and an average payment received per patient of $798.

4. The April 2021 data for Exhibit A is incomplete due to the schedule of our billing process and only represents those custodial patients who have received a final bill in our system.

Executed this 3rd day of May, 2021, in Yuma, AZ.

Robert J. Trenschel
President and Chief Executive Officer
Yuma Regional Medical Center

Exhibit A

[to Trenschel Declaration]

Discharge Month & Year	All ICE Custody Patients (Mexican & Non-Mexican)	Current Charges Incurred	Estimated Cost of Care	Current Payments Received
MAY-2020	12	$43,604	$6,570	$4,306
JUN-2020	34	$297,891	$44,884	$35,933
JUL-2020	22	$143,240	$21,582	$36,677
AUG-2020	29	$439,596	$66,234	$108,163
SEP-2020	61	$330,952	$195,481	$35,942
OCT-2020	67	$407,282	$165,410	$64,713
NOV-2020	29	$123,979	$18,680	$8,890
DEC-2020	16	$68,276	$10,287	$5,986
JAN-2021	47	$229,599	$34,594	$6,145
FEB-2021	61	$591,610	$89,139	$30,471
MAR-2021	37	$354,269	$53,378	$4,336
APR-2021	13	$24,746	$3,728	$0
Totals	**428**	**$3,055,045**	**$709,968**	**$341,559**

Exhibit 5

Napolitano Declaration

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF ARIZONA,
By and through its Attorney General, MARK BRNOVICH,

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF LANDRY,

THE STATE OF MISSOURI,
By and through its Attorney General, ERIC S. SCHMITT, et al.;

PLAINTIFFS,

v.

CENTERS FOR DISEASE CONTROL & PREVENTION; et al.,

DEFENDANTS.

CIVIL ACTION NO. _____

DECLARATION OF JENNIFER ABBOTTS

I, Jennifer Abbotts, declare as follows:

1. I am over 18 years of age and am fully competent to make this declaration.

2. Attached hereto as Exhibit JA-1 is a true and correct copy of the Declaration of Jennifer Abbots ("Declaration") I previously prepared and signed, which was submitted to the District of Arizona.

3. I reaffirm the statements made in that Declaration.

4. Since the time of that Declaration, the Department of Homeland Security has similarly failed to take into custody other individuals on whom detainers were previously placed.

Abbotts

Jennifer Abbotts
Administrative Services Officer III
Arizona Department of Corrections,

Exhibit JA-1

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 97 of 100

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

State of Arizona; State of Montana; and Mark Brnovich, in his official capacity as Attorney General of Arizona, Plaintiffs, v. United States Department of Homeland Security; United States of America; Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security; Troy Miller, in his official capacity as Acting Commissioner of United States Customs and Border Protection; Tae Johnson, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; and Tracy Renaud, in her official capacity as Acting Director of U.S. Citizenship and Immigration Services, Defendants.	No. 2:21-cv-00186-SRB

DECLARATION OF Records

I, Jennifer Abbotts, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am employed at the Arizona Department of Corrections, Rehabilitation, and Reentry ("ADCRR") as a Administrative Services Officer III

2. Attached as Exhibit A is a true and correct copy of an email exchange on or

(Page 420 of Total)

about Feb. 5, 2021 between ADCRR and U.S. Immigrations and Custom Enforcement ("ICE") regarding Luis Salas-Blanco (#265721).

3. Attached as Exhibit B is a true and correct copy of a printout showing the status of Luis Salas-Blanco (#265721). The information contained in this report is a public record, made by ADCRR at or near the time of its occurrence and kept in the ordinary course of ADCRR's activities. This report shows that Mr. Salas-Blanco is currently in community supervision by ADCRR.

4. Attached as Exhibit C is a true and correct copy of an email exchange on or about April 14, 2021 between ADCRR and ICE regarding Bevan Constable (#265721).

5. Attached as Exhibit D is a true and correct copy of a printout showing the status of Bevan Constable (#265721). The information contained in this report is a public record, made by ADCRR at or near the time of its occurrence and kept in the ordinary course of ADCRR's activities. This report shows that Mr. Constable is currently in community supervision by ADCRR.

6. Attached as Exhibit E is a true and correct copy of a report produced from ADCRR records collected in the regular course of ADCRR activities that lists individuals released from custody or scheduled to be released from custody between January 26, 2021, and May 6, 2021, whose ICE detainers have been lifted prior to release. This report indicates that another two individuals, Eliezer Diaz-Santos (#338841) and Pascu[al] Garcia (#339301), had their detainers lifted on or after February 18, 2021, and notes for each: "PER ICE SUBJECT DOES NOT MEET CURRENT ICE REMOVAL PRIORITIES."

7. Attached as Exhibit F is a true and correct copy of a printout showing the status of Eliezer Diaz-Santos (#338841). The information contained in this report is a public record, made by ADCRR at or near the time of its occurrence and kept in the ordinary course of ADCRR's activities. This report shows that Mr. Diaz-Santos is currently in community supervision by ADCRR.

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 98 of 100

(Page 421 of Total)

8. Attached as Exhibit G is a true and correct copy of a printout showing the status of Pascual Garcia (#339301). The information contained in this report is a public record, made by ADCRR at or near the time of its occurrence and kept in the ordinary course of ADCRR's activities. This report shows that Mr. Garcia is currently in community supervision by ADCRR.

9. Attached as Exhibit H is a true and correct copy of a report run by ADCRR showing the inmate population with ICE Detainers as of April 29, 2021.

I certify under penalty of perjury that the foregoing is true and correct.

Executed this 29 day of April, 2021, in Phoenix, Az.

Jennifer Abbotts

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 99 of 100

Exhibit A

[to Abbotts Declaration]

Case 6:22-cv-01215-RBD-DCI Document 1-3 Filed 12/09/22 Page 59 of 458 PageID #:
USCA Case #22-5325 Document #1971158 Filed: 12/09/2022 Page 1 of 200

Gmail

Jennifer Abbotts <jabbotts@azadc.gov>

Re: ICE releases for 2/5/21 -- Lifted Detainer ADOC#265721

Luis Salas-Blanco

1 message

Jennifer Abbotts <jabbotts@azadc.gov> Fri, Feb 5, 2021 at 8:24 AM
To: "Hall, Alexander C" <Alexander.C.Hall@ice.dhs.gov>
Cc: "Lee, Austin DJ" <Austin.D.Lee@ice.dhs.gov>, "Zuniga, Cesar H" <Cesar.H.Zuniga@ice.dhs.gov>, "Balderrama, Marco S" <Marco.S.Balderrama@ice.dhs.gov>, "Galvez, Christopher A" <Christopher.A.Galvez@ice.dhs.gov>, Peggy Soto <psoto@azadc.gov>, "Carver, Charles S" <Charles.S.Carver@ice.dhs.gov>, "Olson, Christina L" <Christina.L.Olson@ice.dhs.gov>, Federico Colmenero <fcolmenero@azadc.gov>, TCU ADMIN - ADC <tcuadmin@azadc.gov>

Removed from the Calendar.

2/5/21	265721	Salas-Blanco, Luis	200 289 276	Adj. TR/ERCD	FLO WEST

Jennifer Abbotts, ASO III
Records & Identification Administrator
Arizona Department of Corrections Rehabilitation & Reentry
1601 W. Jefferson (Mail code:225)
Phoenix, Arizona 85007
602-364-0594 phone
602-542-5548 fax

On Fri, Feb 5, 2021 at 7:19 AM Hall, Alexander C <Alexander.C.Hall@ice.dhs.gov> wrote:

Please see the attached PDF to show that we have lifted the detainer on 200289276 SALAS-BLANCO, LUIS

From: Hall, Alexander C
Sent: Friday, February 5, 2021 4:52 AM
To: Jennifer Abbotts <jabbotts@azadc.gov>
Cc: Lee, Austin DJ <Austin.D.Lee@ice.dhs.gov>; Zuniga, Cesar H <Cesar.H.Zuniga@ice.dhs.gov>; Balderrama, Marco S <Marco.S.Balderrama@ice.dhs.gov>; Galvez, Christopher A <Christopher.A.Galvez@ice.dhs.gov>; Peggy Soto <psoto@azadc.gov>; Carver, Charles S <Charles.S.Carver@ice.dhs.gov>
Subject: FW: ICE releases for 2/5/21

Hello Ms. Abbotts,

Please see the email directly before this. We're dropping the detainer on Luis Salas-Blanco. When I sent this to Ms. Soto's email, an automated response came back saying to contact you or Amber Wiley. I don't have Ms. Wiley's email, but fortunately I found yours. If you could forward this to her as well, I would appreciate it.

Thank you,

Alexander Hall

Deportation Officer, ERO Criminal Prosecutions

Phoenix Field Office, Florence Detention Center

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

Office: (520)868-2020 Cell: (520)591-4873

Case 6:22-cv-01035-RBD-EJK Document 13-4 Filed 07/22/22 Page 51 of 53 PageID #:
USCA Case #22-5325 Document #1977155 Filed: 12/09/2022 Page 2 of 200

From: Hall, Alexander C
Sent: Friday, February 5, 2021 4:49 AM
To: Peggy Soto <psoto@azadc.gov>; Carver, Charles S <Charles.S.Carver@ice.dhs.gov>
Cc: Lee, Austin DJ <Austin.D.Lee@ice.dhs.gov>; Balderrama, Marco S <Marco.S.Balderrama@ice.dhs.gov>, Zuniga, Cesar H <Cesar.H.Zuniga@ice.dhs.gov>; TCU_ICE - ADC <tcu_ice@azadc.gov>; Galvez, Christopher A <Christopher.A.Galvez@ice.dhs.gov>
Subject: RE: ICE releases for 2/5/21

We will no longer be able to take Luis Salas-Blanco into our custody. We will be dropping the detainer as this subject does not meet the new priorities.

Thank you,

Alexander Hall

Deportation Officer, ERO Criminal Prosecutions

Phoenix Field Office, Florence Detention Center

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

Office: (520)868-2020 Cell: (520)591-4873

From: Peggy Soto <psoto@azadc.gov>
Sent: Thursday, February 4, 2021 12:41 PM
To: Carver, Charles S <Charles.S.Carver@ice.dhs.gov>
Cc: Hall, Alexander C <Alexander.C.Hall@ice.dhs.gov>; Lee, Austin DJ <Austin.D.Lee@ice.dhs.gov>; Balderrama, Marco S <Marco.S.Balderrama@ice.dhs.gov>; Zuniga, Cesar H <Cesar.H.Zuniga@ice.dhs.gov>; TCU_ICE - ADC <tcu_ice@azadc.gov>; Galvez, Christopher A <Christopher.A.Galvez@ice.dhs.gov>
Subject: Re: ICE releases for 2/5/21

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.

Awesome thank you

Case 6:22-cv-01185-RBD-DCI Document 13-4 Filed 12/22/22 Page 58 of 458 PageID #:
USCA Case #22-5325 Document #1977156 Filed: 12/09/2022 Page 3 of 200

On Thu, Feb 4, 2021 at 12:39 PM Carver, Charles S <Charles.S.Carver@ice.dhs.gov> wrote:

We are good for all of these releases. Thank you.

From: Peggy Soto <psoto@azadc.gov>
Sent: Thursday, February 4, 2021 12:37 PM
To: Carver, Charles S <Charles.S.Carver@ice.dhs.gov>; Hall, Alexander C <Alexander.C.Hall@ice.dhs.gov>; Lee, Austin DJ <Austin.D.Lee@ice.dhs.gov>; Balderrama, Marco S <Marco.S.Balderrama@ice.dhs.gov>; Zuniga, Cesar H <Cesar.H.Zuniga@ice.dhs.gov>
Cc: TCU_ICE - ADC <tcu_ice@azadc.gov>
Subject: ICE releases for 2/5/21

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.

Just a reminder for tomorrow to pick up a few more than usual.

2/5/21	335917	Rodriguez-Vasquez, Alberto	091 797 755	ABS DISCH	EYMAN
2/5/21	275256	Al-Bardi, Latif	075 048 565	Adj. TR/ERCD	EYMAN
2/5/21	265721	Salas-Blanco, Luis	200 289 276	Adj. TR/ERCD	FLO WEST
2/5/21	241949	Martinez, Orlando	095 802 833	ERCD	FLO/CENTRAL
2/5/21	189722	Higuera, Julio	091 501 552	SED/ABS	FLO/CENTRAL
2/5/21	277176	Barraza-Quintero, Reyes	097 855 581	Adj. TR/ABS	CACF

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This email contains information that is intended only for the person(s) to whom it is addressed. If you received this communication in error, please do not retain it or distribute it and notify the sender immediately.

276SalasBlancoLiftedDetainer.pdf
135K

Exhibit B

[to Abbotts Declaration]

Back To Inmate Data Search | Full View/Print Preview



Inmate 265721

Last Name	First Name	Middle Initial
SALAS-BLANCO	LUIS	M

Gender	Height (inches)	Weight	Hair Color
MALE	66	162	BLACK

Eye Color	Ethnic Origin	Custody Class	Admission
BROWN	MEXICAN NATIONAL	Minimum/Moderate	06/06/2019

Projected Eligible Release Date	
Prison Release Date	Release Type
02/05/2021	COM SUPERV RLSE

Most Recent Location		As of Date	
Complex	Unit	Last Movement	Status
PRIVATE FACILITY - FLORENCE	ASP-FLORENCE WEST I	02/05/2021	COMMUNITY SUPERVISION

Inmate Mailing Address

Mailing address is not available.

Earned Credit Release Date is provided for guidance. Confirmation can be sought by contacting ADCRR.

It is important to note that all Release Dates are ***projected*** and are ***subject to change***; confirm with ADCRR Time Computation Unit or the Offender Information Unit where the inmate is housed for potential changes

If you are a victim of crime, please call or email the Office of Victim Services for assistance with your victim rights or concerns: 602-542-1853 azvictims@azadc.gov

Details of inmate offenses can be accessed by reviewing the case file at the Office of the Clerk of the Court where the case was adjudicated.

Commitment and Sentence Information *3 record(s)*

Commit#	Sentence Length	Sentence County	Court Cause#	Offense Date	Sentence Date	Sentence Status	Crime
A01	0 Y/ 4 M/ 0 D	MARICOPA	2011140598001S	08/07/2011	08/29/2011	IMPOSED	AGGRAVATED DUI
B01	2 Y/ 6 M/ 0 D	MARICOPA	2018107411001	02/08/2018	06/04/2019	IMPOSED	FORGERY
C01	2 Y/ 6 M/ 0 D	MARICOPA	2018161502001	12/18/2018	06/04/2019	IMPOSED	MISCNDCT INVOLVING WEAPONS

Disciplinary Infractions *0 record(s)*

Disciplinary Appeals *0 record(s)* *[Info]*

Profile Classification *2 record(s)* *[Info]*

Complete Date	Classification Type	Custody Risk	Internal Risk
Active Classification	Initial Classification	Minimum	Moderate
09/07/2011	Initial Classification	Minimum	Moderate

Parole Action *0 record(s)*

Parole Placement *9 record(s)*

Custody Date	Class Type	Approved Date	Next Review	Parole Class
06/12/2019	TR INELIGIBLE			0
06/10/2019	INITIAL CL.	06/10/2019	06/09/2020	
12/18/2018	ADMISSION			2
12/18/2018	PAR.CL.CHG.			1/176 Day(s)
12/17/2018	ADMISSION			2
12/17/2018	PAR.CL.CHG.			1/1 Day(s)
09/07/2011	INITIAL CL.	09/08/2011	09/06/2012	
08/07/2011	ADMISSION			2
08/07/2011	PAR.CL.CHG.			1/0 Day(s)

Work Program *5 record(s)*

Assigned Date	Completed Date	Work Assignment
10/07/2020	01/29/2021	KITCHEN-COOK
02/05/2020	09/11/2020	KITCHEN-COOK
02/05/2020	02/05/2020	KITCHEN-COOK HELPER
09/17/2019	02/05/2020	KITCHEN-HELPER
08/12/2019	09/17/2019	KITCHEN-HELPER

Notification Requests, Detainers, and/or Warrants *5 record(s)*

Detainer Date	Detainer Type	Charges	Authority	Agreement Date	Cancel Date
06/12/2019	NR	CR2018107411.....RDRD	MARICOPA CLERK		
06/12/2019	NR	CR2018161502.....RDRD	MARICOPA CLERK		
06/06/2019	ICE	A200289276.....GJ33	ICE		
09/09/2011	NR	2011140598/3YRS/DMXE	MARICOPA ADULT PROB		06/20/2019
08/31/2011	ICE	A200289276.....SAJ6	ICE		06/06/2019

Exhibit C

[to Abbotts Declaration]

Gmail

Jennifer Abbotts <jabbotts@azadc.gov>

316717 Detainer lift

1 message

Murphy, Christopher J <Christopher.J.Murphy@ice.dhs.gov> Wed, Apr 14, 2021 at 11:49 AM
To: "Colmenero, Federico (CTR)" <Federico.Colmenero@associates.ice.dhs.gov>, Amber Wiley <awiley@azadc.gov>, Jennifer Abbotts <jabbotts@azadc.gov>, Corinna Hayes <chayes3@azadc.gov>
Cc: "Nordstrom, Anna K" <Anna.K.Nordstrom@ice.dhs.gov>, "Davis, Maricela" <Maricela.Davis@ice.dhs.gov>

Good Morning:

Please see attached lifted detainer for ADOC #316717 (A042209466). Subject does meet the current enforcement priorities.

Fri	16-Apr	316717	Constable, Bevan Paul	A042209466	ERCD	Lewis	G4S Transport

Thank you,

Chris Murphy

CAP Unit

Arizona Department of Corrections / Phoenix FCI Liaison

Phoenix Field Office

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

C: (602) 723-7009

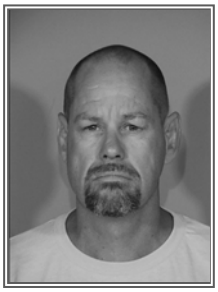
O: (602) 257-5962

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316717.pdf
83K

Exhibit D

[to Abbotts Declaration]



Inmate 316717

Last Name	First Name	Middle Initial
CONSTABLE	BEVAN	P

Gender	Height (inches)	Weight	Hair Color
MALE	72	185	BROWN

Eye Color	Ethnic Origin	Custody Class	Admission
BLUE	CAUCASIAN	Minimum/Moderate	04/22/2019

Projected Eligible Release Date	
Prison Release Date	Release Type
04/16/2021	COM SUPERV RLSE

Most Recent Location		As of Date	
Complex	Unit	Last Movement	Status
LEWIS	ASPC-L STINER UNIT I	04/16/2021	COMMUNITY SUPERVISION

Inmate Mailing Address

Mailing address is not available.

Earned Credit Release Date is provided for guidance. Confirmation can be sought by contacting ADCRR.

It is important to note that all Release Dates are ***projected*** and are ***subject to change***; confirm with ADCRR Time Computation Unit or the Offender Information Unit where the inmate is housed for potential changes

If you are a victim of crime, please call or email the Office of Victim Services for assistance with your victim rights or concerns: 602-542-1853 azvictims@azadc.gov

Details of inmate offenses can be accessed by reviewing the case file at the Office of the Clerk of the Court where the case was adjudicated.

Commitment and Sentence Information *2 record(s)*

Commit#	Sentence Length	Sentence County	Court Cause#	Offense Date	Sentence Date	Sentence Status	Crime
A01	0 Y/ 4 M/ 0 D	MARICOPA	2016104472001	07/12/2015	02/10/2017	IMPOSED	AGGRAVATED DUI
B03	2 Y/ 6 M/ 0 D	MARICOPA	2019107852001	02/17/2019	04/18/2019	IMPOSED	AGGRAVATED DUI

Disciplinary Infractions *4 record(s)*

Violation Date	Infraction	Verdict Date	Verdict
04/02/2020	POSITIVE OR REFUSAL OF U/A	04/14/2020	GUILTY - Major
04/02/2020	FIGHTING	04/14/2020	GUILTY - Major
04/02/2020	DISORDERLY CONDUCT	04/06/2020	GUILTY - Major
05/05/2017	DISOBEY VERBAL/WRITTEN ORDER	05/09/2017	GUILTY - Minor

Disciplinary Appeals *0 record(s)* *[Info]*

Profile Classification *9 record(s)* *[Info]*

Complete Date	Classification Type	Custody Risk	Internal Risk
Active Classification	Reclassification	Minimum	Moderate
Active Classification	Reclassification	Minimum	Moderate
06/22/2020	Reclassification	Medium	Moderate
06/22/2020	Reclassification	Medium	Moderate
05/09/2020	Reclassification	Minimum	Moderate
05/09/2020	Reclassification	Minimum	Moderate
03/31/2020	Initial Classification	Minimum	Lowest
03/31/2020	Initial Classification	Minimum	Lowest
02/24/2017	Initial Classification	Minimum	Lowest

Parole Action *0 record(s)*

Parole Placement *6 record(s)*

Custody Date	Class Type	Approved Date	Next Review	Parole Class
04/24/2019	INITIAL CL.	04/24/2019	04/23/2020	
02/17/2019	ADMISSION			2
02/17/2019	PAR.CL.CHG.			1/0 Day(s)
02/24/2017	INITIAL CL.	02/24/2017	02/24/2018	
02/09/2017	ADMISSION			2
02/09/2017	PAR.CL.CHG.			1/0 Day(s)

Work Program *1 record(s)*

Assigned Date	Completed Date	Work Assignment
10/25/2019	04/10/2020	KITCHEN-HELPER

Notification Requests, Detainers, and/or Warrants *2 record(s)*

Detainer Date	Detainer Type	Charges	Authority	Agreement Date	Cancel Date
04/26/2019	NR	CR2019107852001	MARICOPA		
02/28/2017	P07	CR2016104472 2YR.MCF4	MARICOPA PROBATION	03/13/2017	

Exhibit E

[to Abbotts Declaration]

REL DTE	ADOC	NAME	RELEASE TYPE
1/26/2021	300127	Nekesha Gurdon/Arson of Occupd Structur	ERCD
2/5/2021	341573	Gonzalo Aldama-Velarde/Miscndct Involving Weapons	ADJ. TR/ERCD
2/5/2021	339655	Fabian Torres-Favela/Narcotic Drug Viol	ADJ. TR/ERCD
2/5/2021	265721	Luis Salas-Blanco/Miscndct Involving Weapons	ADJ. TR/ERCD
2/13/2021	343490	Manuel Villareal/Agg DUI	DC to Probation
2/14/2021	270794	Jose Yanez/Agg DUI	ABS DISCH
2/17/2021	329765	Roni Shamoon/Dangerous Drug Viol	ERCD
2/19/2021	338841	Eliezer Diaz-Santos/Marijuana Viol	ERCD
3/23/2021	344279	Tomas Varela-Duarte/Taking Identity of Another	ERCD
3/26/2021	344809	Lazaro Alarcon/Illegal Control Enterprise	ERCD
4/5/2021	343266	Jesus Gastelum/Dangerous Drug	ERCD
4/16/2021	339301	Pascula Garcia/Miscndct Involving Weapons	ADJ. TR/ERCD
4/16/2021	316717	Bevan Constable/Agg DUI	ERCD
4/30/2021	311999	Hung Vo/Armed Robbery	ADJ. TR/ERCD
5/6/2021	331626	Nigel Roderick/Marijuana Violation	ERCD

Comments
1/26/21 PHO ERO CANCELED DETAINER BASED ON ENFORCEMENT GUIDELINES THIS I/M WILL NOT BE DET
02/05/2021 ICE DETAINER HAS BEEN LIFTED PER PHO/ERO. ICE WILL NOT BE PICKING UP INMATE UPON RI
2/4/21 received from Tucson ICE lifted detainer, ICE will not pickup on release. Detainer cancelled
2/5/21 Florence ICE sent lifted detainer for this ICE release.
02/05/2021 AFTER FURTHER REVIEW BY ICE, SUBJECT DOES NOT MEET ICE PRIORITIES FOR REMOVAL AT
Received from Florence ICE lifted detainer A#201 288 289 , document uploaded in ACIS.
02/16/21= Please see attached for detainer cancelation letter for the below offender scheduled to be released tomorro
02/18/2021 PER ICE SUBJECT DOES NOT MEET CURRENT ICE REMOVAL PRIORITIES. DETAINER HAS BEEN
03/23/21= FLO ICE lifted the detainer on VARELA-DURARTE this morning, same day of release. JLS2
03/26/21= PHO ERO LIFTED DETAINER A# 089-862-643. JLS2
04/02/21=PHO ERO lifted detainer for 343266. The inmate will not be transported to ICE due to a COVID related cour
04/14/2021 PER ICE SUBJECT DOES NOT MEET CURRENT ICE REMOVAL PRIORITIES. DETAINER HAS BEEE
04/14/21= PHO ERO LIFTED DETAINER A042 209 466. SUBJECT DOESN'T MEET CURRENT ENFORCEMENT P
4/8/21= PHO ERO LIFTED IMMIGRATION HOLD. WILL NEED TO SERVE SUBJECT W/DOCUMENTS PRIOR TO F
04/16/21= TUC ERO DROPPED DETAINER. NOT AMENABLE TO DEPORTATION AT THIS TIME. JLS2

TAINED BY ICE. LPR-JAMAICA JLS2
ELEASE. NO FURTHER ICE ACTION TO BE TAKEN. A207940066...CFZ2

T THIS TIME. DETAINER HAS BEEN DROPPED. NO FURTHER ICE ACTION TO BE TAKEN AT THIS TIME. A0929

ow 02/17/2021 from ADOC-Tucson:
LIFTED. ICE WILL NOT BE PICKING SUBJECT UP. NO FURTHER ICE ACTION TO BE TAKEN. A087903131..CFZ

rt ordered injunction. JLS2
N LIFTED. A215649229..CFZ2
RIORITIES. JLS2
RELEASE. NOT AMENABLE TO DEPORTATION AT THIS TIME. JL22

38523...CFZ2

Z2

Exhibit F

[to Abbotts Declaration]



Inmate 338841

Last Name	First Name	Middle Initial
DIAZ-SANTOS	ELIEZER	

Gender	Height (inches)	Weight	Hair Color
MALE	66	155	BLACK

Eye Color	Ethnic Origin	Custody Class	Admission
BROWN	MEXICAN NATIONAL	/	09/25/2019

Projected Eligible Release Date	
Prison Release Date	Release Type
02/19/2021	COM SUPERV RLSE

Most Recent Location		As of Date	
Complex	Unit	Last Movement	Status
KINGMAN	ASP-KINGMAN CERBAT	02/19/2021	COMMUNITY SUPERVISION

Inmate Mailing Address

Mailing address is not available.

Earned Credit Release Date is provided for guidance. Confirmation can be sought by contacting ADCRR.

It is important to note that all Release Dates are ***projected*** and are ***subject to change***; confirm with ADCRR Time Computation Unit or the Offender Information Unit where the inmate is housed for potential changes

If you are a victim of crime, please call or email the Office of Victim Services for assistance with your victim rights or concerns: 602-542-1853 azvictims@azadc.gov

Details of inmate offenses can be accessed by reviewing the case file at the Office of the Clerk of the Court where the case was adjudicated.

Commitment and Sentence Information *1 record(s)*

Commit#	Sentence Length	Sentence County	Court Cause#	Offense Date	Sentence Date	Sentence Status	Crime
A01	2 Y/ 0 M/ 0 D	PINAL	201500481	01/26/2015	09/16/2019	IMPOSED	SOLICITATION MARIJUANA VIOLATION

Disciplinary Infractions *0 record(s)*

Disciplinary Appeals *0 record(s)* *[Info]*

Profile Classification *1 record(s)* *[Info]*

Complete Date	Classification Type	Custody Risk	Internal Risk
Active Classification	Initial Classification	Minimum	Moderate

Parole Action *0 record(s)*

Parole Placement *4 record(s)*

Custody Date	Class Type	Approved Date	Next Review	Parole Class
11/29/2019	TR INELIGIBLE			0
09/26/2019	INITIAL CL.	09/26/2019	09/25/2020	
06/04/2019	ADMISSION			2
06/04/2019	PAR.CL.CHG.			1/178 Day(s)

Work Program *1 record(s)*

Assigned Date	Completed Date	Work Assignment
10/23/2020	02/19/2021	KITCHEN-HELPER

Notification Requests, Detainers, and/or Warrants *1 record(s)*

Detainer Date	Detainer Type	Charges	Authority	Agreement Date	Cancel Date
09/25/2019	ICE	A087903131.....GHX7	ICE		

Exhibit G

[to Abbotts Declaration]



Inmate 339301

Last Name	First Name	Middle Initial
GARCIA	PASCUAL	O

Gender	Height (inches)	Weight	Hair Color
MALE	63	165	BLACK

Eye Color	Ethnic Origin	Custody Class	Admission
BROWN	MEXICAN NATIONAL	/	10/11/2019

Projected Eligible Release Date	
Prison Release Date	Release Type
04/16/2021	COM SUPERV RLSE

Most Recent Location		As of Date	
Complex	Unit	Last Movement	Status
KINGMAN	ASP-KINGMAN CERBAT	04/16/2021	COMMUNITY SUPERVISION

Inmate Mailing Address

Mailing address is not available.

Earned Credit Release Date is provided for guidance. Confirmation can be sought by contacting ADCRR.

It is important to note that all Release Dates are ***projected*** and are ***subject to change***; confirm with ADCRR Time Computation Unit or the Offender Information Unit where the inmate is housed for potential changes

If you are a victim of crime, please call or email the Office of Victim Services for assistance with your victim rights or concerns: 602-542-1853 azvictims@azadc.gov

Details of inmate offenses can be accessed by reviewing the case file at the Office of the Clerk of the Court where the case was adjudicated.

Commitment and Sentence Information *2 record(s)*

Commit#	Sentence Length	Sentence County	Court Cause#	Offense Date	Sentence Date	Sentence Status	Crime
A01	2 Y/ 0 M/ 0 D	MARICOPA	CR2019132555001	07/11/2019	10/09/2019	IMPOSED	MISCNDCT INVOLVING WEAPONS
B01	1 Y/ 0 M/ 0 D	MARICOPA	CR2018146218001	09/19/2018	10/09/2019	IMPOSED	SOLICITATION MISCNDCT INVOLVING WEAPONS

Disciplinary Infractions *0 record(s)*

Disciplinary Appeals *0 record(s)* *[Info]*

Profile Classification *1 record(s)* *[Info]*

Complete Date	Classification Type	Custody Risk	Internal Risk
Active Classification	Initial Classification	Minimum	Moderate

Parole Action *0 record(s)*

Parole Placement *5 record(s)*

Custody Date	Class Type	Approved Date	Next Review	Parole Class
10/16/2019	INITIAL CL.	10/16/2019	10/15/2020	
08/01/2019	ADMISSION			2
08/01/2019	PAR.CL.CHG.			1/0 Day(s)
07/30/2019	ADMISSION			2
07/30/2019	PAR.CL.CHG.			1/2 Day(s)

Work Program *1 record(s)*

Assigned Date	Completed Date	Work Assignment
11/05/2020	03/26/2021	GROUNDSKEEPER

Notification Requests, Detainers, and/or Warrants *2 record(s)*

Detainer Date	Detainer Type	Charges	Authority	Agreement Date	Cancel Date
10/17/2019	NR	CR2019-132555-001	MARICOPA CLK OF CRT	10/09/2019	
10/11/2019	ICE	A215649229.....GJ33	ICE		

Exhibit H

[to Abbotts Declaration]

IDNO	NAME	STATUS	COMPLX
41488	BENDIG, THEODORE	Active	CACF
78013	ACOSTA, OSCAR, ANAYA	Active	CACF
104678	SOTELO, LUIS, ALONSO	Active	CACF
128700	CONTRERAS-BURGOS, RAMON	Active	CACF
130551	SANCHEZ, ABRAHAM	Active	CACF
132518	AMELO-BRITO, JOAQUIN	Active	CACF
134776	BARRON, MARTIN, GARCIA	Active	CACF
136947	MORALES, RODOLFO, SEDENO	Active	CACF
137585	GODOY-BARRERA, HOMERO	Active	CACF
138972	LOERA, MARCELO, RUELAS	Active	CACF
144891	ARELLANO, RENE, GONZALEZ	Active	CACF
147578	ALONSO, BASILIO, BARRON	Active	CACF
149082	VALDEZ, PEDRO, TOMAS	Active	CACF
155837	SANTOS, MIGUEL, LARA	Active	CACF
159891	SOTO, JULIO, ORTEGA	Active	CACF
164426	GARCIA, GENARO, GABRIEL	Active	CACF
165764	GRANILLO, ALEJANDRO, CAMPI	Active	CACF
170544	ORTIZ-RODRIGUEZ, PEDRO, NE	Active	CACF
176338	JUSTIZ, DAVID, F	Active	CACF
178414	NAJERA, GAMALIEL, MORALES	Active	CACF
182277	LOPEZ, JOHNNY	Active	CACF
184239	GOMEZ, ALEJANDRO, ANGUIANO	Active	CACF
184466	ORTIZ, GERSON, RAMOS	Active	CACF
184467	DESANTIAGO, RAMON, CARDOZA	Active	CACF
192096	MENDIVIL, LUIS, FRANCISCO	Active	CACF
199629	AGUIRRE-VALDEZ, LUIS, GERA	Active	CACF
201026	AMBRIZ-DIAZ, BENJAMIN	Active	CACF
205148	AMBROS-AMBROS, JUSTINO	Active	CACF
206208	VIERIA-DELACRUZ, GUILLERMO	Active	CACF
207895	SANCHEZ, JUAN, ANGEL	Active	CACF
219131	LEMUS-RETANA, ROBERTO	Active	CACF
219351	BARRERA, REYNALDO, HERNAND	Active	CACF
221973	RUIZ, ANTONIO, CORDOVA	Active	CACF

222425	FLORES, ABEL, DIAZ	Active	CACF
226327	CORDOVA, JOSE, FRANCISCO	Active	CACF
226372	TERESA-MOLINA, VICTOR	Active	CACF
231676	HERNANDEZ, LUIS, ENRIQUE	Active	CACF
232113	GARCIA-TORRES, PEDRO, HORA	Active	CACF
233945	GALLEGOS-DURAN, WILBER	Active	CACF
234210	SIMPSON, MICHAEL, ROBERT	Active	CACF
235211	MOLINA-PENA, ROLANDO	Active	CACF
236519	DEGANTE-BARRERA, RODOLFO	Active	CACF
245477	TRISTE, DANIEL	Active	CACF
247159	ENSINAS, ALFONSO, ANTONIO	Active	CACF
248465	ROSALES- DE LEON, JUAN, FR	Active	CACF
248740	SARAT-ROJOP, RONY, MATUL	Active	CACF
249909	ORTIZ-JEREZ, SELVIN	Active	CACF
251671	REYES-FUENTES, JORGE, ARTU	Active	CACF
253625	AYALA-MEJIA, JOSE, ARTURO	Active	CACF
254419	RAMIREZ-PEREZ, LUIS, ANGEL	Active	CACF
260741	URIARTE, RAUL, GASTELUM	Active	CACF
262747	BALDERAS, OSCAR, ROMERO	Active	CACF
263007	YOUNGS, CHRISTOPHER, ROBER	Active	CACF
263309	CONTRERAS, HIRAIS	Active	CACF
263542	ESTELA, FERNANDO	Active	CACF
264297	LOPEZ-LOPEZ, ISAIAS, MOISE	Active	CACF
265186	HERNANDEZ, JUAN, D	Active	CACF
267941	COBOS, JOSE, FRANCISCO	Active	CACF
268446	CALDERON, RAFAEL, MONTENEG	Active	CACF
271225	VELASQUEZ, ISRAEL	Active	CACF
271893	NAVARRO, ANTONIO, VALADEZ	Active	CACF
272534	CHIN, LENG, KIM	Active	CACF
273059	HERNANDEZ, JOSE, HERNANDEZ	Active	CACF
273904	BELLO, ALFONSO	Active	CACF
274653	PINUELAS, CECILIO, GUEVARA	Active	CACF
275300	RIOS, PEDRO, GUZMAN	Active	CACF
276113	CASTANEDA-HERNANDEZ, GREGO	Active	CACF

277766	PEREZ, JORGE, M	Active	CACF
278083	GOMEZ-SERNA, JOSE	Active	CACF
278520	MENDOZA, EDER, LOPEZ	Active	CACF
278951	MENDOZA, OSCAR, CASTILLO	Active	CACF
280667	MARTINEZ, JESUS, ARTURO, J	Active	CACF
282432	VERDUGO-MANRIQUEZ, RAUL, R	Active	CACF
283892	ESCOBAR, GUADALUPE, LOZANO	Active	CACF
284107	VITELA-ARAGON, JESUS	Active	CACF
284235	MARTINEZ, OSWALDO, RAFAEL	Active	CACF
284681	TOVAR-REYES, EFRAIN	Active	CACF
284988	QUINONES, JOSE, TORRES	Active	CACF
285047	BASTIDAS-SANCHEZ, GREGORIO	Active	CACF
285688	GONZALEZ-LOPEZ, JUAN, P	Active	CACF
285941	SOTO, GUADALUPE, ISMAEL V	Active	CACF
287161	ORNELAS, DIEGO	Active	CACF
289017	GARCIA-RIOS, JAIME	Active	CACF
289023	MONDRAGON, VENANCIO	Active	CACF
289395	CRUZ, FRANCISCO, MORALES J	Active	CACF
289694	SANCHEZ-RIVERA, JOSE	Active	CACF
289790	MORENO, ADAN, PEREZ	Active	CACF
290715	MENENDEZ, JOSE, ANTONIO TR	Active	CACF
291079	VALENCIA, REY	Active	CACF
291686	GONZALEZ, GILBERTO, MARTN	Active	CACF
291891	GOMEZ-BELTRAN, FELIPE, DEJ	Active	CACF
293897	MARTINEZ, HUGO, LEONEL	Active	CACF
294731	LOPEZ, ADALBERTO, IRIQUI	Active	CACF
295021	DIAZ, JUAN, DIEGO LUNA	Active	CACF
295735	GOMEZ-TORRES, TEODORO	Active	CACF
296205	ORTEGA, JULIAN, LUNA	Active	CACF
298382	RODRIGUEZ, LUIS	Active	CACF
299070	JUAREZ-RAMIREZ, FELIX	Active	CACF
299426	RODRIGUEZ-CHAVEZ, PEDRO	Active	CACF
300028	NIEBLAS-ALMADO, ALVARO	Active	CACF
301034	CUEVAS, ANATOLIO	Active	CACF

302353	RAMIREZ, RAMON, MARQUEZ	Active	CACF
302581	TEBAQUI-HERERRA, MANUEL	Active	CACF
302922	LUNA, DANIEL, HERNANDEZ	Active	CACF
303093	TRUJILLO-MEDINA, RAUL	Active	CACF
303105	CASTILLO-TORRES, JOSE	Active	CACF
303543	CASTRO, ONECIMO, COTA	Active	CACF
303622	ESPINOZA, JAVIER, MARTINEZ	Active	CACF
304389	LOPEZ, JORGE, MARTINEZ	Active	CACF
304646	PORTILLO, FELICIANO, VEGA	Active	CACF
304888	CASTILLO-LOPEZ, ADALBERTO	Active	CACF
305032	RODRIGUEZ-SILVA, URIEL	Active	CACF
305329	PELAGIO-HERNANDEZ, LUCIO	Active	CACF
305676	HERNANDEZ, ROGER	Active	CACF
305717	GUTIERREZ-RODRIGUEZ, NOHE	Active	CACF
307273	RUIZ, ARNULFO, DELATORRE	Active	CACF
307962	SEBASTIAN, DOMINGO, MARTIN	Active	CACF
308034	CUEVAS, JAIME, ESPINOZA	Active	CACF
308393	OROZCO-SOLORIO, ALEJANDRO	Active	CACF
308436	BUSTILLOS, MANUEL	Active	CACF
311207	TEXTA, ALFREDO	Active	CACF
311508	PEREZ-PARRA, JORGE	Active	CACF
311697	CASTRO-RUELAS, IVAN	Active	CACF
312173	DIAZ-MARTINEZ, PABLO	Active	CACF
312832	GARCIA, NORBERTO, CALDERON	Active	CACF
313321	GUTIERREZ, ELEUTERIO	Active	CACF
313607	GARCIA, JOSEPH, JASON	Active	CACF
313685	PILKINGTON, GEOVANNI, ALMA	Active	CACF
314327	VARGAS, DENI, MORENO	Active	CACF
314561	MARTINEZ-CONTRERAS, JOSE,	Active	CACF
314949	ROBINSON-GRIJALVA, RAUL, F	Active	CACF
316700	MENDOZA, VICTOR, MANUEL	Active	CACF
317022	GARCIA, JULIO, DIAZ	Active	CACF
318400	SANCHEZ, MIGUEL, MONTEGANO	Active	CACF
318603	NOLASCO, JUAN, GABRIEL VIV	Active	CACF

319008	CRUZ-NUCAMENDI, ALEXER	Active	CACF
319896	VALENZUELA, RAMON, ANTONIO	Active	CACF
321291	RIOS, FERNANDO, HERNANDEZ	Active	CACF
321339	CALVILLO, JOSUE, ESTRADA	Active	CACF
321354	MARTINEZ-MENDOZA, CLEMENTE	Active	CACF
321784	FLORES-JIMENEZ, JOSE	Active	CACF
321790	SALAZAR-CASTRO, JUAN, PABL	Active	CACF
321796	MONTEJO, OMAR, LOPEZ	Active	CACF
322792	PARRA-AGUILAR, VICTOR, MAN	Active	CACF
322861	PEREZ-MONTIEL, JORGE, LUIS	Active	CACF
323280	MARTINEZ, YORKIS	Active	CACF
323948	VELAZQUEZ-PEDROZA, VICENTE	Active	CACF
324212	HERNANDEZ, CESAR, HERNAN M	Active	CACF
324999	RAMIREZ-GARCIA, CARLOS	Active	CACF
325362	HART, ALEXANDER, MICHAEL	Active	CACF
325626	MARTINEZ, HECTOR, CLETO	Active	CACF
327864	MORENO-SALINAS, ROBERTO	Active	CACF
331048	ARCHILA, ESMAN, RICARDO LO	Active	CACF
331694	BARAJAS-MARTINEZ, ROBERTO,	Active	CACF
331748	GUZMAN-HERNANDEZ, ROMAN	Active	CACF
331888	MEJIA, IDELFONSO	Active	CACF
331899	OSUNA-GARAY, CARLOS	Active	CACF
331942	SANTANA-CATALAN, FREDY	Active	CACF
332901	GAMEZ, MARCOS	Active	CACF
334064	LOPEZ, GILBERTO, PASTOR	Active	CACF
335244	RODRIGUEZ, GERARDO	Active	CACF
336072	ANTUNEZ, PEDRO, GARIDO	Active	CACF
336085	ZUNIGA-CHAVEZ, DIEGO, ISRA	Active	CACF
336200	GUTIERREZ, JORGE, LUIS RUI	Active	CACF
336808	TORRES, FREDDY, R	Active	CACF
337379	AVILA-AVILA, BENJAMIN	Active	CACF
338043	CRUZ, SABINO, MONROY	Active	CACF
338313	JAMIE-VERDIN, MIGUEL, ALFO	Active	CACF
338458	GARCIA-ARENAS, JUAN, ANGEL	Active	CACF

339196	TALAMANTES, ALEJANDRO, A.	Active	CACF
339990	LOPEZ-VARGAS, GILBERT, ANT	Active	CACF
340469	PIECHOCKI, ROY, LAWRENCE	Active	CACF
340935	RODRIGUEZ-DELCASTILL, JAVI	Active	CACF
341088	MEDINA, LUIS, LAURO SIQUEI	Active	CACF
341418	JIMENEZ-ALVAREZ, JOAQUIN	Active	CACF
341919	HERNANDEZ, LUCAS, DAMIAN	Active	CACF
342179	PIRIR-ZELADA, ABEL, EGUIDI	Active	CACF
342294	VILLANUEVA-OLIVEROS, RICAR	Active	CACF
342479	VALENZUELA-ROJO, JUAN, BER	Active	CACF
343543	GONZALEZ, MIGUEL, ANGEL SA	Active	CACF
343602	BOLANOS, JOSE, LUIS MONARI	Active	CACF
343882	SANCHEZ, EMANUEL	Active	CACF
345212	CABRERA, MANUEL, ANTONIO	Active	CACF
345795	FELIX-VALDEZ, MISAEL	Active	CACF
346423	MAHARAJ, SAYSOUK	Active	CACF
347608	PACHECO-UZARRAGA, JOSE, RO	Active	CACF
347884	PALOFOD, JOSE, MEDINA	Active	CACF
347968	ESTRADA, LUIS, A.	Active	CACF
49477	RIVERA, SILVESTRE	Active	CENTRAL OFFICE
136718	MONDRAGON, RAUL	Active	CENTRAL OFFICE
154851	PEREZ, SEFERINO, CASTRO	Active	CENTRAL OFFICE
155795	VASQUEZ, DANIEL	Active	CENTRAL OFFICE
168087	PILIPOW, PAUL, EDWARD	Active	CENTRAL OFFICE
222776	FIMBRES-GALVEZ, FRANCISCO,	Active	CENTRAL OFFICE
223924	HERRERA, JORGE, CONTRERAS	Active	CENTRAL OFFICE
237018	MIRANDA, HUGO, EDUARDO	Active	CENTRAL OFFICE
238451	SOSA, JAIME, CHAVEZ	Active	CENTRAL OFFICE
240408	ROSALES, ANTONIO	Active	CENTRAL OFFICE
253630	VIZCARRA-DIAZ, VICTOR, HER	Active	CENTRAL OFFICE
256168	MEDRANO-MURILLO, JOSE	Active	CENTRAL OFFICE
259126	CUAMEA, JUAN, VALENZUELA	Active	CENTRAL OFFICE
262516	OLIVEROS, RAMON, A BERNA	Active	CENTRAL OFFICE
267221	GARCIA-OCAMPO, JOSE	Active	CENTRAL OFFICE

275739	PALMA-SOTELO, EBIGAEL	Active	CENTRAL OFFICE
280588	RAMIREZ, BERNARDO, ALVAREZ	Active	CENTRAL OFFICE
285421	GASTELUM-VALDEZ, WILBER, N	Active	CENTRAL OFFICE
285721	GUTIERREZ, FILIBERTO, GARI	Active	CENTRAL OFFICE
289527	SANCHEZ, FERNANDO, BALLEST	Active	CENTRAL OFFICE
291258	LANDEROS, EDGAR, HEREDIA	Active	CENTRAL OFFICE
292731	JIMENEZ-GARCIA, GERSON, HA	Active	CENTRAL OFFICE
295753	GUILLEN-MEJIAS, ADONIS, HA	Active	CENTRAL OFFICE
297544	REVUELTO-CONTRERAS, JESUS	Active	CENTRAL OFFICE
308453	JAIMES-MALDONADO, ERNESTO,	Active	CENTRAL OFFICE
325241	HYATT, HUGHBURN, DESMOND	Active	CENTRAL OFFICE
345176	PEREZ-HERNANDEZ, GERMAN	Active	CENTRAL OFFICE
63729	CHAIREZ, ALBERTO, VILLAREA	Active	DOUGLAS
81293	MARTINEZ, MANUEL	Active	DOUGLAS
84292	RUIZ, RAMON, A	Active	DOUGLAS
102017	SANCHEZ, LUIS	Active	DOUGLAS
102602	VILLA, MANUEL, AUGUSTINE	Active	DOUGLAS
112165	NUNEZ, MARTIN, ALBERTO BRO	Active	DOUGLAS
113116	ESTRADA, AGAPITO, R	Active	DOUGLAS
120592	PHAM, NGOC, LAM	Active	DOUGLAS
135397	NOY, CHAN	Active	DOUGLAS
161039	CHAVEZ-DUARTE, GUADALUPE	Active	DOUGLAS
168587	PEREZ-CASTANO, ROBERTO	Active	DOUGLAS
171026	NAVEJAS, GERARDO, DELACRUZ	Active	DOUGLAS
182689	INZUNZA, NIBARDO, GUTIERRE	Active	DOUGLAS
207143	CRUZ, BENITO	Active	DOUGLAS
213053	CASTRO-VEGA, LUIS, ALBERTO	Active	DOUGLAS
215911	GOMEZ, JESUS, GUILLERMO	Active	DOUGLAS
217322	BAGAT, KON, AROP	Active	DOUGLAS
224740	GERALDO, ANTHONY, HERNANDE	Active	DOUGLAS
226183	NORIEGA-PEREZ, JOSE, ALBER	Active	DOUGLAS
227437	VELASCO-FELIX, NOEL	Active	DOUGLAS
229754	CARPIO, EDGAR, SEVILLA	Active	DOUGLAS
230254	LOPEZ, MARIO, GARCIA	Active	DOUGLAS

232521	PEREZ-PEREZ, ALONSO	Active	DOUGLAS
235756	LUONG, TOAN, ANH	Active	DOUGLAS
237207	ANORVE-CANDELA, BENITO	Active	DOUGLAS
237301	MENDOZA, NICOLAS, GONZALEZ	Active	DOUGLAS
253677	VALENZUELA, CATARINO, TORR	Active	DOUGLAS
253785	ESTOBAR, VICTOR, MANUEL CA	Active	DOUGLAS
259316	YOUSIF, ESHO, BENYAMIN	Active	DOUGLAS
262685	GARCIA, ELIGIO, SAENZ	Active	DOUGLAS
264361	REYES, VINCENTE, VILLA	Out to Court	DOUGLAS
268582	MORENO, ISAIAH, CAVASOS	Active	DOUGLAS
271145	VIDOVIC, BORIS	Active	DOUGLAS
274329	OWEN, HOWARD, THOMAS	Active	DOUGLAS
282951	ALBA-DIAZ, LUIS, HUMBERTO	Active	DOUGLAS
283051	CASTRO, JUAN, RAMON FLORES	Active	DOUGLAS
287562	CARDENAS-AMARILLAS, IGNACI	Active	DOUGLAS
291158	CARRILLO, RAUL	Active	DOUGLAS
294047	DIAZ-MARTINEZ, ALEX	Active	DOUGLAS
299365	HERNANDEZ, EMMANUEL, ROMER	Active	DOUGLAS
300259	CHAVEZ-MUNGARAY, RAMON, AN	Active	DOUGLAS
304434	ABUBAKAR, HUSSEIN, MOHAUMA	Active	DOUGLAS
307499	GARCIA-BARRAZA, ALEJANDRO	Active	DOUGLAS
309639	GARCIA-GAMEZ, VICTORIANO	Active	DOUGLAS
311606	LOPEZ-GUZMAN, NATIVIDAD, G	Active	DOUGLAS
312968	MARTINEZ, JUAN, ANTONIO MO	Active	DOUGLAS
315447	TORRES, BERNARDO	Active	DOUGLAS
319895	SOTO, CUAUHTEMOC, AGUILAR	Active	DOUGLAS
321438	RODRIGUEZ, JUAN, GUADALUPE	Active	DOUGLAS
323414	DOMINGUEZ-RUIZ, EDUARDO	Active	DOUGLAS
323808	VERDUGO, JOSUE, ISRAEL	Active	DOUGLAS
324308	MEJIA, XAVIER, EVINALDO	Active	DOUGLAS
324353	GIL-SILVA, JOSE, JUAN	Active	DOUGLAS
324757	RODRIGUEZ, JOB, ARMANDO FE	Active	DOUGLAS
328367	HARO-LOPEZ, JAYRO	Active	DOUGLAS
328398	MEDINA-CRUZ, INES, HUMBERT	Active	DOUGLAS

328473	LOPEZ-VIDACA, JOSUE, MIGUE	Active	DOUGLAS
331075	DIAZ, SALOMON	Active	DOUGLAS
331717	ALVARADO, JESUS, ISAEL SAU	Active	DOUGLAS
331854	HERRERA, JUAN, ANTANIO	Active	DOUGLAS
332999	DURAN-CAMACHO, SERGIO, ALB	Active	DOUGLAS
333715	PEREZ-MARTINEZ, MAURICIO	Active	DOUGLAS
334011	ALEXANDER, DIANGELO, JOVAN	Active	DOUGLAS
334792	VASQUEZ-LOPEZ, VICTOR	Active	DOUGLAS
335752	VARGAS, VENANCIO, ARREOLA	Active	DOUGLAS
337154	FUENTES, PEDRO, RIVERA	Active	DOUGLAS
337335	GUZMAN-MALDONADO, ISRAIL	Active	DOUGLAS
337469	MORENO-LOPEZ, LUIS, ALFRED	Active	DOUGLAS
337546	MENA, DIEGO, HUMBERTO GARC	Active	DOUGLAS
337868	OSUNA, GABRIEL	Active	DOUGLAS
339249	MENDOZA, RAMON, MEZA	Active	DOUGLAS
339434	CALDERON, ELVIN, FELIPE ZE	Active	DOUGLAS
339589	GUTIERREZ-ROMERO, JOSE, AL	Active	DOUGLAS
339716	CHAVEZ-VALLE, JAMIE, FERNA	Active	DOUGLAS
339937	COTA-LEON, JESUS	Active	DOUGLAS
340629	NERI-HERNANDEZ, MARCELO	Active	DOUGLAS
340855	QUINONES, ADRIAN, BURGOS	Active	DOUGLAS
341099	BERNAL, HECTOR, DANIEL ESC	Active	DOUGLAS
341345	TOLEDO, MIGUEL, SALVADOR	Active	DOUGLAS
342268	SILVERIO-FLORES, MARCO, AN	Active	DOUGLAS
342423	CRUZ-CORRALES, ROSARIO, AL	Active	DOUGLAS
342535	ESQUIBEL-TORRES, FELIX	Active	DOUGLAS
342690	RIVAS, MANUEL, DE JESUS-VI	Active	DOUGLAS
342713	ZAVALA, VICTOR, VEA	Active	DOUGLAS
342760	OLIVAS-RUBIO, GUADALUPE	Active	DOUGLAS
342960	ALVAREZ-GONZALEZ, JUAN	Active	DOUGLAS
342968	CARRILLO-ARANDA, VICENTE	Active	DOUGLAS
343126	BALCAZAR, LUIS, ALEJANDRO	Active	DOUGLAS
343924	SANCHEZ-GONZALEZ, MARCO, A	Active	DOUGLAS
344192	PHAM, TRUNG, NGO CHI	Active	DOUGLAS

344550	CARRANZA-MIRANDA, ORLAN	Active	DOUGLAS
344623	PEREZ-MARQUEZ, ROBERTO	Active	DOUGLAS
344882	ORTEGA-DELGADO, VICTOR, AL	Active	DOUGLAS
345213	QUINONES, LAZARO, TORRES	Active	DOUGLAS
345249	RAMIREZ-GAMEZ, RUBIN	Active	DOUGLAS
345716	MANJARREZ-NORIEGA, JUAN, P	Active	DOUGLAS
346366	HERNANDEZ, MANUEL, R MENES	Active	DOUGLAS
346536	MURRIETA, JOHAN, OCHOA	Active	DOUGLAS
347612	ESQUIVEL-MORALES, ROBERTO	Active	DOUGLAS
41536	SANDOVAL, JESSE, GABRIEL	Active	EYMAN
43457	MERAZ, JESUS	Active	EYMAN
43498	LAGO, CARLOS, MONTALVO	Active	EYMAN
43499	ZAMALEA, CARLOS, SEQUI	Active	EYMAN
46905	MAYORQUIN, ISMAEL	Active	EYMAN
66261	LUNA, SAUL, BALLES	Active	EYMAN
78453	DURAN, FERMIN	Active	EYMAN
79617	WILLIAMSON, JOHN	Active	EYMAN
80531	LERMA, ALFREDO	Active	EYMAN
80573	TERRAZAS, JOSE, LUIS	Active	EYMAN
84661	MEDINA, OSCAR, GONZALES	Active	EYMAN
86527	SADDIQ, MUSTAFA, RAFEEQ-BA	Active	EYMAN
89971	NGUYEN, MANH, VANN	Active	EYMAN
90110	ISLAS, ALEJANDRO, TECHALOT	Active	EYMAN
91102	GUTIERREZ-VALENCIA, LUIS,	Active	EYMAN
94805	BALBASTRO, ENRIQUE, JESUS	Active	EYMAN
96204	CRUZ, DANIEL, CRUZ	Active	EYMAN
99237	TORRES, ISMAEL, A	Active	EYMAN
99825	RAMOS, LEON, JOSE	Active	EYMAN
103980	MEDINA, FRANCISCO, MARTINE	Active	EYMAN
109980	DELEON, MIGUEL, ANGEL	Active	EYMAN
110199	PHAN, NHIEU, VAN	Active	EYMAN
112441	SANCHEZ, JESUS, J. ROBLES	Active	EYMAN
125747	BELTRAN-MADRID, FRANCISCO,	Active	EYMAN
127222	PERALTA, LUCIO, P	Active	EYMAN

133537	RODRIGUEZ, EDUARDO, RAFAEL	Active	EYMAN
135669	SANABRIA, JUAN, GARCIA	Active	EYMAN
136667	AGUILAR, JUAN, CARLOS	Active	EYMAN
137230	GONZALES, JUAN, JOSE	Active	EYMAN
138591	GARCIA-MORALES, JUAN, RAMO	Active	EYMAN
138773	ALVAREZ, SAUL, M	Active	EYMAN
140967	ALMANZA, FERNANDO, SEGOVIA	Active	EYMAN
147093	OVANTE, MANUEL, VERDUZCO	Active	EYMAN
147531	MADA-LASTRA, RAFAEL	Active	EYMAN
148070	PONCIANO, FRANCISCO	Active	EYMAN
150249	ROBLES, RAMON, ANGEL LOPEZ	Active	EYMAN
150679	VALENZUELA, FRANCISCO, PES	Active	EYMAN
153244	BAUTISTA, LUIS, ALBERTO	Active	EYMAN
153261	LOZANO-SOLIS, ANTHONY	Active	EYMAN
153543	MIRELES, VICTOR	Active	EYMAN
154850	ROLON, ALEJANDRO, MORA	Active	EYMAN
157343	DURAN-JIMENEZ, ALFONSO	Active	EYMAN
157534	PHAM, KHOE, VAN	Active	EYMAN
160913	DOMINGUEZ, LUIS, ANGEL	Active	EYMAN
162333	MATEO-LORENZO, JULIO	Active	EYMAN
163449	JIMENEZ, ADAN, TAVISON	Active	EYMAN
164521	MARTINEZ, JUAN, ULISIS	Active	EYMAN
165798	MARTINEZ, LUIS, MARIANO	Active	EYMAN
165986	JACOME-ZARAGOZA, SAUL	Active	EYMAN
166175	SALCIDO-MEGUI, MANUEL, NAH	Active	EYMAN
166615	MORENO, JUAN	Active	EYMAN
167508	CABANAS-SALGADO, OBERLIN	Active	EYMAN
167695	QUINTERO, LORENZO, RAMIREZ	Active	EYMAN
167865	GUTIERREZ, ALEJANDRO, VALE	Active	EYMAN
168959	VERA, EZEQUIEL	Active	EYMAN
170315	NIDO, GASTON, FEDERICO	Active	EYMAN
170495	CARDENAS, LAZARO, JULIO RO	Active	EYMAN
171224	SANCHEZ, MANUEL, LEON	Active	EYMAN
174145	VIERA, MARCOS, JULIAN	Active	EYMAN

176347	PAT, JOSE, WILBERTH	Active	EYMAN
177075	GOMEZ, FABIO, EVELIO	Active	EYMAN
177810	MONTALVO, ELIAS	Active	EYMAN
178673	CORTEZ-GASTELUM, FABIAN	Active	EYMAN
182276	ROJAS, RIGOBERTO, N	Active	EYMAN
182680	AREVALO, ARTURO	Active	EYMAN
183273	LOPEZ, ELISEO	Active	EYMAN
184352	CORONADO, LUIS, ANGEL	Active	EYMAN
186948	JAHANDIDEH, FARSHID	Active	EYMAN
189737	PERAZA-GOMEZ, RAMON, ANTON	Active	EYMAN
189810	MIGUEL, FRANCISCO	Active	EYMAN
189913	GOMEZ-TORRES, RAMIRO	Active	EYMAN
191113	DOMINGUEZ, OSCAR, EDWARD	Active	EYMAN
191815	MENDOZA-FARIAS, RODOLFO	Active	EYMAN
193430	NGUYEN, AN, THANH	Active	EYMAN
193789	CRUZ, RAFAEL	Active	EYMAN
193913	CRUZ, ADRIAN, GONZALEZ	Active	EYMAN
196413	ARCINEIGA-RANGEL, HILDEFON	Active	EYMAN
196504	GUERRA-VARGAS, JORGE, LUIS	Active	EYMAN
198488	TORRES, LORETTO, G	Active	EYMAN
198845	GUTIERREZ, JOSE, GUADALUPE	Active	EYMAN
202271	CORDOVA, ANGEL, AGUILAR	Active	EYMAN
202462	MENA, JESUS, MADRID	Active	EYMAN
203202	PAZ, ISMAEL	Active	EYMAN
203856	LUGO-PALOMARES, MARTIN	Active	EYMAN
203910	PACHECO, ISMAEL, LLAMAS	Active	EYMAN
204459	HUSSEIN, ABO, OBAIDA	Active	EYMAN
205528	RAZO-LOPEZ, RAUL	Active	EYMAN
205771	MEDINA-MARTINEZ, ROBERTO	Active	EYMAN
206582	SANCHEZ-RODRIGUEZ, GONZALO	Active	EYMAN
206640	MENDOZA-ALDAY, MIGUEL, HEC	Active	EYMAN
206747	CHANG-KING, JUAN, IBANEZ	Active	EYMAN
208194	GAMEZ, IRAM	Active	EYMAN
208463	DENNISOR, COSMON	Active	EYMAN

208833	MARTINEZ, SALVADOR, GONZAL	Active	EYMAN
208841	REYES, MARTIN, MANRIQUEZ	Active	EYMAN
208903	ROBLES, EMMANUEL	Active	EYMAN
210019	DELAROSA BELTRAN, ISMIR	Active	EYMAN
210038	PAZ, BERNIE	Active	EYMAN
211025	LEON, JUAN, G	Active	EYMAN
211739	VASQUEZ, JOSE, OMAR	Active	EYMAN
211908	VALDEZ, JOSE, ANGEL	Active	EYMAN
213034	MEDINA-ARMENTA, IGNACIO	Active	EYMAN
213498	MOLINA, HECTOR, ALONSO	Active	EYMAN
215840	DENG, BLEK, ALOR	Active	EYMAN
217331	ULLOA, JOSE, ANTONIO	Active	EYMAN
217853	CORRALES, ARNULFO, ORDUNO	Active	EYMAN
217888	CORDOVA, ADOLFO, MORENO	Active	EYMAN
218035	ORTIZ-VASQUEZ, RAFAEL, ALE	Active	EYMAN
218510	GEORGE, LAMAS	Active	EYMAN
220326	NAVA, FRANCISCO, GERARDO J	Active	EYMAN
221054	MEJIA-PEREZ, ERIC, DE JESU	Active	EYMAN
223168	MOLINA-ZABALA, ERASMO	Active	EYMAN
224065	RODRIGUEZ, JOEL, CORDOVA	Active	EYMAN
225202	GALVAN-LARA, AGUSTINE	Active	EYMAN
226024	RAMOS-RAMIREZ, JAVIER	Active	EYMAN
228430	BUSTAMANTE, EPHRAIN, VEGA	Active	EYMAN
228481	ANDRADE, JORGE, LUIS	Active	EYMAN
228937	FELIX-GRADILLAS, LUIS, NOR	Active	EYMAN
229508	BALDERAS, MARTIN, J	Active	EYMAN
232518	OCHOA-ALVARADO, HUMBERTO	Active	EYMAN
232719	BORRUD, JAN, E	Active	EYMAN
233810	ROSALES, FLAVIO, MORALES	Active	EYMAN
234041	ROMERO-SALAS, CHRISTIAN, J	Active	EYMAN
234283	MAZON, ROBERTO	Active	EYMAN
234731	ARAUJO-MONARES, ROSARIO, H	Active	EYMAN
234769	MONREAL-CAMARGO, SALVADOR,	Active	EYMAN
235049	HAMZIC, NIJAZ	Active	EYMAN

235309	OCHOA, JUAN, A	Active	EYMAN
237281	CARDENAS, PAUL, EDUARDO	Active	EYMAN
238720	VILLANUEVA, JOSE, SANCHEZ	Active	EYMAN
238956	RIOS, RAUL, CRUZ	Active	EYMAN
239574	SOSA, JOSUE	Active	EYMAN
241311	CAMACHO, JESUS, H	Active	EYMAN
242400	GRAHOVIC, SAMIR	Active	EYMAN
242428	NGUYEN, TUAN, VAN	Active	EYMAN
242745	HERNANDEZ-HERNANDEZ, JOSE,	Active	EYMAN
244164	GONZALEZ, MIGUEL, ANGEL	Active	EYMAN
245340	CORRAL, JUAN, M.	Active	EYMAN
245366	JOKIC, NEDJO	Active	EYMAN
245615	PENALOZA-SERRANO, ABRAHAM	Active	EYMAN
245897	HERNANDEZ, JUAN, RAMON VAL	Active	EYMAN
246506	ZAMACONA, LUCIO, RIO	Active	EYMAN
247001	SARAVIA, RAUL	Active	EYMAN
247363	TORRES-PAIS, JOSE, LUIS	Active	EYMAN
247639	MENDOZA-TAPIA, NOE	Active	EYMAN
248627	REYES, FERNANDO, MORENO	Active	EYMAN
249058	GARCIA, ALFONSO	Active	EYMAN
249879	VISAIZ-RODRIGUEZ, EDGAR, E	Active	EYMAN
250426	VEGA, JOSE, VICENTE MONTAN	Active	EYMAN
251332	SANCHEZ-HERNANDEZ, MANUEL	Active	EYMAN
251495	PRASAD, ARVIN	Active	EYMAN
252232	PEREZ, EDUARDO, SEGON	Active	EYMAN
252470	GOMEZ-GOMEZ, JOSE, EFRAIN	Active	EYMAN
252582	ZELEDON, MARIO, EDGARDO	Active	EYMAN
252643	DAK, JOHN, GATWICK	Active	EYMAN
252946	ROMERO, CARLOS	Active	EYMAN
253088	CASTELLANOS-GARCIA, JOSE,	Active	EYMAN
254239	MATA, AGUSTIN, MORALES	Active	EYMAN
254599	GONZALEZ, SERGIO	Active	EYMAN
255343	SALAZAR, JUAN, CRUZ	Active	EYMAN
256782	BELTRAN-RABAGO, ELIEEL, OB	Active	EYMAN

257164	VALENCIA, ALEJANDRO, ZAMOR	Active	EYMAN
257610	NORIEGA, ADRIAN, ZEPEDA	Active	EYMAN
258639	ROMERO, GABRIEL, LUZ	Active	EYMAN
259759	AGUIAR, CARLOS, RAMON	Active	EYMAN
259764	ESCARREGA-CASTILLO, JONATH	Active	EYMAN
259795	SERRANO-MONTOYA, JESUS, HU	Active	EYMAN
260045	FLORES, SAUL, DORADO	Active	EYMAN
260092	BURGOS, SIMON, LUGO	Active	EYMAN
260792	CARDENAS-CASTRO, JONATHAN,	Active	EYMAN
261911	MORENO, JESUS, GUADALUPE L	Active	EYMAN
262000	CAMPBELL, SAMUEL, JUNIOR	Active	EYMAN
262210	CRUZ, PABLO, SANDOVAL	Active	EYMAN
262921	BARRERA, SERGIO, F GONZALE	Active	EYMAN
263321	PEREZ, MARIANO, GONZALES	Active	EYMAN
263504	TREJO-MARTIN, BRAULIO	Active	EYMAN
263676	OCHOA, JOSE, RAMON	Active	EYMAN
264349	CANALES, JESUS	Active	EYMAN
265420	PATINO, JUAN, CARLOS PUCH	Active	EYMAN
265881	LAGUNAS, MOISES, HERNANDEZ	Active	EYMAN
265904	SALAS-PAREDES, JUAN, FRANC	Active	EYMAN
266839	PORTILLO-DIAZ, JAVIER, RAM	Active	EYMAN
267426	CENTENO-SARABIA, JORGE, CA	Active	EYMAN
267633	BRACAMONTES, JOSE, ALFREDO	Active	EYMAN
268032	WILLEKENS, EDWARD, JAN BER	Active	EYMAN
268060	HOLGUIN-ZORRILLA, JUAN, JO	Active	EYMAN
268156	AGOSTO, SALVADOR	Active	EYMAN
268181	ZEPEDA-VILLALON, JULIAN	Active	EYMAN
268279	MUNOZ, HUGO, ALFREDO	Active	EYMAN
269087	ORTEGA, LEOCARDIO	Active	EYMAN
269338	CORONADO, LARRY, RAYMUNDO	Active	EYMAN
269392	RAMOS-GARATE, MANUEL, ARMA	Active	EYMAN
269743	MAYA-GONZALEZ, MARCO, ANTO	Active	EYMAN
270738	ESPINOZA, JOSE, ALFREDO	Active	EYMAN
271252	SANCHEZ, GIBRAN	Active	EYMAN

271606	TORRES-NEVAREZ, OCTAVIANO	Active	EYMAN
271744	GARCIA-ORTIZ, DELFINO	Active	EYMAN
271814	SALAZAR-MERCADO, MARTIN, D	Active	EYMAN
272116	MENDOZA, SAUL, OLIVARES	Active	EYMAN
272230	OSORIO-ROSAS, EMELIO	Active	EYMAN
272294	ALVARADO-MARTINEZ, GERLY,	Active	EYMAN
272743	VALENZUELA, JOSE	Active	EYMAN
273509	POSOS, JUAN, RUBIO	Active	EYMAN
273688	NEVARES, JOSE, MANUEL MURO	Active	EYMAN
274004	VASQUEZ, OREL	Active	EYMAN
274053	VASQUEZ, RUDOLFO	Active	EYMAN
274386	RIVERA-LONGORIA, MARTIN	Active	EYMAN
275430	CURIEL, SERGIO, NESTOR	Active	EYMAN
275596	SALGADO-CASTRO, BENITO	Active	EYMAN
277618	OSUNA-VARGAS, OMAR, JAVIER	Active	EYMAN
278872	ESCALANTE-OROZCO, JOEL, RA	Active	EYMAN
280372	MARTINEZ, EDWIN	Active	EYMAN
280554	CASTRO, ENRIQUE, JOSE	Active	EYMAN
280866	BELTRAN-TORRES, GERARDO	Active	EYMAN
280949	GRANADOS, CRISPIN	Active	EYMAN
281262	QUINTERO, FAUSTINO	Active	EYMAN
281494	OJEDA, SAUL, BELTRAN	Active	EYMAN
281679	HERNANDEZ-DIAZ, CESAR	Active	EYMAN
282431	SOTO-RAMIREZ, EDUARDO	Active	EYMAN
283207	VARGAS-ESCORCIA, JUAN, ANT	Active	EYMAN
283417	CECENA, DAVID, SOTO	Active	EYMAN
284250	GARCIA-MEZA, JULIO	Active	EYMAN
284538	MURILLO, OSCAR	Active	EYMAN
284927	QUIROS-CHENO, JUAN	Active	EYMAN
285148	MEJIA-GUTIERREZ, JOSE, JAV	Active	EYMAN
285413	HERNANDEZ-ROMERO, JOSE	Active	EYMAN
285683	RANGEL-VELARDE, LUIS, ALBE	Active	EYMAN
286307	BARRAZA, JORGE, LUIS	Active	EYMAN
286815	HERNANDEZ-LOPEZ, ROBERTO	Active	EYMAN

287769	GARCIA-CORRALES, JESUS, AR	Active	EYMAN
287772	LUIS, FERNANDO, A., Jr	Active	EYMAN
288036	SARMIENTO, NESTOR, MARTINE	Active	EYMAN
290243	ALBAGHBADI, RASOOL, SADIG	Active	EYMAN
290721	SERNA, ULISES, TREJO	Active	EYMAN
290852	ZARATE-LEON, JAIME	Active	EYMAN
290892	PICOS-CLAVERO, LUIS, ADAN	Active	EYMAN
291020	ALARCON, JAVIER, V	Active	EYMAN
292344	PALMA-MOSQUEDA, EPIFIANO	Active	EYMAN
294314	MURRIETA, MANUEL, ANTONIO	Active	EYMAN
294729	GONZALES, FERNANDO, LARA	Active	EYMAN
295219	IRIBE, JUAN, PABLO ROJAS	Active	EYMAN
295410	ARREDONDO, GILBERTO, CORRE	Active	EYMAN
295675	GOMEZ, OSCAR, ALFREDO	Active	EYMAN
295874	SALES, RUPERTO, BERNAVE DE	Active	EYMAN
296979	SOLIZ-ADANE, RAFAEL	Active	EYMAN
297006	MIGUEL, MOISES, BLAS	Active	EYMAN
297171	MOLINA-MORENO, JOSE, JUSTO	Active	EYMAN
297646	LOPEZ, PABLO, VALLE	Active	EYMAN
297993	CASTRO, AURELIO, ROJAS	Active	EYMAN
298099	RIVERA, LORENZO	Active	EYMAN
298657	VIERA, RAMON, CASIMIRO	Active	EYMAN
298850	MONTIGO, RODRIGO	Active	EYMAN
299193	HERNANDEZ, ALEJANDRO	Active	EYMAN
299770	VALDEZ-IBARRA, IGNACIO	Active	EYMAN
299904	GARCIA, EDGAR	Active	EYMAN
300464	ADEM, FARHAN, MOHAMED	Active	EYMAN
301344	CRUZ-MEDINA, FRANCISCO, AD	Active	EYMAN
301371	SALGADO, JOSE, MARTIN	Active	EYMAN
301501	AYALA, CARLOS, CARDENAS	Active	EYMAN
302039	ZARCO, MIGUEL, REBOLLAR	Active	EYMAN
303180	CEJUDO, JOSE, ENRIQUE GUTI	Active	EYMAN
303210	GUTIERREZ, JORGE, ALBERTO	Active	EYMAN
303276	JIMENEZ, JONATHAN	Active	EYMAN

303306	CURA, ABRAHAM, AGUAS	Active	EYMAN
304513	MORALES, JOSE, REYNALDO	Active	EYMAN
306305	HERNANDEZ, LUIS, FERNANDO	Active	EYMAN
306448	MURILLO-ARROYO, ABEL	Active	EYMAN
306946	FLORES, JOSE, RAMON MANCIN	Active	EYMAN
307015	TRUJILLO-VARELA, JOSE, LIN	Active	EYMAN
307282	VARGAS-CAPITAN, JUAN, JOSE	Active	EYMAN
307547	WILCOX, GEORGE, ROSS	Active	EYMAN
308727	QUINONEZ, MARTIN	Active	EYMAN
308850	GARCIA-BELTRAN, GUSTAVO	Active	EYMAN
308931	PASCUAL, PEDRO, RAFAEL RAM	Active	EYMAN
309102	SANTOS, LORENZO, MORALES	Active	EYMAN
309257	SANDOVAL, ALEX, HUERTA	Active	EYMAN
309349	HERNANDEZ-CONTRERAS, JESUS	Active	EYMAN
309470	ROCHA-MONTES, JESUS, IVAN	Active	EYMAN
309630	AMADOR, EZEQUIEL	Active	EYMAN
309643	HERNANDEZ, DAMIEN, ALEJAND	Active	EYMAN
309676	VASQUEZ, OSWALDO, LOZANO	Active	EYMAN
309755	CEBALLOS, ROLANDO, EFRAIN	Active	EYMAN
310029	GARCIAS, DONALDO	Active	EYMAN
310258	LATRIK, ANDERSON	Active	EYMAN
310418	ALVAREZ-BELTRAN, ADRIAN	Active	EYMAN
310738	VEGA-MOSQUEDA, CESAR	Active	EYMAN
311055	AGUILAR, RAMON, GONZALEZ	Active	EYMAN
311110	MARTINEZ-ROMERO, LUIS	Active	EYMAN
311730	CAMPUZANO-MIRANDA, JOSE, O	Active	EYMAN
311991	CORONEL-RIVERA, JOSE, MIGU	Active	EYMAN
312178	JARAMILLO, BRAYAN, FRANCIS	Active	EYMAN
312684	VARGAS, ESTEBAN, OROZCO	Active	EYMAN
312691	IBARRA, EFRAIN	Active	EYMAN
313454	ISLAS, ALFREDO	Active	EYMAN
313775	GARCIA, ROCKY, AGUILAR	Active	EYMAN
314109	TORRES, JOSE, DIAZ	Active	EYMAN
314416	KPOU, ARMSTRONG, SAWI	Active	EYMAN

314869	HERNANDEZ, DANIEL, KENNY	Active	EYMAN
314985	JENKINS, RALSTON, RUPERT	Active	EYMAN
315625	BORREGO, MARCO, ANTONIO	Active	EYMAN
315639	ESTRADA-RIOS, ELEAZAR	Active	EYMAN
315747	EZEQUIAS-DUBON, EVER	Active	EYMAN
316085	CARRIZOZA-QUIJADA, JESUS	Active	EYMAN
316231	MARQUEZ-ALVAREZ, JESUS, JO	Active	EYMAN
316569	ORTEGA, ANTONIO, ROMO	Active	EYMAN
316724	GALVEZ-GALVEZ, EFRAIN	Active	EYMAN
317185	LOPEZ, JOSE, FRANCISCO	Active	EYMAN
317459	ALVAREZ-HUERTA, JESUS, ISA	Active	EYMAN
318061	DARDON, MANUEL, DEJESUS OC	Active	EYMAN
319002	CASAS-CRUZ, JONATHAN	Active	EYMAN
319262	CALDERON-TORRES, ARMANDO	Active	EYMAN
319389	CASTRO, ISIDRO	Active	EYMAN
319595	GIBBONS, MARIO, ALBERT	Active	EYMAN
319628	ZARAGOZA-CERVANTE, SALVADO	Active	EYMAN
319680	RAMOS-OSORIO, MANUEL	Active	EYMAN
319709	ZAMORANO, JOSE, VALDEZ	Active	EYMAN
320048	ALSAEDI, MALIK	Active	EYMAN
320099	GONZALEZ-ACOSTA, VALENTIN	Active	EYMAN
320250	ALFERES-LUESA, RAUL	Active	EYMAN
320298	FERNANDEZ, YASMANI, VAZQUE	Active	EYMAN
320339	SOTO, LUIS, FERNANDO SOTO	Active	EYMAN
320872	MENDIVIL, JESUS, MANUEL LO	Active	EYMAN
320918	MISSIADAN, MAWULI	Active	EYMAN
320982	PALACIOS-RONQUILLO, JOSE,	Active	EYMAN
321008	GARCIA-CASTANEDA, RODOLFO	Active	EYMAN
321108	IBARRA, MARCIAL, CRISTOBAL	Active	EYMAN
321251	WHITE, JESSE, ISAAC	Active	EYMAN
321760	HERNANDEZ, CELESTINO, JIME	Active	EYMAN
322740	JARAMILLO-RAMOS, JUAN, JOS	Active	EYMAN
322772	MENDOZA, LUIS, MIGUEL LOPE	Active	EYMAN
322910	VALENCIA, LUIS, CARLOS URI	Active	EYMAN

323040	BECERRA-MIRANDA, JOSUE, RA	Out to Court	EYMAN
323285	VELAZQUEZ, CARLOS, IVAN OJ	Active	EYMAN
323554	BARRERA-CONTRERAS, ADRIAN	Active	EYMAN
323626	GALINDO-HERNANDEZ, JULIO,	Active	EYMAN
323671	LAWRENCE, NICHOLAS, ANTHON	Active	EYMAN
323702	SARMIENTO, CERVIO	Active	EYMAN
324282	RIVERA-MUNOZ, JULIO, ERNES	Active	EYMAN
324366	LOZANO-PEREZ, JOSUE, ISRAE	Active	EYMAN
324737	TIGLA, MARIAN, DIETMAR	Active	EYMAN
324850	CARRILLO, YOHENY	Active	EYMAN
325252	GARCIA, ABRAHAM, ANTONIO	Active	EYMAN
325623	HERNANDEZ, LUIS, EDGAR	Active	EYMAN
325666	CRUZ, JUAN, HERNANDEZ	Active	EYMAN
325952	SANCHEZ, CARLOS, MARTINEZ	Active	EYMAN
325957	CARAVEO, DIEGO	Active	EYMAN
325987	VAZQUEZ, JOSE, ANTONIO	Active	EYMAN
326421	MARTINEZ, LUIS, ENRIQUE	Active	EYMAN
326535	OCAMPO-GORT, ALEJANDRO	Active	EYMAN
326788	MONROY-TORRES, JUAN, A	Active	EYMAN
326821	JIMENEZ, GILBERTO, CRUZ	Active	EYMAN
327218	MORA, HECTOR, JAVIER	Active	EYMAN
327350	ALVAREZ, MARCOS	Active	EYMAN
327436	GONZALEZ-DOMINGUEZ, JOSE,	Active	EYMAN
328096	AVILES-LOPEZ, CLAUDIO	Active	EYMAN
328538	OCHOA, FRANK, CARLOS	Active	EYMAN
328681	GARDEA, ISMAEL, GAMBOA	Active	EYMAN
328686	JOSHI, GHANSHAYAM, RATILAL	Active	EYMAN
328896	GUTIERREZ, ARMANDO, OCHOA	Active	EYMAN
328952	REYES, ROBERTO	Active	EYMAN
328986	MENDIVIL-LOPEZ, MICHEL, DE	Active	EYMAN
329015	AGUILAR-RODRIGUEZ, JOSE, L	Active	EYMAN
329036	GONZALEZ, BONIFACIO	Active	EYMAN
329647	MORALES, JAVIER, SERRANO	Active	EYMAN
330123	SOTO-MENDOZA, EDGAR, EDUAR	Active	EYMAN

330126	MORALES, JOSE, VICENTE	Active	EYMAN
330433	MEDIANO, FRANCISCO, DOMING	Active	EYMAN
330479	SANDOVAL, DAVID, ROSALES	Active	EYMAN
330672	VARGAS, RAUL, VALE GUZMAN	Active	EYMAN
330869	YEPIZ, ARMANDO	Active	EYMAN
330883	ARMENTA-GOMEZ, OSCAR, DANI	Active	EYMAN
330997	TORRES, JAHIR, JOSUE	Active	EYMAN
331008	COVARRUBIAS, FRANSICO, JAV	Active	EYMAN
331052	LERMA, ALEJANDRO, CARRILLO	Active	EYMAN
331623	HEREDIA-GARCIA, JOSE, OBET	Active	EYMAN
331983	RODRIGUEZ-MUNOZ, GIOVANNI,	Active	EYMAN
332341	ULIN-OLAYO, ISRAEL	Active	EYMAN
332442	RODRIGUEZ, GERARDO, AGUIAR	Active	EYMAN
332630	CACAO, JOSE, V. AJCA	Active	EYMAN
333101	ARGUELLES, CHRISTIAN, ALAN	Active	EYMAN
333104	VEGA, RAFAEL, SOLANO	Active	EYMAN
333189	GARCIA-SOTO, JULIO, CESAR	Active	EYMAN
333410	JARDINEZ-PEREZ, EUTIQUIO	Active	EYMAN
334272	CONTRERAS, RAMON, ARAGON	Active	EYMAN
334731	GONZALEZ, BENITO, MANRIQUE	Active	EYMAN
334767	DELOSREYES-BOCEL, SERGIO,	Active	EYMAN
334962	ACOSTA, JOSE, GIL	Active	EYMAN
335260	KEMLO, JORDAN	Active	EYMAN
336538	NYAGO-WANI, JACKSON, RAFAE	Active	EYMAN
337108	CARBAJAL, RAFAEL, GUIZAR	Active	EYMAN
337380	IBARRA, RENE, RUIZ	Active	EYMAN
337849	VISORIO, CUAUHTEMOC, VELEZ	Active	EYMAN
337947	PORTILLO, IVAN, ALEJANDRO	Active	EYMAN
338078	GREWEL, AVTAR	Active	EYMAN
338192	EJIRE, ISAIAH, CHUJOR	Active	EYMAN
338435	GARCIA-SANCHEZ, OSCAR	Active	EYMAN
338509	HERNANDEZ, RAMIRO, LUZ	Active	EYMAN
339370	TORRES-COLINA, JOSE, LUIS	Active	EYMAN
339384	VALLE-PINO, SANTIAGO	Active	EYMAN

339485	LOPEZ-GOMEZ, MARCO, TULIO	Active	EYMAN
340235	BUENROSTRO, OSCAR, RAMIREZ	Active	EYMAN
340238	TOMAS, NOE, AVELINO-BENTIE	Active	EYMAN
340556	GOMEZ, JESUS, STEVE ROMERO	Active	EYMAN
340743	NAVARRO, FAUSTO	Active	EYMAN
340767	PARRA-BEJARANO, OLINSER	Active	EYMAN
341173	ALEMAN-RODRIGUEZ, JOSE	Active	EYMAN
341184	CONDE-MARTINEZ, ROLANDO	Active	EYMAN
341207	LOPEZ, RICARDO, MEJIA	Active	EYMAN
341357	GALVEZ, PEDRO	Active	EYMAN
341681	GARCIA-CALDERON, JAIME, IG	Active	EYMAN
341921	HERNANDEZ, MARCO, ANTONIO	Active	EYMAN
342157	SAUCEDO-AREVALO, FRANCISCO	Active	EYMAN
342897	BELTRAN, JOSE	Active	EYMAN
342936	MURRIETA-VALENZUELA, JORGE	Active	EYMAN
343058	FIGUEROA, ARMANDO	Active	EYMAN
343464	SERRANO, EVERARDO, MUNDO	Active	EYMAN
343894	CAMPOS, HUMBERTO	Active	EYMAN
344029	SANTILLAN, AUGUSTIN, ALVAR	Active	EYMAN
344098	ORTEGA, JUAN	Active	EYMAN
345518	BUSSO-ESTOPELLAN, JESUS, A	Active	EYMAN
346343	SANCHEZ, LEONARDO, GALLEGO	Active	EYMAN
346948	VILLANUEVA, HILARIO, RIVER	Active	EYMAN
347156	OCAMPO-SANCHEZ, OSCAR, MAN	Active	EYMAN
347375	CORDOVA-PEREZ, ALFREDO	Active	EYMAN
347639	CANALES-PEREZ, RAFAEL	Active	EYMAN
80735	APELT, MICHAEL	Active	FLORENCE
88289	VELIZ-RODRIGUEZ, TOMAS	Active	FLORENCE
93851	ALFARO-MERCADO, DANIEL	Active	FLORENCE
99607	SALAZAR, JOSE, MARTIN	Active	FLORENCE
101937	GALVAN, ALBERTO	Active	FLORENCE
102081	TRIPATI, ANANT, KUMAR	Active	FLORENCE
102936	RODRIGUEZ, TORIBIO, RODRIG	Active	FLORENCE
107586	MORAN, JESUS, MANUEL	Active	FLORENCE

120524	HERNANDEZ, JESUS, RUIZ	Active	FLORENCE
123277	CAMPOS, ROBERTO, ARREDONDO	Active	FLORENCE
131273	ACOSTA, EDUARDO, VERDUZCO	Active	FLORENCE
136373	NIETO, HECTOR	Active	FLORENCE
138216	HYLTON, MORTIMER, ALEXANDE	Active	FLORENCE
139117	WHITTAL, DAN, DOUGLAS	Active	FLORENCE
142935	RAMOS, JOSE	Active	FLORENCE
147564	VIDAL, FERMIN, ROSAS	Active	FLORENCE
148161	ESPINOZA-BELTRAN, HECTOR	Active	FLORENCE
154461	NAVARETTE-BURJOS, ARTEMIO	Active	FLORENCE
154774	LUNA, J, REYES	Active	FLORENCE
156877	PRECIADO-VEGA, GENARO	Active	FLORENCE
157701	PRASERTPHONG, KAJORNSAK	Active	FLORENCE
157729	HERNANDEZ, IGNACIO, JERONI	Active	FLORENCE
161906	CHAN, SOPHANN	Active	FLORENCE
163493	PEREZ-MENDOZA, JORGE, ABRA	Active	FLORENCE
166757	ALVAREZ, CARLOS, MENDEZ	Active	FLORENCE
171502	GARCIA, VICTOR, MARTINEZ	Active	FLORENCE
171641	ESTRADA, RAUL, GONZALES	Active	FLORENCE
176973	SOM, PINNA	Active	FLORENCE
177000	ZUNIGA, JOSE, RAZO	Active	FLORENCE
180203	OROZCO, ROGELIO, SANCHEZ	Active	FLORENCE
183423	PEREZ, ELEAZAR	Active	FLORENCE
183717	MONJE-SOLIS, MARTIN	Active	FLORENCE
185200	SAVALA, MIGUEL, H	Active	FLORENCE
185836	VELASCO, ARMIN, CALBO	Active	FLORENCE
188007	TOLENTINO-ORTIZ, MIGUEL, A	Active	FLORENCE
190567	FLORES-CARAVANTES, WILFRED	Active	FLORENCE
193600	OCAMPO, CARLOS, ALFREDO	Active	FLORENCE
195158	MORALES, RICARDO, ELIZANDO	Active	FLORENCE
196176	HERNANDEZ-MONTOYA, JOSE, M	Active	FLORENCE
198172	SALCIDO, RAMON, ANTUNEZ	Active	FLORENCE
204032	GALINDO-CASTILLO, RAFAEL,	Active	FLORENCE
205216	REYES, MANUEL, GUILLERMO J	Active	FLORENCE

206585	LOPEZ, ALFONSO, VILLA	Active	FLORENCE
207112	GUTIERREZ, JOSE, MANUEL	Active	FLORENCE
208163	RUTIA-PEREZ, JOSE	Active	FLORENCE
209319	MEDRANO, CAMILLO, CASTILLO	Active	FLORENCE
209934	MARTINEZ, JESUS, MIGUEL	Active	FLORENCE
210908	AGUILERA-GUERRA, JESUS, JA	Active	FLORENCE
211348	HAROS-SALDANA, RAFAEL	Active	FLORENCE
211603	VASQUEZ-MENDOZA, AUGUSTIN	Active	FLORENCE
212603	LOPEZ-GUTIERREZ, FABIAN	Active	FLORENCE
213401	SANCHEZ, RIGOBERTO, ORTIZ	Active	FLORENCE
214783	RAMIREZ, JUAN, CARLOS	Active	FLORENCE
215340	MASSINGA, PETER	Active	FLORENCE
215823	LOPEZ, PABLO, G	Active	FLORENCE
216077	MORALES-HERNANDEZ, ESTEBAN	Active	FLORENCE
223142	PEREZ, ROSALIO, FRANCO	Active	FLORENCE
223684	BERRELLEZA-TORRES, FRANCIS	Active	FLORENCE
225035	ORTEGA, LUIS, ENRIGUE	Active	FLORENCE
226075	ZAMORA, ADRIAN	Active	FLORENCE
226099	LE, HUNG, VAN	Active	FLORENCE
227748	BALTIERREZ, GABRIEL, CORDO	Active	FLORENCE
227917	OCHOA-FLORES, ABRAHAM	Active	FLORENCE
228353	MARCIAL-GONZALEZ, ARNULFO	Active	FLORENCE
229460	VALDIVIA-MERINO, RANULFO	Active	FLORENCE
230410	RUIZ, LUIS, IGNACIO	Active	FLORENCE
231911	MADA-ROBLES, JESUS, ALFONS	Active	FLORENCE
232089	SANTOS-GUZMAN, ARTURO	Active	FLORENCE
233180	SILVA, JESUS	Active	FLORENCE
234235	OCHOA-GARCIA, JESUS, GEOVA	Active	FLORENCE
235828	DOMNICK, MARLON, JESSEN	Active	FLORENCE
238553	VEGA, CORNELIO	Active	FLORENCE
239067	GALLEGO, RAYMUNDO, ALEX	Active	FLORENCE
239435	ZAMARRIPA, ALEJANDRO, LOPE	Active	FLORENCE
239477	ARRVAYO, YERCO	Active	FLORENCE
240210	ESPINO-TORRES, JUAN	Active	FLORENCE

240358	ARELLANO-HERRERA, JUVENAL	Active	FLORENCE
240466	MATA-CAMACHO, ISRAEL	Active	FLORENCE
240988	TELLEZ, JOSE, MARTIN	Active	FLORENCE
242397	BARTOLON, APOLINAR	Active	FLORENCE
243743	SAMVICENTE-ROSETE, NOE	Active	FLORENCE
244657	LOPEZ, MARCIAL, ANTONEZ	Active	FLORENCE
245848	SANCHEZ, JOSE, F	Active	FLORENCE
246085	ARIAS-LUNA, CLEMENTE	Active	FLORENCE
248072	YIOCUPICIO, PEDRO, LOPEZ	Active	FLORENCE
248129	JARQUIN-LOPEZ, ABELARDO	Active	FLORENCE
250708	CHAPARRO-ATONDO, DAVID	Active	FLORENCE
251095	ESTRADA, ALEJANDRO, SOTELO	Active	FLORENCE
251875	TABERA, BULMARO, RAMIREZ	Active	FLORENCE
252390	BATIZ-ACEVES, SANTANA	Active	FLORENCE
253729	RICO, ARTURO, MARTINEZ	Active	FLORENCE
254173	RIVERA-NAVES, PEDRO	Active	FLORENCE
254442	GUEVARA-JIMENEZ, RODOLFO	Active	FLORENCE
255760	MEZA-ORTEGA, JOSE, ARMANDO	Active	FLORENCE
258713	SANCHEZ, JUAN, AURELIO	Active	FLORENCE
260047	JIMENEZ-RANJEL, JESUS	Active	FLORENCE
261319	AGUIRRE, OSCAR, OMAR	Active	FLORENCE
261567	AGUILAR, JEREMIAS, JOEL	Active	FLORENCE
261710	GARCIA, VICTOR, ADRIAN	Active	FLORENCE
262405	ROBLES-CASTRO, GUDADALUPE	Active	FLORENCE
263016	JIMENEZ, LEOBARDO, FRAUSTO	Active	FLORENCE
266471	CERVANTES, ANIBAL, MARQUEZ	Active	FLORENCE
267575	PACHECO, FELIPE, BARRERA	Active	FLORENCE
269248	GALVEZ, ROBERTO	Active	FLORENCE
269698	DOGBEVI, KOFFI, AGBELESESI	Active	FLORENCE
270864	VERDUGO, ERASMO, CORDOVA	Active	FLORENCE
271958	ABDULLAH, HAIDER, H	Active	FLORENCE
272833	GUTIERREZ-CARILLO, JESUS,	Active	FLORENCE
274385	PENA, ISRAEL, GAONA	Active	FLORENCE
278023	CORTEZ, ROY, JOHN CARLOS	Active	FLORENCE

278565	FRANCIS, GLEN, CUSFORD	Active	FLORENCE
279327	LOPEZ, VICTOR, MANUEL	Active	FLORENCE
280021	REYES, LUCIANO, ZARATE	Active	FLORENCE
280270	GUTIERREZ, CARLOS, A	Active	FLORENCE
281794	RAYMONDO, JESUS, ADAME	Active	FLORENCE
282010	BARRERA-GRIJALVA, ELMER	Active	FLORENCE
282900	VALENZUELA, ARMANDO, MEDRA	Active	FLORENCE
285009	CAMBRANES, JOSAFATH, OCANO	Active	FLORENCE
285636	ALLARD, MARCO	Active	FLORENCE
287486	SALGADO, MARIO	Active	FLORENCE
287844	ACEVEDO, JOSE, ZINAIDO	Active	FLORENCE
288332	BUSSO, JORGE	Active	FLORENCE
290106	ALVARADO, RICARDO, A	Active	FLORENCE
290584	QUEZADA, NILSON, QUIJANO	Active	FLORENCE
295445	LLANOS-GOMEZ, VICTOR	Active	FLORENCE
295469	TAPIA, MARCOS	Active	FLORENCE
295485	CABRERA-SOTO, FRANCISCO, J	Active	FLORENCE
296292	CRUZ, IRVING, ELOY LEON	Active	FLORENCE
296886	ANCHETA, VON, ERICK	Active	FLORENCE
298322	PACHECO-RODRIGUEZ, OSCAR,	Active	FLORENCE
300872	ROJO-LOMAS, ELIOT	Active	FLORENCE
302799	MARTINEZ, JOSE, JUAN	Active	FLORENCE
303969	LANDEROS, JESUS	Active	FLORENCE
304039	FLORES, JUAN, RAMON GUTIER	Active	FLORENCE
309888	LEDESMA-MEDRANO, TOMAS, MA	Active	FLORENCE
310479	LUNA, JESUS, R	Active	FLORENCE
312764	BRUNO, SALVADOR	Active	FLORENCE
312822	RUIZ-POLVO, IVAN	Active	FLORENCE
313182	MACIEL-OSORIO, MARCO, ANTH	Active	FLORENCE
313352	ARMENTA, JOSE, LEONARDO GI	Active	FLORENCE
313777	JACOME, JOSE, R SALDANA	Active	FLORENCE
315252	TREVIZO, LUIS, ALVIDREZ	Active	FLORENCE
315337	MA, WEI, RONG	Active	FLORENCE
319619	MURRAY, ANDREW, DEVON	Active	FLORENCE

320571	SALAZAR, JUAN, NAVA	Active	FLORENCE
321851	HIGUERA-REYES, MARCO, ANTO	Active	FLORENCE
322778	VASQUEZ, IVANN, LAMBERTO	Active	FLORENCE
323566	ORDUNO-VEGA, GUSTAVO	Active	FLORENCE
324397	CONTRERAS, JOSE, OCTAVIO	Active	FLORENCE
326424	ROMERO, JAVIER, APOLINAR	Active	FLORENCE
327179	LOPEZ-VILLALBA, RICARDO	Active	FLORENCE
327548	LOSANO, AXEL, D.	Active	FLORENCE
328633	VALENZUELA, DAVID, SOLIS	Active	FLORENCE
328847	DELGADO, CARLOS, GARCIA	Active	FLORENCE
328998	TAPIA, JOSE	Active	FLORENCE
329000	GUERRA, LUIS, MURILLO	Active	FLORENCE
329040	RUIZ, RAMON, SANTIAGO	Active	FLORENCE
330770	MALDONADO, VICTOR, GUILLER	Active	FLORENCE
331628	TORRES-REYES, FRANCISCO	Active	FLORENCE
332664	VEGA-DURAN, EDWIN	Active	FLORENCE
335009	URIARTE-MONTES, JASIEL	Active	FLORENCE
335310	SILERIO-OROZCO, JAIME, ALO	Active	FLORENCE
335801	CORRALES, GERMAN, VALENZUE	Active	FLORENCE
337058	CASTILLO-CERVANTES, COSME	Active	FLORENCE
337156	NUNEZ-GONZALEZ, OSCAR, ROB	Active	FLORENCE
337646	VALENZUELA-ALCALA, ENRIQUE	Active	FLORENCE
338766	MORALES, CATALINO	Active	FLORENCE
339483	RAMIREZ-HERRERA, SANTOS, E	Active	FLORENCE
340545	RUIZ, FRANCISCO, NORBERTO	Active	FLORENCE
340936	OROZCO-GUTIERREZ, RAMIRO	Active	FLORENCE
341378	RIOS, ALEXIS, RAMIREZ	Active	FLORENCE
342279	ROMERO-IBARRA, JESUS	Active	FLORENCE
342450	CARRILLO, JAIME	Active	FLORENCE
344719	MACIAS, MANUEL, MENDOZA	Active	FLORENCE
344798	MUNOZ-GALLEGOS, SALVADOR	Active	FLORENCE
346016	FIERRO-BUSTOS, JORGE, ARMA	Active	FLORENCE
89093	MARTINEZ-FLORES, JOSE, LUI	Active	FLORENCE WEST
118451	KIEN, SANG	Active	FLORENCE WEST

159616	PELAYO, MANUEL, JOSE	Active	FLORENCE WEST
191242	HERNANDEZ-LOPEZ, JOSE, LUI	Active	FLORENCE WEST
192809	HERNANDEZ, CESAR, ARAGON	Active	FLORENCE WEST
202366	ARCE, JORGE, L	Active	FLORENCE WEST
238105	SANCHEZ-GARCIA, JESUS, MAN	Active	FLORENCE WEST
266285	SOTELO, RICARDO, R	Active	FLORENCE WEST
293193	ABDALAHI, MOHAMED, M	Active	FLORENCE WEST
299140	PINEDA-SOTO, ALEXANDER	Active	FLORENCE WEST
300589	MASA, MARIO, DE LA ROSA	Active	FLORENCE WEST
300956	DELACRUZ-PEREZ, MODESTO	Active	FLORENCE WEST
302805	HERNANDEZ, MANUEL	Active	FLORENCE WEST
307053	BRENA-MAGANA, JUAN, JOSE	Active	FLORENCE WEST
332705	CEJA, JESUS, RAFAEL	Active	FLORENCE WEST
336733	ENCINAS-ALCALA, CARLOS, A	Active	FLORENCE WEST
339973	FIGUEROA, FABIAN, SANCHEZ	Active	FLORENCE WEST
64076	MOSSO-CUENCA, SAUL	Active	KINGMAN
86116	MEDINA-HERRERA, ALBERTO	Active	KINGMAN
105483	VEGA, CARLOS, A.	Active	KINGMAN
112692	PACHECO, ISIDRO, VALENCIA	Active	KINGMAN
115835	HERNANDEZ-GONZALEZ, MANUEL	Active	KINGMAN
147022	GERMAN, ABRAHAM, GERMAN	Active	KINGMAN
149831	ESTRADA-MARROQUIN, CARLOS	Active	KINGMAN
151558	FELIX, RAMON, FERNANDEZ	Active	KINGMAN
151690	ALTIMIMI, ALI, N	Active	KINGMAN
170496	GARCIA, JOAQUIN, ESCOBEDO	Active	KINGMAN
171668	CASTILLO, RENE, TELLEZ	Active	KINGMAN
174610	ZARATE, JESUS, PLANCARTE	Active	KINGMAN
175889	MAGELE, PISA	Active	KINGMAN
181333	FONSECA, RAFAEL, ROMERO	Active	KINGMAN
181924	DELACRUZ, CHRISTIAN	Active	KINGMAN
183089	FELIX, IVAN, ZAMORANO	Active	KINGMAN
184600	ALVAREZ, NASARIO, OTERO	Active	KINGMAN
185237	CARREON, JAMES, GARCIA	Active	KINGMAN
186188	DEJESUS, FABIAN, JOYA	Active	KINGMAN

197683	TORRES, CLEOFAS, AVENVANO	Active	KINGMAN
197703	BARAJAS, ALEJANDRO, MORENO	Active	KINGMAN
198280	MARTINEZ, ALVINO, RIVERA	Active	KINGMAN
199070	CORUM, EDWIN	Active	KINGMAN
199480	RIOS, FEDERICO, OLIVAS	Active	KINGMAN
202451	BARRERA, MANUEL, GUZMAN	Active	KINGMAN
203870	CARLOS, PRIMITIBO, GONZALE	Active	KINGMAN
203963	MERINO-GAMEZ, EFRAIN	Active	KINGMAN
206636	LERMA-AYON, CECILIO	Active	KINGMAN
209727	GARCIA, ULISES, ANTONIO	Active	KINGMAN
212415	ALAMILLA, ELEAZAR, ESPINOZ	Active	KINGMAN
212613	TEJEDA, FRANCISCO, JAVIER	Active	KINGMAN
217487	MORALES, JULIO, ENRIQUE	Active	KINGMAN
217657	ACOSTA, LUIS, ALFONSO	Active	KINGMAN
221262	PEDRO, JUAN, MANUEL	Active	KINGMAN
222199	MATIAS, MIGUEL, ANGEL	Active	KINGMAN
223079	REYES-REYES, GERMAN, FELIP	Active	KINGMAN
225033	RUIZ, JORGE	Active	KINGMAN
225324	RAMIREZ-RAMOS, FELIX, UFRA	Active	KINGMAN
225690	RAMIREZ-GARCIA, EDUARDO	Active	KINGMAN
226219	DELACRUZ, RENE, BRAVO	Active	KINGMAN
227060	CAREAGA-YANEZ, CRUZ	Active	KINGMAN
227618	VALENZUELA, JOEL, MARQUEZ	Active	KINGMAN
229079	ALBENO-FLORES, NELSON, ALE	Active	KINGMAN
229452	GANDARILLA, LORENZO	Active	KINGMAN
232168	CASTORENA, ABRAHAM, GONZAL	Active	KINGMAN
232685	HERNANDEZ-BARRAZA, JOSE	Active	KINGMAN
235840	ISLAS-NAVARRO, EVERARDO	Active	KINGMAN
236358	MACIEL-RUIZ, ANTONIO	Active	KINGMAN
236583	NORIEGA, SANTOS, GUTIERREZ	Active	KINGMAN
238137	ROMERO-CUEN, SAMUEL	Active	KINGMAN
240462	CHAVEZ, YIMI, ALBERICO	Active	KINGMAN
242901	PEREIDA, LIONEL, VALENZUEL	Active	KINGMAN
243105	CRUZ, OSCAR, ARMANDO	Active	KINGMAN

243257	VALENZUELA, HECTOR, MANUEL	Active	KINGMAN
245592	LOPEZ, GUADALUPE, CEBALLOS	Active	KINGMAN
245607	LIMA-FUENTES, MILTON, OMAR	Active	KINGMAN
246858	PEREZ, ISABEL, OCHOA	Active	KINGMAN
247457	VAZQUEZ, JOSE, RODRIGUEZ	Active	KINGMAN
249047	MUNOZ, LUIS	Active	KINGMAN
249750	ABURTO-GARCIA, RAFAEL	Active	KINGMAN
251966	FLORES, SANTOS, LAZARO ESP	Active	KINGMAN
252655	MANSINAS-HERNANDEZ, JESUS,	Active	KINGMAN
253542	SILVA-ACOSTA, JOSE, JAIME	Active	KINGMAN
253668	FLORES-HIDALGO, JULIO, CES	Active	KINGMAN
254374	LEON, LUIS, ENRIQUE	Active	KINGMAN
254449	MONDRAGON, ROBERTO	Active	KINGMAN
255707	RAMIREZ, IGNACIO	Active	KINGMAN
256419	ORTEGA, EDGAR, ISAAC	Active	KINGMAN
256943	RAMIREZ-GARCIA, JARTURO	Active	KINGMAN
257827	MALDONADO, OCTAVIO, SANDOV	Active	KINGMAN
257969	ARAGON, DAVID, MATEO	Active	KINGMAN
258409	ARELLANO, PEDRO	Active	KINGMAN
260639	SALAZAR-VILLA, HECTOR, EUS	Active	KINGMAN
260775	HRBENIC, DENIJAL	Active	KINGMAN
260855	SANCHEZ, SALVADORE	Active	KINGMAN
262275	MUNOZ, PEDRO, VIRGEN	Active	KINGMAN
262454	SAGASTE, RAMON, DELGADO	Active	KINGMAN
263124	FUREY, CHRISTOPHER, WILLIA	Active	KINGMAN
264295	GONZALEZ-ESTRADA, FRANCISC	Active	KINGMAN
264467	CORONA, LAURO, PALAFOX	Active	KINGMAN
265182	CORONA-LOPEZ, OSCAR	Active	KINGMAN
266110	FUENTES, BERNARDO	Active	KINGMAN
267564	MEJIA, LUIS, ORTIZ	Active	KINGMAN
267926	SOSA, CARLOS	Active	KINGMAN
269595	JIMENEZ-QUINTERO, MARCO, A	Active	KINGMAN
269922	TOVAR, TOMAS	Active	KINGMAN
271461	JUAREZ, JOSE, LUIS	Active	KINGMAN

271636	MARTINEZ-ZAVALA, JOSE, GUA	Active	KINGMAN
271850	CERVANTES, AUGUSTIN, MARTI	Active	KINGMAN
272115	JIMENEZ-PEREZ, JOSE, SANTO	Active	KINGMAN
272748	IZQUIERDO, JUAN, C BENITEZ	Active	KINGMAN
273421	HEMMINGS, WENTWORTH, HUGH	Active	KINGMAN
274229	CORRAL, JOSE, TRINEDAD	Active	KINGMAN
275107	LECHUGA-MUNGUIA, GONZALO	Active	KINGMAN
278185	RODRIGUEZ-GARCIA, RUBEN	Active	KINGMAN
278495	HABANA, JORGE, EDUARDO	Active	KINGMAN
281602	HERNANDEZ, JOSE	Active	KINGMAN
281798	VALLADARES-ARENAS, LUIS, A	Active	KINGMAN
282723	MALDONADO, ROGELIO	Active	KINGMAN
282750	CUEVAS, JESUS, GUALBERTO P	Active	KINGMAN
284496	ESCOBAR, SERGIO, ANTONIO	Active	KINGMAN
284741	ORTEGA, JORGE	Active	KINGMAN
284795	VIZCARRA-TORRES, ARMANDO	Active	KINGMAN
285227	GONZALEZ, LEOBARDO, ESCOBA	Active	KINGMAN
286115	BOUTSISAVANH, VILAYKHONE	Active	KINGMAN
286292	GASPER, SEBASTIAN, F	Active	KINGMAN
287418	HERNANDEZ-GARCIA, ALFREDO	Active	KINGMAN
287850	CRUZ-PEREZ, GABRIEL	Active	KINGMAN
288084	CORTES, JAVIER	Active	KINGMAN
288131	SIQUEIROS, JOSE, REYES FIG	Active	KINGMAN
288308	RUIZ, FERNANDO, QUINTERO	Active	KINGMAN
288338	OLMOS, VICTOR, H	Active	KINGMAN
288940	CRUZ, PEDRO, DEJESUS	Active	KINGMAN
290621	BLANCAS, FABIAN, SALGADO	Active	KINGMAN
291087	CARBAJAL, RAUL	Active	KINGMAN
294309	ZAVALA-CAMPA, JONATHAN	Active	KINGMAN
295457	ESPARZA, ISMALE, NORIEGA	Active	KINGMAN
296091	AGUILAR-ROBLES, ROMEL, AND	Active	KINGMAN
298801	COLLANTES, SYLVESTRE	Active	KINGMAN
299104	CANO, RUPERTO	Active	KINGMAN
299373	ALARCON, RUBEN, ALVARO FRA	Active	KINGMAN

299579	PUCCINI, GUIDO, JESUS	Active	KINGMAN
299706	LOPEZ, JOSE, DEJESUS	Active	KINGMAN
300155	MARTINEZ, FERNANDO, Sr	Active	KINGMAN
300281	CHAVARRIA-SILVA, JUAN	Active	KINGMAN
300419	PERALTA, LUIS, GONZALO	Active	KINGMAN
300724	QUINO, VICTOR, CEBA	Active	KINGMAN
300840	MUNOZ, JORGE, ALDAVAZ	Active	KINGMAN
300981	DE LA ROSA, OSCAR, HERNAND	Active	KINGMAN
301617	FLORES, FRANCISCO, SOLARES	Active	KINGMAN
302067	GARCIA, JOSE, RODRIGUEZ	Active	KINGMAN
304379	SOBERANES-BOJORQUEZ, JOSE	Active	KINGMAN
306249	ORTEGA-MARQUEZ, JAVIER, OR	Active	KINGMAN
306335	SUASTEGUI, VICTOR	Active	KINGMAN
306594	AQUE-MAYO, RAMON	Active	KINGMAN
308106	SALAZAR-ROSAS, OSMAN	Active	KINGMAN
308620	BELTRAN-FELIX, ALEJANDOR	Active	KINGMAN
308621	CASTRO, OSCAR, BARCENAS	Active	KINGMAN
309703	MARTINEZ, SAMUEL	Active	KINGMAN
309843	GARFIAS-MONDRAGON, EFRAIN	Active	KINGMAN
310287	ALVAREZ-LOPEZ, ALFONSO	Active	KINGMAN
311102	SANCHEZ-VALENZUELA, RUBEN	Active	KINGMAN
311672	MENDOZA-VALDEZ, JESUS	Active	KINGMAN
312823	RAMOS-RAMIREZ, JOSE, RAUL	Active	KINGMAN
313356	GARRIDO, JOSE, RODRIGO SAN	Active	KINGMAN
314323	SOTO-ROMAN, LORENZO	Active	KINGMAN
314332	DORAME-RUIZ, MANUEL, ADRIA	Active	KINGMAN
314489	HERNANDEZ-BARRAGA, EUSEBIO	Active	KINGMAN
314726	NAVARRO-LUNA, BLAS, URIEL	Active	KINGMAN
318457	ARAUJO-HEREDIA, GUILLERMO,	Active	KINGMAN
319700	MUNOZ, GUADALUPE, DIONICIO	Active	KINGMAN
319955	SOLIS-ANTONIO, GERMAN	Active	KINGMAN
320137	HERNANDEZ, HUMBERTO, OSWAL	Active	KINGMAN
321744	VILLATORO, AVISAI RUIZ	Active	KINGMAN
321962	SALDANA-YONSTON, CARLOS, E	Active	KINGMAN

322682	ROSALES, GILBERTO, GODINEZ	Active	KINGMAN
322937	RODRIGUEZ, ARMANDO	Active	KINGMAN
326497	MONROY, JESUS, ALONSO MEDI	Active	KINGMAN
326501	PADILLA, JOSE, LUIS	Active	KINGMAN
327211	REYES-VALENZUELA, BARTOLO,	Active	KINGMAN
327286	MONTES-HERRERA, MANUEL	Active	KINGMAN
328541	RODRIGUEZ-HERNANDEZ, JESUS	Active	KINGMAN
328885	SAMANIEGO-GALVEZ, ANDRES,	Active	KINGMAN
328898	MATAZIN-MEJIA, PEDRO, FRAN	Active	KINGMAN
329039	PORTILLO-FRAYRE, JESUS, AA	Active	KINGMAN
329264	HERNANDEZ, MARIANO, SOLIS	Active	KINGMAN
329487	MAYTORENA-ROBLES, JESUS, E	Active	KINGMAN
330584	SALGADO-RECENDIZ, FREDI, W	Active	KINGMAN
330963	MILAN, ALFREDO, ALJEANDRO	Active	KINGMAN
331018	MORENO, ESPIRIDION, SEPULV	Active	KINGMAN
331351	VITAL-CRUZ, DANFER	Active	KINGMAN
331743	CENICEROS-QUIROZ, JESUS	Active	KINGMAN
331754	RODRIGUEZ, JUAN	Active	KINGMAN
331946	FONG, FELIX, JOEL PEREZ	Active	KINGMAN
332347	LOPEZ, EFRAIN, CARRASCO	Active	KINGMAN
332384	NUNEZ, JUAN, FERNANDO TELL	Active	KINGMAN
332461	MORENO-GUERRERO, LINO	Active	KINGMAN
332694	GARCIA-TORRES, FRANCISCO	Active	KINGMAN
332781	PAPIAS, JUMBURA	Active	KINGMAN
332909	RIOS, JOSE, D. HERNANDEZ	Active	KINGMAN
333398	PANEN, FRED, JULIUS, II	Active	KINGMAN
333782	RISTIC, MLADEN	Active	KINGMAN
333839	LEYVA-GOMEZ, EZEKIEL	Active	KINGMAN
334139	SANCHEZ, JOSE, LUIS QUINTA	Active	KINGMAN
334375	PEREGRINA-AGUILAR, RICARDO	Active	KINGMAN
334376	ESCOBAR, EDGAR, MENDOZA	Active	KINGMAN
334467	VALENZUELA, LUIS, LEYVA	Active	KINGMAN
334482	LEON, RAUL, FRANCISCO GARC	Active	KINGMAN
334527	PEREZ-LOPEZ, MANUEL	Active	KINGMAN

334571	DELATORRE, VICENTE, MIRAND	Active	KINGMAN
334725	HUARAQUI-RUIZ, RAMON, GAUD	Active	KINGMAN
334863	DIAZBARRIGA-ALVARADO, DAVI	Active	KINGMAN
334866	HERNANDEZ-HERRERA, AURELIA	Active	KINGMAN
335146	QUIROZ, RAFAEL, PULIDO	Active	KINGMAN
335240	HERRERA, SALVADOR, RODRIGU	Active	KINGMAN
335916	RAMSEY, WINSTON	Active	KINGMAN
335975	ORTIZ, CAMERINO, GARCIA	Active	KINGMAN
335999	HURTADO, FELIPE, BRAVO	Active	KINGMAN
336037	MARTINEZ-FELIX, JOSE, RAMO	Active	KINGMAN
336158	OROZCO, FONSECA, ROMAN	Active	KINGMAN
336532	CASILLAS-DUARTE, LUIS	Active	KINGMAN
336757	SOTO, HERACLEO, BERNAL	Active	KINGMAN
336809	VEGA, JOSE, LUIS	Active	KINGMAN
336875	MACIAS-NAVARRETE, FRANCISC	Active	KINGMAN
336895	SANTIAGO, RUTILIO, REYES	Active	KINGMAN
336949	MORALES, CIRILO, TREJO	Active	KINGMAN
337019	MBUGUA, COLLINS, NJUGUNA	Active	KINGMAN
337112	CANEDO-ARAMBURO, JUAN, CAR	Active	KINGMAN
337381	VILLANUEVA-ALVAREZ, HUMBER	Active	KINGMAN
337394	BARRAZA-CABANILLA, RAFAEL	Active	KINGMAN
337829	LANDEROS-ORTIZ, CARLOS, J	Active	KINGMAN
338024	MURILLO-CELIS, MIGUEL, ANG	Active	KINGMAN
338138	ROSALES, HECTOR, ALVAREZ	Active	KINGMAN
338492	VEGA-MARRUJO, LUIS, ANGEL	Active	KINGMAN
338731	LOPEZ, JOSEPH, ADOLFO QUIN	Active	KINGMAN
338857	CABRERA-FELIX, ISIDRO	Active	KINGMAN
338960	VIZCARRA-BURBOA, JUAN	Active	KINGMAN
339091	DOMINGUEZ-ARREDONDO, RAMON	Active	KINGMAN
339154	GASTELUM-OLAIS, ESTEBAN	Active	KINGMAN
339231	CARRILLO-OLIVAS, SIEBEL, G	Active	KINGMAN
339313	ALCANZAR-GARCIA, NAPOLEON	Active	KINGMAN
339317	LUGO CANTUN, JOSE, MATEO	Active	KINGMAN
339318	AVILA, JOSE, LUIS	Active	KINGMAN

339438	MATUTE-SANCHEZ, EDGARDO, F	Active	KINGMAN
339537	BUSTAMANTE, RAMON	Active	KINGMAN
339555	VALENZUELA, ARMANDO	Active	KINGMAN
339621	SOLARZANO-MARQUEZ, GILARDO	Active	KINGMAN
339880	SADAH, BASIM, YOUKHAMA	Active	KINGMAN
339969	JACINTO-GONZELEZ, DOLORES,	Active	KINGMAN
340066	GUTIERREZ-HERNANDEZ, GUILL	Active	KINGMAN
340181	EMEDI, BISIMO	Active	KINGMAN
340496	VALDEZ-SOLORIO, ERNRIQUE	Active	KINGMAN
340612	LOYA LOYA, JUAN	Active	KINGMAN
340851	URQUIDI, SOCORRO, M	Active	KINGMAN
340854	AGUEDA, BAYRON, PEREZ	Active	KINGMAN
340906	RIVERA, EDGAR, LEYVA	Active	KINGMAN
340946	PABLO, TRISTAN, CARL	Active	KINGMAN
341045	TARAZON-WONG, LUIS	Active	KINGMAN
341103	AGUIAR LEON, MANUEL, ALBER	Active	KINGMAN
341143	FUENTES RUBIO, JUAN, ERNES	Active	KINGMAN
341166	QUEZADA-MERAZ, JORGE, ARMA	Active	KINGMAN
341169	BERNAL, MANUEL, DE JESUS	Active	KINGMAN
341404	VERA-PALCASTRE, JOSE, MANU	Active	KINGMAN
341468	ALMARAZ-JUAREZ, MARIO	Active	KINGMAN
341469	ISLAS-LOPEZ, FRANCISCO, JA	Active	KINGMAN
341471	LEON, ANGEL, ISIDRO GONZAL	Active	KINGMAN
341509	MEZA, SAUL	Active	KINGMAN
341510	ALVARADO, SIPRIANO	Active	KINGMAN
341590	GASTELUM, JOSE, FRANCISCO	Active	KINGMAN
341713	ANGULO, JAVIER, MURILLO	Active	KINGMAN
341742	GAXIOLA-ACOSTA, VICTOR, AL	Active	KINGMAN
341744	MERCADO, JESUS, ROSARIO GA	Active	KINGMAN
341821	SOTO, HUMBERTO	Active	KINGMAN
341874	VALDEZ, FELIX, DELGADILLO	Active	KINGMAN
342060	CHAPARRO, LOUIS, ENRIQUE	Active	KINGMAN
342079	DIAZ-BELTRAN, JOSE, ALFRED	Active	KINGMAN
342176	GARCIA-LAGARDA, JOSE, ESTE	Active	KINGMAN

342207	TRUJILLO, ALAN, GERZAIN SA	Active	KINGMAN
342257	GONZALEZ, JOSE, ROSARIO RO	Active	KINGMAN
342343	DOMINGUEZ FERRER, YOSLENI	Active	KINGMAN
342356	ARREDONDO-ARELLANO, SILVAN	Active	KINGMAN
342368	VICTORIO-ACUNA, ANTONIO	Active	KINGMAN
342370	JIMENEZ, VICTOR, MANUEL	Active	KINGMAN
342482	SANCHEZ-ROJO, ANGEL, TADEO	Active	KINGMAN
342533	GONZALEZ-SUAREZ, MARIANO,	Active	KINGMAN
342708	RAMIREZ-SUAREZ, ELEASER	Active	KINGMAN
342991	BERMUDEZ-ROJO, JOSE, CARLO	Active	KINGMAN
343001	PACHECO-SANCHEZ, RIGOBERTO	Active	KINGMAN
343226	MENDEZ-NARVAEZ, RICARDO	Active	KINGMAN
343322	OSUNA RIOS, JESUS, ALFONSO	Active	KINGMAN
343448	FUENTES, EMIGDIO, CASTRO	Active	KINGMAN
343502	SOMOZA LIRA, CARLOS	Active	KINGMAN
343606	RODRIGUEZ, ROBERTO, RIVAS	Active	KINGMAN
344356	ARVIZU, JUAN, GONZALES	Active	KINGMAN
346620	VELASQUEZ, CRISTIAN, SANDO	Active	KINGMAN
346629	ARMENTA, LUIS, ANTONIO ROJ	Active	KINGMAN
346702	HERNANDEZ, GLENNY, AVALOS	Active	KINGMAN
347046	YEPIS, JOSE, ORTEGA	Active	KINGMAN
347255	MONTANO-HERNANDEZ, ORLANDO	Active	KINGMAN
347308	BONICICHI, DIEGO, OTHON	Active	KINGMAN
347422	MEDINA, PAUL, ALONSO BELTR	Active	KINGMAN
347538	VARGAS-VERDIN, JOSE	Active	KINGMAN
347670	ROSALES, ARTEMIO	Active	KINGMAN
347735	GASTELUM-VELAZQUEZ, JESUS	Active	KINGMAN
347796	MARQUEZ-CARRAS, ANTONIO	Active	KINGMAN
347879	RAZO-CORTES, DIEGO, DANIEL	Active	KINGMAN
347893	SOTO, ALBERTO	Active	KINGMAN
347936	ADAME, ABUNDIO, VARGAS	Active	KINGMAN
347945	LANDEROS-NORIEGA, VALERIAN	Active	KINGMAN
348020	VILLANUEVA, FRANCISCO, JAV	Active	KINGMAN
348082	ANAYA, FLORENTINO, VERDUZC	Active	KINGMAN

42966	CHAVEZ-ESPINOZA, CRISTINO	Active	LEWIS
43238	URQUIDEZ, MANUEL, GRANILLO	Active	LEWIS
44803	FIERRO, JOSE, ABEL	Active	LEWIS
54328	CONDE, EFRAN, ISMAEL	Active	LEWIS
65001	ORTIZ, JOSE, FRANCISCO	Active	LEWIS
66145	JIMENEZ, JESUS, RODRIGUEZ	Active	LEWIS
67923	JIMENEZ, ROSARIO, FERNANDE	Active	LEWIS
70809	GARCIA, RUBEN, MOTEZ	Active	LEWIS
75887	RAMIREZ, JOSE, ESTRADA	Active	LEWIS
80736	ORTEGA-FEBLES, ENRIQUE	Active	LEWIS
83093	APELT, RUDI, ALFRED	Active	LEWIS
85583	ORTEGA, MANUEL	Active	LEWIS
86903	SANCHEZ, SERGIO, PEREZ	Active	LEWIS
88310	HUERTA, MARTIN	Active	LEWIS
98681	VO, NGHIA, HUGH	Active	LEWIS
101762	AGUILAR, ANTONIO, MARQUEZ	Active	LEWIS
103247	SOTO-FONG, MARTIN, RAUL	Active	LEWIS
103771	LUNA-RAMIREZ, LEOBARDO	Active	LEWIS
107978	SOTO, ISMAEL	Active	LEWIS
108291	BUSTAMONTE, EMILLIO, B	Active	LEWIS
108333	CORRAL, GUADALUPE, MONTENE	Active	LEWIS
109536	PEREZ-ORTIZ, MIGUEL	Active	LEWIS
112641	PARRA, FELIPE	Active	LEWIS
112872	PEREZ, MARTIN, HERNANDEZ	Active	LEWIS
113673	AVITIA, JOSE, LUIS	Active	LEWIS
120884	MENDEZ, RAFAEL, RUBIO	Active	LEWIS
121216	GAMEZ-GARCIA, FRANCSICO	Active	LEWIS
123112	CAMACHO, JORGE, A	Active	LEWIS
123498	GUYTAN, GERARDO	Active	LEWIS
124222	CORRALES, MARTIN, RUBEN SE	Active	LEWIS
126620	RENTERIA, ELISEO, VALDEZ	Active	LEWIS
128123	RODRIGUEZ, DANIEL, ALONZO	Active	LEWIS
128736	PALACIOS-LUIN, NOE	Active	LEWIS
129103	HEREDIA, SALVADOR	Active	LEWIS

129327	CASTRO, JESUS, ZAVALA	Active	LEWIS
129785	HERNANDEZ, JAIME, URIBE	Active	LEWIS
133489	LAZO-GARCIA, DAGOBERTO	Active	LEWIS
134523	CHALA, FRANCISCO, BILLAVIC	Active	LEWIS
134631	MORENO, RICARDO	Active	LEWIS
137710	GARCIA, ENRIQUE, MEJIA	Active	LEWIS
139550	GAMEZ, JUAN, ANTONIO	Active	LEWIS
144359	CORTEZ, ADRIAN	Active	LEWIS
147369	HUMAR, JUAN, LEON	Active	LEWIS
152712	RAMIREZ, CESAR	Active	LEWIS
154616	IZAGUIRRE, EDGAR, JONATHAN	Active	LEWIS
155642	ABARCA-GONZALES, JESUS, E.	Active	LEWIS
156776	AVILES, MARIO	Active	LEWIS
157101	RAMIREZ-VALADEZ, JESUS	Active	LEWIS
159907	VALENZUELA-RAMOS, SERGIO	Active	LEWIS
160373	CARLOS, RODOLFO, DELEON	Active	LEWIS
161394	GAXIOLA-GIL, CARLOS, BENJA	Active	LEWIS
162411	ANGULO, LUIS, ANGEL SANDOV	Active	LEWIS
162988	NUNEZ, MANUEL	Active	LEWIS
164001	ALTAMIMI, ALI	Active	LEWIS
164186	AGUILAR, TONATIHU	Active	LEWIS
164598	VALDEZ, CLAUDIO	Active	LEWIS
164773	PERALTA, JESUS, GENARO	Active	LEWIS
164991	FLORES-ZEVADA, FREDI, BLAD	Active	LEWIS
166088	MUNOZ, OMAR	Active	LEWIS
166732	NOLASCO, LUIS, V.	Active	LEWIS
166788	GARZA, RICARDO	Active	LEWIS
167465	LE, HAI, VAN	Active	LEWIS
167571	SAENZ, DANIEL, ENRIQUE GAR	Active	LEWIS
167602	LUNAR-ESQUIVEL, MANUEL	Active	LEWIS
168295	MENDEZ, GUILLERMO	Active	LEWIS
168460	GARCIA, JAVIER, ALFOSO HAR	Active	LEWIS
168923	MARQUEZ, JESUS, ROBERTO	Active	LEWIS
169553	LOPEZ-CARDENAS, JUAN, DEDI	Active	LEWIS

171206	LOPEZ, VICTOR, EZEQUIEL OS	Active	LEWIS
174413	MONTOYA, ALBERTO, LEYEVA	Active	LEWIS
175117	CAMACHO, FRANCISCO, H	Active	LEWIS
177635	LOPEZ, CESAR	Active	LEWIS
179099	ARREDONDO, GUADALUPE, LARR	Active	LEWIS
180492	COTA, GILBERT, HENRY	Active	LEWIS
182543	HERRERA, CHRISTIAN	Active	LEWIS
183431	HERNANDEZ, OMAR	Active	LEWIS
184092	VASQUEZ-ROSAS, FABIEN	Active	LEWIS
184499	CALDERON-PALOMINO, JOSE	Active	LEWIS
186697	OROZCO, ANGEL, IVAN	Active	LEWIS
189238	BELTRAN, ARTURO, BELTRAN	Active	LEWIS
189804	SAUCEDA, ALFREDO, FIERRO	Active	LEWIS
190344	ISLAS, ANTONIO	Active	LEWIS
195242	ARMENTA, JESUS, ESTEVAN LE	Active	LEWIS
197379	SILVA-MURGUIA, ISRAEL	Active	LEWIS
198581	SAUCEDO, JUAN, CARLOS	Active	LEWIS
200430	ROCHA-HERRERA, ANTONIO	Active	LEWIS
200540	ARIAS, PEDRO, CISNEROS	Active	LEWIS
201713	RAZO, JOSE, BARRAGAN-RODRI	Active	LEWIS
205567	COLEMAN, DENNYS, GEOVANNI	Active	LEWIS
205660	PELAYO, MIGUEL	Active	LEWIS
205749	RENTERIA, OLGARIO	Active	LEWIS
205885	GONZALEZ, CARLOS	Active	LEWIS
206638	LOPEZ, ANTONIO, FUENTES	Active	LEWIS
206782	VARGAS, VICTOR, FLORES	Active	LEWIS
211446	ESCALANTE, JOSE, GUADALUPE	Active	LEWIS
212927	MALDONADO, DANIEL, MONREAL	Active	LEWIS
214649	MOLINA-GASTELUM, JOSE	Active	LEWIS
215209	PERAZA-TORRES, JORGE, OCTA	Active	LEWIS
216855	VALENZUELA, OSCAR	Active	LEWIS
217123	GOMEZ, RODOLFO, GUTIERREZ	Active	LEWIS
217291	QUINTERO-OJEDA, JOSE, NORB	Active	LEWIS
219598	HERNANDEZ, OCTAVIO, ALBERT	Active	LEWIS

220211	SARMIENTO, GUILLERMO, VERD	Active	LEWIS
220986	CRUZ, MIGUEL, ANGEL LOPEZ	Active	LEWIS
222635	BUSTOS, JOSE, LUIS	Active	LEWIS
222898	ESPINOZA, MARIO	Active	LEWIS
224508	MATEO-GUTIERREZ, ALFONSO	Active	LEWIS
224582	MADRID, MEJIA, GUSTAVO	Active	LEWIS
225615	ESPINOZA, JOSE, NATHANAEL	Active	LEWIS
226043	BASTA, SAMEH	Active	LEWIS
226753	MENDIVIL-CORRAL, JUAN, DED	Active	LEWIS
227260	CERVANTES-VEGA, BRYANT	Active	LEWIS
227434	CERVANTES, FERNANDO, GUZMA	Active	LEWIS
227988	CAMPOS-ESPINOZA, RIGOBERTO	Active	LEWIS
228375	ISAAC, RAOUL, IAN	Active	LEWIS
229051	PEREZ, ALBERTO, VAIL	Active	LEWIS
230340	HERNANDEZ, ARTURO	Active	LEWIS
231368	ANDRADE-MONDRAGON, KALIB	Active	LEWIS
232204	PADILLA-CONTRERAS, ISMAEL	Active	LEWIS
232526	TORRES-TORRES, JUAN, FELIP	Active	LEWIS
234774	RAMIREZ-CRUZ, KEVIN, JAVIE	Active	LEWIS
234929	FLORES-GAXIOLA, MARTIN	Active	LEWIS
235410	PEREZ-BOJORQUEZ, GUADALUPE	Active	LEWIS
235841	PEDREGON, JUAN, LUIS RENTE	Active	LEWIS
236182	PENA-REYES, ALONSO	Active	LEWIS
236935	PEREZ-MILLAN, ROBERTO	Active	LEWIS
239506	CARRASCO-PRIMELLES, LUIS,	Active	LEWIS
241320	DUARTE-MANHARREZ, ROSARIO	Active	LEWIS
241574	AGUILAR, JESUS, VALDEZ	Active	LEWIS
242455	CAO, HUNG, MANH	Active	LEWIS
242699	NGUYEN, HUNG	Active	LEWIS
243733	GARCIA-MEDINA, RICARDO	Active	LEWIS
243844	RUIZ, JOSE, LUIS ARREOLA	Active	LEWIS
244709	SANCHEZ-BELTRAN, FRANCISCO	Active	LEWIS
247344	CORONEL-RODRIGUEZ, JOSE	Active	LEWIS
247410	RAMIREZ-MORENO, SAMUEL	Active	LEWIS

248103	CASTILLO, RICARDO, RODRIGU	Active	LEWIS
248762	LOPEZ-CAMACHO, JORDON	Active	LEWIS
249912	SALGADO, BENJAMIN	Active	LEWIS
250258	ALVAREZ, OSCAR	Active	LEWIS
251965	CORRALES-CARDENAS, MARIO,	Active	LEWIS
252413	ANGULO, JOSE, AISPURO	Active	LEWIS
254577	MONTOYA, ALVARO	Active	LEWIS
254746	MENDOZA-MORALES, ARTURO, D	Active	LEWIS
256064	LOPEZ-LOPEZ, JOEL	Active	LEWIS
256493	GUILLEN-FLORES, FAUSTINO	Active	LEWIS
257104	CAMACHO, JULIO	Active	LEWIS
257629	SOTO, ASCENCION	Active	LEWIS
259141	VELARDE, FILIBERTO, GARCIA	Active	LEWIS
260123	CAMPOS, ALBERTO, TORRIS	Active	LEWIS
260320	LOPEZ, LORETO, VALENZUELA	Active	LEWIS
260470	RASCON-VENZOR, ERIK, O	Active	LEWIS
261092	HOLGUIN-DUARTE, ALVARO	Active	LEWIS
261906	CAMBEROS-CALOCA, JHANSEN,	Active	LEWIS
262028	ORTEGA, MIGUEL, ANGEL GUZ	Active	LEWIS
263197	CALBILLO, CHRISTIAN, GARCI	Active	LEWIS
263322	PEREZ-ESTRADA, DOROTEO	Active	LEWIS
264662	CASTRO, MISAEL, ALGANDAR	Active	LEWIS
265261	OLVERA-DOMINGUEZ, SAUL	Active	LEWIS
265329	RIVERA, JAIME, ARROYO	Active	LEWIS
265477	ESPINOZA, PEDRO	Active	LEWIS
269498	SOLIS-APODACA, JOSE, JAVIE	Active	LEWIS
270030	BARRON, MANUEL, ALBERTO HE	Active	LEWIS
274476	AGUILAR, DANIEL, ALONSO	Active	LEWIS
275748	GOMEZ, CARLOS, ELISINO	Active	LEWIS
275833	ACOSTA-ALVAREZ, JORGE, ISM	Active	LEWIS
275927	SALAMANCA, ROBERTO, ALEJAN	Active	LEWIS
276344	TROUNG, QUI, TU	Active	LEWIS
278462	MORENO, EDDIE, OZUNA	Active	LEWIS
280654	VALENZUELA-VALDEZ, HELIODO	Active	LEWIS

283952	GONZALEZ, LUIS, MIGUEL BER	Active	LEWIS
283954	LUNA, SANTO	Active	LEWIS
284105	GONZALEZ-LOPEZ, JOSE, MARI	Active	LEWIS
284130	MUNGIA, ALFONSO, LEON	Active	LEWIS
286862	AYALA, ROMAN, FELIX	Active	LEWIS
288716	DELGADO-PAREDES, JORGE, AL	Active	LEWIS
290381	LOMBARDO, MAURICIO	Active	LEWIS
290428	SANCHEZ, JONATHAN, GERMAN	Active	LEWIS
290452	KLOKEID, LORNE, WILLIAM	Active	LEWIS
294315	TULL, CLARENCE, ANDREW	Active	LEWIS
294411	OCHOA, JESUS, GIBRAN	Active	LEWIS
298708	SCHOL, MAIKIL, DOUD	Active	LEWIS
299446	TAPIA, GILBERT	Active	LEWIS
300029	FRANCO-GARCIA, JOEL	Active	LEWIS
304651	VALDEZ-SANDOVAL, JOSE	Active	LEWIS
305076	MARTINEZ-SANTACRUZ, OMAR,	Active	LEWIS
305983	TOLEDO, URIEL, C	Active	LEWIS
305984	TORRES, SERGIO	Active	LEWIS
309872	MOLINA-DURNGIN, JOSE, PEDR	Active	LEWIS
311267	LALORIA, CARLOS, PACHECO	Active	LEWIS
313878	MORENO, HUMBERTO, DELA CRU	Active	LEWIS
316570	PEREZ, MILBEL, ALVAREZ	Active	LEWIS
319258	SAUCEDA, EDWIN, GERARDO	Active	LEWIS
319415	CHAVEZ, EVERARDO, AVILA	Active	LEWIS
323344	GRIJALVA-ALEGRIA, LUIS, MA	Active	LEWIS
324551	VALENZUELA-GARCIA, JESUS	Active	LEWIS
326177	MUNOZ, RUBEN, DURAN	Active	LEWIS
327377	DELACRUZ, CHRISTOPHER	Active	LEWIS
328004	HERNANDEZ, FRANCISCO, SERR	Active	LEWIS
328019	MARTINEZ, CHRISTIAN, SAUCE	Active	LEWIS
329411	ENCINAS-VELARDE, ADONIS	Active	LEWIS
329791	MORENO-ZEPEDA, LEONARDO, A	Active	LEWIS
330146	TORRES, YEAL, ROBERTO REAL	Active	LEWIS
330477	RAMIREZ, FELIPE, ALEJANDRO	Active	LEWIS

331537	GARCIA, BRAYAN, MEZA	Active	LEWIS
332610	GOMEZ, FRANCISCO	Active	LEWIS
334678	PARRA, RAUL, PEREZ	Active	LEWIS
336314	LEUE, JESUS, ANTONIO LEON	Active	LEWIS
336746	FERNANDEZ, JOSE, ANTONIO	Active	LEWIS
337592	LEON, CARLOS, ARMANDO	Active	LEWIS
338398	IRIQUI-AVECHUCO, JESUS	Active	LEWIS
338468	GONZALES, JESUS, ISMAEL H	Active	LEWIS
340087	NAVARRO-ACOSTA, OSCAR, DAN	Active	LEWIS
340471	LOPEZ-GUTIERREZ, ALAN, ISM	Active	LEWIS
342161	HERNANDEZ, JESUS, RAMIREZ	Active	LEWIS
342473	HERNANDEZ-PEREZ, GREGORIO,	Active	LEWIS
343674	MONTOYA, SERGIO, FLORES	Active	LEWIS
345071	PEREZ, REYES, VILLA	Active	LEWIS
345091	OZOA, CHESTER, CINCO	Active	LEWIS
346014	QUIJADA, HECTOR, FRANCISCO	Active	LEWIS
346231	ROJAS-MONGE, JOSE, ENRIQUE	Active	LEWIS
346870	ESPINOZA-YANEZ, JOSUE, MIS	Active	LEWIS
347005	RODRIGUEZ, ARMANDO, ROCHA	Active	LEWIS
347026	CASTILLO, JOSE, MANUEL	Active	LEWIS
348076	CORDOVA, CARLOS, ADAM	Active	LEWIS
204034	BARRAZA, VICTOR, MANUEL	Active	MARANA
232504	BORGETTI, GUSTAVO, ACOSTA	Active	MARANA
236350	DIAZ-MARQUEZ, DIEGO	Active	MARANA
239845	PERAZA-JIMENEZ, HUMBERTO	Active	MARANA
241612	IZAGUIRRIE, GABRIEL	Active	MARANA
254370	TRUJILLO-MARTINEZ, ADAN	Active	MARANA
269961	RANGEL, OSVALDO, MILAN	Active	MARANA
274017	BALCAZAR, MARTIN	Active	MARANA
275084	MENDOZA-RUIZ, CARLOS	Active	MARANA
279682	ORDUNO-LOPEZ, DIMAS, D	Active	MARANA
280357	GUZMAN-OROZCO, JUAN	Active	MARANA
280736	MEDINA-LOPEZ, JOSE	Active	MARANA
283736	CAICEDO, ANDRES	Active	MARANA

286173	CUEN-MADRID, EDIOMAR	Active	MARANA
298289	VALDEZ-RUBIO, TOMAS, DIMAS	Active	MARANA
314221	VASQUEZ-FRANCO, CARLOS, DA	Active	MARANA
314907	GUTIERREZ-ESQUIVEL, SERGIO	Active	MARANA
315598	ROJAS, EDGAR, FERNANDO MOR	Active	MARANA
321933	CAMPBELL, HOWARD, ALONZO	Active	MARANA
322308	SALAIS-VARELA, LUIS, ANTON	Active	MARANA
323677	BARRAZA, JOSE, JUAN PADILL	Active	MARANA
324056	PESQUEIRA-TORRES, VICTOR	Active	MARANA
324508	HERNANDEZ-SEPULVEDA, ARMAN	Active	MARANA
327492	VILLALOBOS-PIZARRO, EDUARD	Active	MARANA
328453	LOPEZ-CLEMENTE, ERNESTO, R	Active	MARANA
329258	BARRERA, NESTOR, EMMANUEL	Active	MARANA
329815	ROSAS, LUIS, A TORRES	Active	MARANA
331381	BELTRAN, JOSE, ANGEL	Active	MARANA
331384	EZEQUIEL, ARMENTA	Active	MARANA
331385	HERNANDEZ, OCTAVIO, GUTIER	Active	MARANA
332080	RODRIGUEZ-JIMENEZ, ALEJAND	Active	MARANA
332337	LOPEZ-CORRALES, OSCAR, RUB	Active	MARANA
332807	FLORES-DELAROSA, JOSE, ERN	Active	MARANA
332813	MORENO-AYALA, JOSE, DE JES	Active	MARANA
333050	MERCADO, EDGAR, RENE ESQUE	Active	MARANA
333895	PANUCO, JOSE, MANUEL	Active	MARANA
334836	TORRES, JHAMPIER, GUADELUP	Active	MARANA
335386	JIMINEZ, RUBEN, ESPERICUET	Active	MARANA
335505	MURRIETA-ROMO, DAYAN, EDGA	Active	MARANA
336038	MEZA-VERDUGO, JORGE, LUIS	Active	MARANA
336562	PRADO, KEVIN, GABINO	Active	MARANA
336743	CARRASCO-BARRAZA, HORACIO	Active	MARANA
336779	VEGA, HERIBERTO, ARBALLOO	Active	MARANA
336785	LEAL, ERICK, VELAZQUEZ	Active	MARANA
337039	REBOLLAR, EDUARDO, JAVIER	Active	MARANA
337114	ROJO-BENITEZ, JUAN, ADOLFO	Active	MARANA
337318	RAMIREZ-LUGO, NOEL, ALEJAN	Active	MARANA

337668	BARRAZA, GAEL, TORRES	Active	MARANA
337964	OROS-MURRIETA, JOSE, FERNA	Active	MARANA
338223	MUNOZ-ACUNA, GILBERTO	Active	MARANA
338347	QUINTERO, PATRICIO, AYALA	Active	MARANA
338353	OLACHEA, JOSE, ELOY MURILL	Active	MARANA
338406	BARRERA, LUIS, FERNANDO	Active	MARANA
338705	DEL ANGEL, JOSE, FLORES	Active	MARANA
338886	CASTILLO, MAYKOL, CABRERA	Active	MARANA
339033	BOJORQUEZ-VALDEZ, OCTAVIO	Active	MARANA
339128	TORRES-QUINONEZ, REYNALDO	Active	MARANA
339622	AGUILERA-SANCHEZ, ABRAHAM	Active	MARANA
339827	SANCHEZ, HECTOR, E CHAVEZ	Active	MARANA
339905	SOZA-RIVERA, SALVADOR	Active	MARANA
339936	MORGAN-GARCIA, JESUS, SANT	Active	MARANA
339978	BOJORQUEZ, JOEL, LUGO	Active	MARANA
340124	BENITEZ-MELENDREZ, JOSE, L	Active	MARANA
340200	ROBLES, VICTOR, MANUEL VAL	Active	MARANA
340602	DELGADO-LERMA, JESUS, GREG	Active	MARANA
340630	LEYVA, DEIVIS	Active	MARANA
340732	LOPEZ-VERDUZCO, JESUS	Active	MARANA
340753	HERNANDEZ-ACOSTA, RAMIRO	Active	MARANA
341104	HUICHO-SANCHEZ, ROLANDO	Active	MARANA
341128	VILLANUEVA-GARCIA, MARCO	Active	MARANA
341140	REYES, AGUSTIN, ALVAREZ	Active	MARANA
341592	CAMARGO-FELIX, MAHATMA, HE	Active	MARANA
341895	AVILA-SARABIA, LUIS, CARLO	Active	MARANA
341909	AGUILAR-RAMOS, CHRISTIAN	Active	MARANA
341922	ESPINOZA-VALENZUELA, CARLO	Active	MARANA
341995	VALDEZ-QUEVEDO, JOEL	Active	MARANA
342206	PEREZ, ANDRE, LEON	Active	MARANA
342227	DIAZ-VALENZUELA, MARCO, AN	Active	MARANA
342367	VICTORIO-ROLDAN, JOSE, PED	Active	MARANA
342369	GARCIA-CALLES, RAMON, ADAL	Active	MARANA
342567	QUINTERO, RAMIRO, FLORES	Active	MARANA

343722	BORQUEZ LOPEZ, NICOLAS	Active	MARANA
344061	ALVAREZ-VEGA, PABLO	Active	MARANA
344121	JUAREZ-CAMACHO, JOEL	Active	MARANA
345077	RIVERA LEON, FIDEL	Active	MARANA
345103	CHAVIRA, JOSE, GUADALUPE L	Active	MARANA
345273	MEDINA, JUAN, CARLOS SANCH	Active	MARANA
345309	ONTIVEROS-QUINTERO, MARCEL	Active	MARANA
345324	PHOMMASANE, KEOVILAY	Active	MARANA
345337	CARRASCO, JOSE, JESUS	Active	MARANA
345380	ROMERO-TORRES, LUIS, RAMIR	Active	MARANA
345706	AYALA, RAMON, ACOSTA	Active	MARANA
346030	RAMIREZ-MUNOZ, LUWIN, HERN	Active	MARANA
346057	HERNANDEZ-SALAZAR, NABOR	Active	MARANA
346103	REVET, GONZALO, LEWIS	Active	MARANA
346186	ARVAYO, LUIS	Active	MARANA
346194	RODRIGUEZ-TORRES, FELIPE,	Active	MARANA
346277	RODRIGUEZ-PUEBLA, ALEJANDR	Active	MARANA
346433	SALAZAR, JERLIN, ENRIQUE	Active	MARANA
346478	BELTRAN, JOEL	Active	MARANA
346506	GARCIA, RAUL, RUIZ	Active	MARANA
346525	BARRAZA, AURELIO, NUNEZ	Active	MARANA
346713	BORBON, JESUS, ELIERCE RUI	Active	MARANA
346945	GARCIA, RICARDO, OTONIEL	Active	MARANA
346985	VARGAS-PENA, CRISTOBAL	Active	MARANA
347089	AMEZQUITA-ACEVES, SERGIO	Active	MARANA
347101	IBARRA-ANGULO, MARIO	Active	MARANA
347174	JUAREZ, JESUS	Active	MARANA
49587	HANSEN, ZSANET	Active	PERRYVILLE
147205	SANSING, KARA, KAY	Active	PERRYVILLE
167966	GARCIA, ROSA, VILLALOBOS	Active	PERRYVILLE
169133	PILIPOW, CHERIE, LYNN	Active	PERRYVILLE
194788	WALTERS, ANDRIENE, NATALIE	Active	PERRYVILLE
219049	PINA-MENDIVIL, IRIS, VAINE	Active	PERRYVILLE
258686	VELASCO, PAMELA, JANE	Active	PERRYVILLE

259866	RAMIREZ, SONIA, DELMY	Active	PERRYVILLE
265311	VENTURA, SINDY, NOHEMI	Active	PERRYVILLE
278317	GUERRERO, ARACELI	Active	PERRYVILLE
283756	MONTANO, BLANCA, RENEIS	Active	PERRYVILLE
288855	ZAZUETA, MARITZA, VELARDE	Active	PERRYVILLE
291279	ALVARADO, MARIANTONIE	Active	PERRYVILLE
292694	RUNDBLAD, CAROLA, MARGARET	Active	PERRYVILLE
300606	LOPEZ, MONICA, ARACELI T	Active	PERRYVILLE
301726	MIRANDA, MAYRA	Active	PERRYVILLE
312216	VALENCIA, GABRIELA	Active	PERRYVILLE
312557	GOMEZ, ELIZABETH, PEREZ	Active	PERRYVILLE
315887	PINEUELAS, EDNA, FRANCISCA	Active	PERRYVILLE
317810	MORAN, ALEJANDRA, MONSERAT	Active	PERRYVILLE
318446	NAVARRO, MARISELA	Active	PERRYVILLE
319193	COSHOW, KIMBERLEY, ANN	Active	PERRYVILLE
321897	TAPIA, MARIA	Active	PERRYVILLE
322729	ECHEVERRIA, ARIANA, ALEXAN	Active	PERRYVILLE
323163	ALVAREZ, MARIA, PATRICIA M	Active	PERRYVILLE
323331	CARRASCO, ANA	Active	PERRYVILLE
324494	VIELMA-ALVAREZ, MARIA	Active	PERRYVILLE
325060	WATTS, SARAH, JESSICA	Active	PERRYVILLE
325064	MATIAS, DORA, CELENA	Active	PERRYVILLE
325205	MENDEZ-ARVAYO, ELIANA, P	Active	PERRYVILLE
326752	MONTIJO-FIGUEROA, REBECA	Active	PERRYVILLE
329433	GUZMAN-SANTOYO, NOHEMI	Active	PERRYVILLE
329526	FU-REYNA, JULIANA	Active	PERRYVILLE
330132	GODINEZ, WENDOLYN, ZEFRINA	Active	PERRYVILLE
330301	RAMOS, MARIA, DEL CARMEN	Active	PERRYVILLE
330302	MORENO, CINDY, CAROLINA HE	Active	PERRYVILLE
331738	MARTINEZ-DIAZ, TANIA, G	Active	PERRYVILLE
332403	MACIAS-MORALES, ERIKA, A	Active	PERRYVILLE
333184	HUIZAR, MARIBEL, CASTILLON	Active	PERRYVILLE
334815	ENRIQUEZ, LAURA, NATLLELY	Active	PERRYVILLE
335247	ORTIZ, ROXANA, BARAJAS	Active	PERRYVILLE

338056	QUINONEZ-PARRA, KASSANDRA	Active	PERRYVILLE
338062	CABRERA-VARGAS, GLORIA	Active	PERRYVILLE
338304	CHAVARRIA QUIROZ, YARELI,	Active	PERRYVILLE
338942	RODRIGUEZ, SALMA	Active	PERRYVILLE
339258	HERNANDEZ, VIVIAN	Active	PERRYVILLE
339463	RODRIGUEZ, KATIA, D.	Active	PERRYVILLE
339635	PORTILLO, DAYNA, LUZ GONZA	Active	PERRYVILLE
339679	ORTEGA-VASQUEZ, ELVIRA	Active	PERRYVILLE
339959	BUELNA, KARLA, N. PEREA	Active	PERRYVILLE
340059	RAMIREZ, ANGELICA	Active	PERRYVILLE
340303	RIVERA, ADRIANA	Active	PERRYVILLE
340584	FRANCO-ALVEREZ, MARIA	Active	PERRYVILLE
340888	MUNROE, NADINE	Active	PERRYVILLE
341025	RABAGO-IBARRA, MARTHA	Active	PERRYVILLE
341488	GALINDO-RODRIGUEZ, DAKMA,	Active	PERRYVILLE
341904	TORRES, YOLANDA, ARCE	Active	PERRYVILLE
342457	SALINAS-JACOBO, VIRIDIANA,	Active	PERRYVILLE
342550	BENITEZ, ALMA, DELFINA	Active	PERRYVILLE
343061	ACUNA-AGUERO, BRENDA	Active	PERRYVILLE
343074	SOTELO, SILVIA, V	Active	PERRYVILLE
343102	BAQUEIRO, MARIA, FERNANDA	Active	PERRYVILLE
343106	ORTIZ-RIOS, MARIA, D	Active	PERRYVILLE
343108	ONTIVEROS-SANCHEZ, VANESSA	Active	PERRYVILLE
343397	CARRASCO-REYES, CONSUELO	Active	PERRYVILLE
344095	CURIEL, VIOLETA, CASTRO	Active	PERRYVILLE
344222	VARGAS-LANDA, CELENE, VERE	Active	PERRYVILLE
344591	RUIZ-AMPARANO, ARELY	Active	PERRYVILLE
345014	ENRIQUEZ-ENRIQUEZ, MARIELA	Active	PERRYVILLE
345940	JUSTO, NORMA, EVANGELINA I	Active	PERRYVILLE
346385	IPINA, CARMEN, CELIA ADAME	Active	PERRYVILLE
346888	GARCIA, ALEJANDRA	Active	PERRYVILLE
347070	AGUILAZOCHO-ROMAN, DINORAH	Active	PERRYVILLE
347405	JUAREZ, ROXANA	Active	PERRYVILLE
347788	MARTINEZ, MARIA, D. INZUNZ	Active	PERRYVILLE

181712	RODRIGUEZ, OMAR, MENDEZ	Active	PHOENIX
240976	VILLEGAS, REY, D	Active	PHOENIX
250854	TADESSE, TESHAGER, MEKONEN	Active	PHOENIX
269720	VIDANA-ZAVALA, JOSE, GUADA	Active	PHOENIX
348097	MBUYI, ELISE, MANUEL	Active	PHOENIX
348100	HERNANDEZ, JOSE, JUIS PINE	Active	PHOENIX
348128	GARDUNO, IVAN, JACOB	Active	PHOENIX
348134	RUIZ, LUIS	Active	PHOENIX
348180	SAMANIEGO, FERNANDO, ISMAE	Active	PHOENIX
348234	PACHECO-ORDUNO, MARIO	Active	PHOENIX
348238	VARA-ARIAS, LUIS, MIGUEL	Active	PHOENIX
348246	BARRAZA-MONARREZ, NOEL, AR	Active	PHOENIX
348268	SARABIA, JESUS, ARTURO ANG	Active	PHOENIX
89874	NARANJO, NICOLAS, LAMOUTH	Active	PHOENIX WEST
140350	MARTINEZ, JOSE, GAINZA	Active	PHOENIX WEST
168783	VELASQUEZ, MARIO, BENAVIDE	Active	PHOENIX WEST
196346	LOPEZ-LOPEZ, JOSE, CARLOS	Active	PHOENIX WEST
202812	NEVAREZ, DANIEL, B	Active	PHOENIX WEST
207129	PEREZ-GONZALEZ, ALEXANDER	Active	PHOENIX WEST
209815	MARQUEZ, JOSE	Active	PHOENIX WEST
216220	DUARTE, OSCAR, BAEZ	Active	PHOENIX WEST
280976	MURO, ZENON, NUNEZ	Active	PHOENIX WEST
297003	FLORES-MACIEL, INOCENTE	Active	PHOENIX WEST
316937	SANCHEZ-GAMEZ, FRANCISCO,	Active	PHOENIX WEST
329076	GARCIA, JULIO, CESAR	Active	PHOENIX WEST
331849	DURAN, JESUS	Active	PHOENIX WEST
336542	STUART, PABLO, MARTINO	Active	PHOENIX WEST
340577	PEREZ, CARLOS, GRANADOS	Active	PHOENIX WEST
344239	SAENZ, PRISCILIANO	Active	PHOENIX WEST
344365	MORALES, JORGE	Active	PHOENIX WEST
344415	DIAZ-GARCIA, LUIS, ENRIQUE	Active	PHOENIX WEST
345032	CARRILLO, HONORIO, INFANTE	Active	PHOENIX WEST
347254	MONTANO-HERNANDEZ, LUIS	Active	PHOENIX WEST
347298	QUINONEZ, RIGOBERTO	Active	PHOENIX WEST

347491	SERVIN, JOSE, CORRALES	Active	PHOENIX WEST
347640	GRIJALVA, IBAN, DE JESUS S	Active	PHOENIX WEST
347672	FELIX, HERIBERTO	Active	PHOENIX WEST
73699	PATINO, ERNESTO, FIGUEROA	Active	RED ROCK ELOY
117589	MIRAMONTES, VENANCIO	Active	RED ROCK ELOY
130761	SOTELO, GERARDO, SOTELO	Active	RED ROCK ELOY
144276	ESCARENO-MERAZ, RAMON, JUA	Active	RED ROCK ELOY
145427	CRUZ, MIGUEL, ANGEL URIAS	Active	RED ROCK ELOY
154408	CAMPOS, ELEUTERIO, GALLEGO	Active	RED ROCK ELOY
164409	DENGA, ALFONSO, CASTILO	Active	RED ROCK ELOY
166783	ELIAS, MARCO, ANTONIO	Active	RED ROCK ELOY
167651	CASTRO, JOSE, MARTIN	Active	RED ROCK ELOY
177563	ANSELMO, AURELIO, BAZA	Active	RED ROCK ELOY
192986	GRANDE, JOSE	Active	RED ROCK ELOY
197139	VEGA-MAQUEDA, PALEMON	Active	RED ROCK ELOY
202510	CARDENAS-RODRIGUEZ, JOSE,	Active	RED ROCK ELOY
204828	DIAZ-ROBLES, MARIO, ALBERT	Active	RED ROCK ELOY
217051	BARRAZA-MENDOZA, ADRIAN	Active	RED ROCK ELOY
221025	AMAVISCA, OMAR, NAVARRO	Active	RED ROCK ELOY
222282	FUENTES-RIVERA, JOSE, RUBE	Active	RED ROCK ELOY
224202	ZAVALA-CERVANTES, ADRIAN	Active	RED ROCK ELOY
227424	GAMBOA-MOLINA, ARMANDO	Active	RED ROCK ELOY
227436	VELASCO-FELIX, MARIO	Active	RED ROCK ELOY
231780	GUERRERO, JAVIER, CRUZ	Active	RED ROCK ELOY
234760	ARMENTA-VASQUEZ, CARLOS	Active	RED ROCK ELOY
238258	OSUNA-CHAVEZ, EFRIN	Active	RED ROCK ELOY
238866	VALDEZ, NATALIO, VALENZUEL	Active	RED ROCK ELOY
239065	DELAROSA-TORRES, CRESENCIA	Active	RED ROCK ELOY
246310	ORTIZ, MANUEL	Active	RED ROCK ELOY
250416	RAZO, JOSE, LUIS	Active	RED ROCK ELOY
251691	AYALA-LOPEZ, MARTIN	Active	RED ROCK ELOY
252395	HERNANDEZ-RUIZ, HECTOR	Active	RED ROCK ELOY
254600	HERNANDEZ, ADRIAN	Active	RED ROCK ELOY
262399	ATIENZO, EDUARDO	Active	RED ROCK ELOY

263109	BOJORQUEZ-BELTRAN, JOEL	Active	RED ROCK ELOY
265760	CANO-GARCIA, ALEJANDRO	Active	RED ROCK ELOY
266894	VASQUEZ-ESTRADA, EFRAEL	Active	RED ROCK ELOY
267137	ABREGO, JUAN, PEDRO LEON	Active	RED ROCK ELOY
268564	GARCIA-CASTENADA, ANASTACI	Active	RED ROCK ELOY
276117	ROCHA-CORRALES, RAYMUNDO	Active	RED ROCK ELOY
279352	ABDULA, NOOR, M	Active	RED ROCK ELOY
280170	VASQUEZ-URIAS, RAMON, ENRI	Active	RED ROCK ELOY
292680	BAUTISTA, GALDINO	Active	RED ROCK ELOY
294608	LUNA, VICTOR, ALFONSO URIA	Active	RED ROCK ELOY
295840	SOTOMAYOR, BENJAMIN	Active	RED ROCK ELOY
297568	DOMINGUEZ, MANUEL, GERARDO	Active	RED ROCK ELOY
299395	CHAVEZ, ISMAEL, CARINO	Out to Court	RED ROCK ELOY
304439	FRAIRE, HERNAN, CONTRERAS	Active	RED ROCK ELOY
316566	MARISCAL-ALVAREZ, LUIS	Active	RED ROCK ELOY
317905	GUZMAN, CARLOS, FERNANDO O	Active	RED ROCK ELOY
318281	FIGUEROA, BENJAMIN, FELIX	Active	RED ROCK ELOY
318789	ORTEGA, EDGAR, BOJORQUEZ O	Active	RED ROCK ELOY
320076	GARNICA, ANDRES, SERRATO	Active	RED ROCK ELOY
322213	AVILA, FRANK	Active	RED ROCK ELOY
322228	ZAMORA, RICARDO, PARRA	Active	RED ROCK ELOY
322894	CASTRO-VALENZUELA, JOSE, E	Active	RED ROCK ELOY
322941	MIRANDA, MARTIN	Active	RED ROCK ELOY
324601	CONTRERAS, CARLOS, JESUS	Active	RED ROCK ELOY
326213	PACHECO-LABORIN, IVAN, ARM	Active	RED ROCK ELOY
327046	ESPINOZA, LUIS, A	Active	RED ROCK ELOY
327812	MARTINEZ, JUAN, MANUEL	Active	RED ROCK ELOY
327846	OCHOA-FELIX, JOSE, HUMBERT	Active	RED ROCK ELOY
329397	IBARRA-VERDUGO, ERICK, DAN	Active	RED ROCK ELOY
332589	LARA, MARCO, ANTONIO BERNA	Active	RED ROCK ELOY
332936	ARIAS, HUMBERTO	Active	RED ROCK ELOY
334288	CARDENAS, DAVID, ALDABA	Active	RED ROCK ELOY
334459	AGUILAR, HUMBERTO	Active	RED ROCK ELOY
334460	AMADOR-SUAREZ, SEBASTIAN	Active	RED ROCK ELOY

334688	FIGUEREO-CUEVAS, MARVIN	Active	RED ROCK ELOY
335086	DOMINGUEZ, RAUL, ANDRES	Active	RED ROCK ELOY
335432	ESPINOZA, JOEL, GONZALEZ	Active	RED ROCK ELOY
336254	HERNANDEZ, ORLANDO, BUENO	Active	RED ROCK ELOY
336717	OCHOA, LUIS, BERNARDO	Active	RED ROCK ELOY
336889	RAMOS, PEDRO, A RAMOS	Active	RED ROCK ELOY
337698	TORRES, JOSE, Y PIOQUINTO	Active	RED ROCK ELOY
337989	ZEKRIA, ZABI, AHMAD	Active	RED ROCK ELOY
338157	NUNEZ-HERRERA, ALVARO	Active	RED ROCK ELOY
338197	MONTANO-DUARTE, OMAHAR	Active	RED ROCK ELOY
338706	PADILLA, JOEL, ENRIQUE URQ	Active	RED ROCK ELOY
338858	CARO, RAMON, CABALLO	Active	RED ROCK ELOY
339450	ZAVALA, DOLORES, M	Active	RED ROCK ELOY
339459	PORTILLO, ROGELIO	Active	RED ROCK ELOY
339722	MELGOZA, EDGAR, GUADALUPE	Active	RED ROCK ELOY
339876	MIRAMONTES, PEDRO, C	Active	RED ROCK ELOY
339877	ONTIVEROS-TORRES, YONY	Active	RED ROCK ELOY
340008	DOMINGUEZ-DOMINGUEZ, JESUS	Active	RED ROCK ELOY
341278	JACOBI-MORALES, REY, DAVID	Active	RED ROCK ELOY
341360	RODRIGUEZ-VALENZUELA, JESU	Out to Court	RED ROCK ELOY
341747	CARDENAS-LOPEZ, FRANCISCO,	Active	RED ROCK ELOY
342244	MONTIEL, EDGAR	Active	RED ROCK ELOY
342927	CASTRO-PEREZ, JAVIER, DEJE	Active	RED ROCK ELOY
343060	PARGAS-RAMIREZ, MIGUEL, AN	Active	RED ROCK ELOY
343515	TERRAZAS, ALFREDO, NUNEZ	Active	RED ROCK ELOY
343624	PONCE DE LEON, JAVIER, ARM	Active	RED ROCK ELOY
343705	URIAS, MARCOS, IRAN LEYVA	Active	RED ROCK ELOY
345665	RODRIGUEZ, MANUEL, TORRIEN	Active	RED ROCK ELOY
345885	RODRIGUEZ, IVAN, GARDO	Active	RED ROCK ELOY
346988	SALDIVAR, ALFREDO	Active	RED ROCK ELOY
347423	MEDINA, NARCIZO, ALFONSO B	Active	RED ROCK ELOY
347429	ROJEI, MOHAMMADAMIN	Active	RED ROCK ELOY
347458	BANUELOS-MARTINEZ, GUSTAVO	Active	RED ROCK ELOY
347466	GASTELUM, HUMBERTO, PORTIL	Active	RED ROCK ELOY

347856	OCHOA, BALTAZAR, LEON	Active	RED ROCK ELOY
61660	QUEZADA, JAVIER	Active	SAFFORD
68405	SIMENTAL, CALDERON	Active	SAFFORD
69324	PERALTA, CARLOS, MANUEL	Active	SAFFORD
114960	VARELA-CORTEZ, FRANCISCO,	Active	SAFFORD
115046	NGUYEN, TUAN, LE	Active	SAFFORD
134243	LAVENDER, JAVIER	Active	SAFFORD
137422	BELTRAN, LUIS, GUTIERREZ	Active	SAFFORD
138987	GAMBOA, MARIO, RIVERA	Active	SAFFORD
141035	SALAZAR, GUALBERTO, LOPEZ	Active	SAFFORD
144212	GONZALES, IGNACIO, RAMON T	Active	SAFFORD
162426	PINO-GONZALES, WILFREDO	Active	SAFFORD
193065	RUIZ, SANTO, JOSE	Active	SAFFORD
194630	FELIX, ALVARO	Active	SAFFORD
215076	FLORES-DUARTE, MIGUEL	Active	SAFFORD
215838	CAMACHO, ERASMO, GUERRERO	Active	SAFFORD
219401	ARIAS-MADRID, GABRIEL	Active	SAFFORD
226414	BELTRAN-LEON, ABEL	Active	SAFFORD
228156	ZAMUDIO, FAUSTO, SANTANA	Active	SAFFORD
239618	LOPEZ-TORRECILLAS, VICTOR,	Active	SAFFORD
242394	ALTAMARINO, CRISTABOL, ULL	Active	SAFFORD
244480	TORREZ-MONTES, JOSE, ALFRE	Active	SAFFORD
245727	HIGUERA, JOSE, LUIS	Active	SAFFORD
254511	BELTRAN, BRUNO, LUNA	Active	SAFFORD
261755	CASARES-BRECEDA, EDUARDO	Active	SAFFORD
270714	MEDINA-BOJORQUEZ, ALFREDO,	Active	SAFFORD
270841	TRASVINA-FLORES, JUAN, CAR	Active	SAFFORD
274726	MOLINA-BARRAZA, ORLANDO	Active	SAFFORD
277269	RANGEL-SERRANO, SERGIO	Active	SAFFORD
278328	SOLIS LOYA, JOSE, EDUARDO	Active	SAFFORD
281088	ECHEVERRIA, LUIS, ALBERTO	Active	SAFFORD
282719	CHAVEZ, JESUS, SAMUEL RIOS	Active	SAFFORD
282798	CARRILLO, JONATAN, MEDINA	Active	SAFFORD
286168	BELTRAN, EVERARDO, BARRAZA	Active	SAFFORD

287462	ALVAREZ, EDWARD	Active	SAFFORD
289411	LARA-CARDENAS, JOSE, ALBER	Active	SAFFORD
292958	LOPEZ, ANTONIO, LOPEZ	Active	SAFFORD
294310	GARCIA-CRUZ, HERMAN	Active	SAFFORD
294777	ARMENTA-CASTRO, HUGO, GABR	Active	SAFFORD
296095	CALDERON-LOPEZ, ENRIQUE	Active	SAFFORD
299485	PEREZ, VICTOR	Active	SAFFORD
311152	LUMBRERAS, JUAN, AMAYA	Active	SAFFORD
313127	PARRA, GERARDO	Active	SAFFORD
314704	GAXIOLA-VICENCIO, MAURO, A	Active	SAFFORD
316383	TORRES-CHAIDEZ, CRESCENCIO	Active	SAFFORD
317844	GONZALEZ-BURGUENO, ADRIEL,	Active	SAFFORD
318458	PEREZ-FALCON, EMANUEL	Active	SAFFORD
318488	WILLIAMS, VACCIANA, CARVEL	Active	SAFFORD
318596	CARRANZA, RODOLFO, BARRAZ	Active	SAFFORD
318761	TERAN, OSCAR, CADENA	Active	SAFFORD
318776	TRAN, NHA	Active	SAFFORD
319285	GODINEZ, GERMAN, VALDEMAR	Active	SAFFORD
319627	VILLEGAS, ROBERTO, CARLOS	Out to Court	SAFFORD
320647	SANCHEZ, JUAN, PABLO	Active	SAFFORD
320894	BORRAYO, JORGE, CAMACHO	Active	SAFFORD
321118	ROMERO-QUEZADA, JAVIER, AL	Active	SAFFORD
322086	MEZA, JESUS, EFRAIN RAMIRE	Active	SAFFORD
322171	REYES, GERMAN, VALDEZ	Active	SAFFORD
322874	RIVER-PRIETO, EDGAR	Active	SAFFORD
323187	ABOYTE-CASTRO, JOSE	Active	SAFFORD
323771	LOPEZ-MORENO, ANGEL, F	Active	SAFFORD
323788	BALLESTEROS-ROMO, PEDRO	Active	SAFFORD
324944	PANUCO-HERRERA, JUAN	Active	SAFFORD
325589	LOPEZ, FERNANDO	Active	SAFFORD
326693	LOPEZ-LOPEZ, JESUS	Active	SAFFORD
327333	RAMOS-PULIDO, AURELIO	Active	SAFFORD
327381	OROZCO-JARAMILLO, JAMIE, A	Active	SAFFORD
327574	PARRA-INZUNZA, ALEJANDRO	Active	SAFFORD

327605	ALCANTAR, ANDRES, SALDANA	Active	SAFFORD
328111	BELTRAN-CARDENAS, LUIS	Active	SAFFORD
328171	SAUCEDO, RICARDO, EDUARDO	Active	SAFFORD
328797	PEREZ, SAUL	Active	SAFFORD
328829	FELIX, JESUS, MARTIN QUINT	Active	SAFFORD
330249	LUQUE-GUERRERO, ANTONIO	Active	SAFFORD
330357	JUAREZ-BULOX, FELIPE, DION	Active	SAFFORD
331016	MENDOZA, DAVID, JOSIAS SES	Active	SAFFORD
331651	COMPOS-GARCIA, IVAN	Active	SAFFORD
331903	GALVAN-CANO, AARON	Active	SAFFORD
331982	VILLA, LEONARDO	Active	SAFFORD
332285	GIL-ACOSTA, JOSE, ALONSO	Active	SAFFORD
332654	ROJO, HERBERT, ELIGIO	Active	SAFFORD
334048	NORIEGA-MORENO, MANUEL	Active	SAFFORD
334608	RIVERA-MORALES, ERICK	Active	SAFFORD
335057	ZAVALA-MONTIEL, PAUL, RICA	Active	SAFFORD
335545	LOPEZ, JUAN	Active	SAFFORD
338700	PEREZ, HILARIO, B	Active	SAFFORD
338892	MIRANDA, SANTIAGO, PERALTA	Active	SAFFORD
338928	PERALTA-ROMERO, GUILLERMO	Active	SAFFORD
339045	SALGADO, GILBERTO	Active	SAFFORD
339235	OLIVAS-CARRILLO, AXEL, AGU	Active	SAFFORD
339590	CASTRO-CAMACHO, CRISTINO	Active	SAFFORD
340091	ROSAS, JESUS	Active	SAFFORD
340184	JIMENEZ, VIRGILIO, F	Active	SAFFORD
340348	LOPEZ-MACHADO, IGNACIO	Active	SAFFORD
340516	CASTILLO, JULIO	Active	SAFFORD
340882	GAXIOLA, EVERARDO	Active	SAFFORD
342418	ZHOU, MING	Active	SAFFORD
342534	RAMIREZ-CASTILLO, ROBERTO,	Active	SAFFORD
342710	LOPEZ, JOSE, JAIME GARCIA	Active	SAFFORD
342714	ZAVALA, LUIS, ENRIQUE VEA	Active	SAFFORD
342749	IBANEZ-TRUJILLO, JOSE, ALE	Active	SAFFORD
342902	NUH, SAID	Active	SAFFORD

342963	GARCIA-LOPEZ, JORGE, LUIS	Active	SAFFORD
342964	DUE-SANTIAGO, FELICIANO	Active	SAFFORD
342966	OCHOA-ARRIAGA, RICHARD, AL	Active	SAFFORD
342969	ORONA-VILLA, ESAU	Active	SAFFORD
343083	BRIONES-BECERRA, JOSE, GUA	Active	SAFFORD
343113	RASCON, ARMANDO	Active	SAFFORD
343142	VELIZ-FLORES, EDWIN, RADAM	Active	SAFFORD
344032	URBALEJO, LUIS, ANTONIO BO	Active	SAFFORD
344045	GARCIA, SERGIO, ADIEL BAEZ	Active	SAFFORD
344060	ALVAREZ-VEGA, JUAN	Active	SAFFORD
344473	GRAJEDA-GILL, ALONSO	Active	SAFFORD
344576	ACOSTA, LUIS, ONTIVEROS	Active	SAFFORD
344619	LOPEZ-ZAVALA, MANUEL, DEJE	Active	SAFFORD
344651	RIVERA, JOSE	Active	SAFFORD
344677	BERNAL-SANTANA, JOSE	Active	SAFFORD
344679	MEZA, SERGIO, TORRES	Active	SAFFORD
344769	MOLINA-DOUSTEN, JESUS, PED	Active	SAFFORD
345556	GONZALEZ, FAUSTO, FRANCISC	Active	SAFFORD
345931	BRAVO-QUINTANA, YUNIEL	Active	SAFFORD
346258	VIRRUETA, JULIAN, SEPULVED	Active	SAFFORD
346791	RUIZ-DE LA TORRE, NORBERTO	Active	SAFFORD
47768	LOPEZ, EFREN, CONTRERAS	Active	TUCSON
54830	ZAMORA, ANTONIO, ALVAREZ	Active	TUCSON
57279	AMAYA-RUIZ, JOSE, JACOBO	Active	TUCSON
63342	HERRERA, JESUS, PEREZ	Active	TUCSON
73619	ORTIZ, MARIO, ANTONIO	Active	TUCSON
80282	FELIX-ROBLES, RAUL, OCTAVI	Active	TUCSON
85604	CEPERO, LAZARDO, GONZALEZ	Active	TUCSON
93950	GARCIA-FIERRO, ALBERTO	Active	TUCSON
94979	GARCIA-AGUILAR, GIRALDO, I	Active	TUCSON
97423	ERNANDEZ-LEDESMA, ALBERTO	Active	TUCSON
98229	ACOSTA, JORGE, LUIS VALERI	Active	TUCSON
101936	BLANCO, ENRIQUE	Active	TUCSON
104120	THAI, MINH, MY	Active	TUCSON

110755	PULGARON, GUILLERMO, IGLES	Active	TUCSON
110971	GUZMAN-ROCHA, GREGORIO	Active	TUCSON
112321	GONZALEZ, JOSE, LUIS	Active	TUCSON
122720	VU, VINH, CAO	Active	TUCSON
124363	MERCARDO-VALDEZ, BENJAMIN	Active	TUCSON
128070	PEREZ, SANTIAGO, RODRIGUEZ	Active	TUCSON
130796	ROBE, SISAYE	Active	TUCSON
136964	MARTINEZ, ALBERTO, REYES	Active	TUCSON
137718	ALVARADO, LUIS, ALBERTO	Active	TUCSON
138616	SAY, SARATH	Active	TUCSON
140951	HERNANDEZ, SERGIO, EDMUNDO	Active	TUCSON
142794	SANDOVAL-FIGUEROA, RICARDO	Active	TUCSON
146505	RUIZ, VICENTE, VALDEZ	Active	TUCSON
151379	AYER, CLEMENT, MAKUNG	Active	TUCSON
154280	VALLE, HUMBERTO	Active	TUCSON
154331	BETANCOURT, IGNACIO	Active	TUCSON
154403	ORDUNO, AMINADAB	Active	TUCSON
155901	CANALES-AGUIRRE, JUAN, LUI	Active	TUCSON
156410	NGUYEN, PHUONG, TUAN	Active	TUCSON
157544	ROGERS, JAMES, ELDON	Active	TUCSON
157845	HERNANDEZ, FREDY, JERONIMO	Active	TUCSON
163941	LOZOYA, GIL, SOSA	Active	TUCSON
165124	PETRONE- CABANAS, FELIPE	Active	TUCSON
168463	VEGA, FRANCISCO, SOTO	Active	TUCSON
169554	SAVALA, MANUEL, SANCHEZ	Active	TUCSON
169709	GARCIA, JOSE	Active	TUCSON
169763	RODRIGUEZ, RAFAEL, MIRABAL	Active	TUCSON
172423	GAXIOLA, ARTIDORO, CHARLES	Active	TUCSON
173366	LEYVA-BERDOZA, JUAN, CARLO	Active	TUCSON
174763	URTUSUASTEGUI, DEMETRIO	Active	TUCSON
175172	ROMERO, RODOLFO	Active	TUCSON
175973	ALMAGUER, YUNIOR, BETANCOU	Active	TUCSON
178922	MARTINEZ, PABLO, ARCINIEGA	Active	TUCSON
180726	DUARTE, OSCAR, RASCON	Active	TUCSON

180965	ACOSTA, ERNESTO, GUADALUPE	Active	TUCSON
181488	AROSTEGUI, RAUDILIO, PEREZ	Active	TUCSON
189195	MATIENZO, RICHARD, DOMINGU	Active	TUCSON
190133	DELGADO-CLEMENTE, CARLOS	Active	TUCSON
193089	YOUNG, TODD, CARL	Out to Hospital	TUCSON
196187	MIRELES, FRANCISCO	Active	TUCSON
196542	OSORIO-HERNANDEZ, GILBERT	Active	TUCSON
198265	QUINTERO, JOE, FIGUEROA	Active	TUCSON
202218	CENTENO-LOPEZ, FRANCISCO	Active	TUCSON
203820	LOPEZ-MADUENO, JORGE, LUIS	Active	TUCSON
207827	ALVAREZ, CARLOS, ISRAEL MO	Active	TUCSON
209005	CLEMENTE, RUBEN, A	Active	TUCSON
214067	MARTINEZ, EDGUARDO, ALEX	Active	TUCSON
214211	ILIASOV, MATAT	Active	TUCSON
217095	LOPEZ-SAUCEDA, ROGELIO	Active	TUCSON
217682	LUIS-RAMIREZ, FABIAN	Active	TUCSON
218140	GARCIA, RODRIGO, SILVA	Active	TUCSON
219450	ARAGON, WUENCESLAO	Active	TUCSON
220188	AROB, MAKALE, DENG KUAL	Active	TUCSON
222188	BURGOS, EDGAR, MARTINEZ	Active	TUCSON
223422	NUNEZ, JESUS, CONRADO LOPE	Active	TUCSON
225442	SANCHEZ-NUNEZ, JUAN	Active	TUCSON
225710	FELIX-VALDEZ, RIGOBERTO	Active	TUCSON
227109	RIVERA-MARQUEZ, JOSE, ADRI	Active	TUCSON
227387	CRUZ-SANCHEZ, LAZARO	Active	TUCSON
227956	VEAMATAHAU, HAMONI, VOLE	Active	TUCSON
228792	NEVAREZ-UGARTE, ARTURO	Active	TUCSON
230370	MARTINEZ, FERNANDO, HERNAN	Active	TUCSON
231821	MORENO, ABRAHAM, BARRERA	Active	TUCSON
232938	ZAZUETA-GOMEZ, RAMIREO	Active	TUCSON
234360	CERVANTES-BELTRAN, JESUS,	Active	TUCSON
235435	RAMIREZ, FRANCISCO	Active	TUCSON
237559	LOPEZ-RODRIGUEZ, LUIS, HUM	Active	TUCSON
238549	NAVARRO, OSCAR, MILLAN	Active	TUCSON

238768	BELTRAN, CRUZ, MARTIN	Active	TUCSON
240086	MADUENA, GENARO, LOPEZ	Active	TUCSON
240450	MENDOZA-MACIAS, TOMAS, OCT	Active	TUCSON
241260	HERNANDEZ-OLVERA, IVAN	Active	TUCSON
241332	SIGALA-HERRERA, JOSE	Active	TUCSON
242067	COTA-PARRA, EVARISTO	Active	TUCSON
243696	CARRANZA-SANCHEZ, RENE	Active	TUCSON
243781	VIVAS-DIAZ, SALVADOR	Active	TUCSON
247122	MOLINA, DANIEL, SANCHEZ	Active	TUCSON
247303	NAVARETTE, MARCOS, ANTONIO	Active	TUCSON
247635	SOLIS-SILVA, SANTOS, RAUL	Active	TUCSON
249913	VALLE, ANTONIO, SILVA	Active	TUCSON
252982	RODRIGUEZ-QUINTERO, ISABEL	Active	TUCSON
253349	MONTERROSO-LOPEZ, CARLOS,	Active	TUCSON
254101	SALINAS, SALVADOR, SANCHEZ	Active	TUCSON
254447	MONDRAGON, RAFAEL	Active	TUCSON
255912	RAMIREZ-MARTINEZ, EDWARD,	Active	TUCSON
255945	AJEO-ORTIZ, DAVID	Active	TUCSON
256581	QUIROZ-MORENO, FERNANDO	Active	TUCSON
257066	ACOSTA-RIOS, JAVIER, H	Active	TUCSON
257777	MARTINEZ, ANDRES, RODRIGUE	Active	TUCSON
258940	PEREZ-ZEPEDA, JOSE, PILAR	Active	TUCSON
259214	VERGARA-MARTINEZ, JOSE, OC	Active	TUCSON
259676	CANO-NAVARRO, JULIO, CESAR	Active	TUCSON
259909	PEREZ, SERGIO, AMARO	Active	TUCSON
260144	SOTO-VALDEZ, RAMIRO, ULISE	Active	TUCSON
260214	ESTRELLA, ORLEANS, PALOMO	Active	TUCSON
260449	ASSI, DAVID	Active	TUCSON
262400	BILIBRE, VICTOR	Active	TUCSON
263592	VEGA, RAMON, ARMENTA	Active	TUCSON
266615	IBARRA-ESTRADA, JORGE	Active	TUCSON
267376	VALENZUELA, JESUS, GONZALE	Active	TUCSON
271507	RAMIREZ, MIGUEL, ALVARADO,	Active	TUCSON
272135	VALDEZ-ANGULO, EDEN	Active	TUCSON

272441	COTA-VALENZUELA, IDELFONSO	Active	TUCSON
272635	LEYVA-NAFARRATE, JESUS, AR	Active	TUCSON
272660	AMIN-SOBHANI, MOHAMMED, RE	Active	TUCSON
272920	RUIZ, JUAN, C. MORENO	Active	TUCSON
273336	FRATER, CEDRIC, CLEON	Active	TUCSON
275348	HURTADO, FRANCISCO	Active	TUCSON
276975	OSUNA, ADOLFO, RAMIREZ	Active	TUCSON
278268	LEYRA-CASSTILLO, MARIO	Active	TUCSON
279317	GARCIA, LUIS	Active	TUCSON
280635	RODRIGUEZ-VARGAS, ALFREDO	Active	TUCSON
280803	YOCUPICIO, CRISANTOS, MORO	Active	TUCSON
280849	SANCHEZ-ZAMUDIO, BARDO, EM	Active	TUCSON
281332	ORONA-RODRIGUEZ, ALEJANDRO	Active	TUCSON
281363	LIZARAGA-FLORES, OMAR	Active	TUCSON
283104	MARTINEZ, RAUL, RENE	Active	TUCSON
283552	CELAYA, AGRIPINO, PENUELAS	Active	TUCSON
283895	MELVILLE, PAUL, CLEMETH, S	Out to Hospital	TUCSON
284046	JUPA-FINO, DANIEL	Active	TUCSON
284779	ORTIZ, NERY, EFRAIN BLAS	Active	TUCSON
284847	ROJAS, FRANCISCO, JAVIER C	Active	TUCSON
284906	DURAN, MIGUEL, DURAN	Active	TUCSON
285875	PHUONG, KIET	Active	TUCSON
287077	QUIROZ, JOSE, ISRAEL	Active	TUCSON
287424	RAMIREZ-NUNEZ, JESUS, M.	Active	TUCSON
287774	ARELLANO, LUIS, EDUARDO	Active	TUCSON
288094	SANCHEZ, ALEJANDRO, ESTRAD	Active	TUCSON
290162	DING, MABIOR	Active	TUCSON
292203	SANCHEZ, JONATHAN	Active	TUCSON
293016	QUIROZ, LUIS, MIGUEL	Active	TUCSON
295147	NAVA-NUNEZ, AGUSTIN	Active	TUCSON
295802	CASTANEDA-VANUELOS, LUIS,	Active	TUCSON
296835	BUITIMEA, GADIEL, ISAI VAL	Active	TUCSON
298519	SAGASTUME-ROMERO, JOSSUE,	Active	TUCSON
298787	SOTELO-NAVA, EDUARDO	Active	TUCSON

299538	VENTURA, ULISES	Active	TUCSON
299681	RODRIGUEZ, ARISTEO	Active	TUCSON
300323	ALDRETE, JAVIER	Active	TUCSON
301383	MENDOZA-SARAVIA, LUIS, ENR	Active	TUCSON
302031	CASTRO-CARRILLO, JOSE, E	Active	TUCSON
302104	ESPARZA, JOSE, CONCEPCION	Active	TUCSON
302521	PRIETO, DAGOBERTO, MARQUEZ	Active	TUCSON
302542	MENDOZA-MENDOZA, JOSE, MAR	Active	TUCSON
304620	RIVERA, JAIME, LANDAVERDE	Active	TUCSON
305421	AGUIRRE, ABRAHAM, LEON	Active	TUCSON
305704	TORRES-FLORES, MARTIN, OSW	Active	TUCSON
306837	NYANTOSON, MENGISTU	Active	TUCSON
307044	PLASENCIA-GAMBOA, DANIEL	Active	TUCSON
309764	PIZARRO-RUIZ, LEOBARDO	Active	TUCSON
309868	REYES-PALOMINO, JOSE, ANGE	Active	TUCSON
310330	GARCIA, GABRIEL, LEYVA	Active	TUCSON
311382	ARREDONDO, ANGEL, GUADALUP	Active	TUCSON
312202	DELCASTILLO, HECTOR, HUGO	Active	TUCSON
313116	LARA-TORREZ, PEDRO	Active	TUCSON
313174	DOMINGO-ALARCON, JOSE	Active	TUCSON
313584	ORTIZ-OSUNA, JESUS, OMAR	Active	TUCSON
313778	MENDOZA, URIEL, DOMINGUEZ	Active	TUCSON
313865	HERNANDEZ, JUAN, MANUEL	Active	TUCSON
314476	GERMAN, PEDRO, Jr	Active	TUCSON
314926	GONZALEZ, DANIEL	Active	TUCSON
315664	HERNANDEZ, IRVIN, GERARDO	Active	TUCSON
315777	ALMARAZ, DENIS, ESKKARY	Active	TUCSON
315960	BERNAL-ACOSTA, JAVIER	Active	TUCSON
316254	OCHOA-RODRIGUEZ, JESUS, DA	Active	TUCSON
317774	SAMUELS, EWING, REDMOND	Active	TUCSON
318029	VELAZQUEZ-SIRAITARE, DIEGO	Active	TUCSON
318229	LEON, JESUS, MONDRAGON	Active	TUCSON
318684	MORALES-VERDUZCO, EDGAR	Active	TUCSON
319363	ZONTA, LEONARDO, PICHARDO	Active	TUCSON

319624	RIVERA, EDGAR, RASCON	Active	TUCSON
320026	ARIDO-SORRO, MARVIN	Active	TUCSON
320329	ESQUIVEL, ADRIAN, D	Active	TUCSON
321047	PRIETO, CARLOS, JULIAN ACO	Active	TUCSON
321296	TALAVERA, ALEJANDRO	Active	TUCSON
321490	SERNA-CAMILO, ESPIRIDON	Active	TUCSON
322090	SALAZAR-ESPINOZA, GENARO	Active	TUCSON
322555	WILLIAMSON, SAMUEL, LOUIS	Active	TUCSON
322817	ARAUJO, PABLO	Active	TUCSON
323185	MEDINA, HUGO, TANORI	Active	TUCSON
323236	VALENZUELA, IGNACIO, VILLA	Active	TUCSON
323560	NUNEZ-OSORIO, CARMEN	Active	TUCSON
323583	FLORES-HIGUERA, ALEJANDRO	Active	TUCSON
323603	CERVANTES, FERMIN, MACIAS	Active	TUCSON
323703	SEPULVEDA, ZHAIR, ULAM ZAM	Active	TUCSON
323727	JARAMILLO, GARTH, ST.PAUL	Active	TUCSON
323802	VARGAS-MACIAS, JUAN	Active	TUCSON
323867	LOPEZ, DANIEL	Active	TUCSON
324189	GARCIA, EDGAR, A VALENZUEL	Active	TUCSON
325632	SHOUFAN, ADNAN, JAMEL	Active	TUCSON
325891	VALDES, YOSELL, MOJENA	Active	TUCSON
326265	SANTIAGO-ESCOBAR, ROBERTO	Active	TUCSON
326587	BAUTISTA, NOE, HERNANDEZ	Active	TUCSON
327182	GOMEZ, JAVIER, EDGARDO	Active	TUCSON
327486	RIVAS, LISANDRO, MANUEL	Active	TUCSON
328750	SOTO-MENDEZ, JOSE, LUIS	Active	TUCSON
329150	RUSAGARA, PERSEVERANC	Active	TUCSON
329721	MORALES, JOSE, HAZAEL GUER	Active	TUCSON
329807	BASTIDA, CIPRIANO, SOLORZA	Active	TUCSON
330386	MORENO-MEZA, ANTONIO, DE J	Active	TUCSON
330432	LEE, JI, SONG	Active	TUCSON
331317	MORALES-DIAZ, BRIAN, ISRAE	Active	TUCSON
332570	HERNANDEZ-LEDESMA, MANUEL,	Active	TUCSON
332685	RUIZ-ARVAYO, MARIO, ROBERT	Active	TUCSON

333229	SESMA, MANUEL, DAVID	Active	TUCSON
333332	CELAYA-LEYVA, HERIBERTO	Active	TUCSON
333716	RODRIQUEZ, CARLOS, ESPINOZ	Active	TUCSON
333896	POBLETE, RICARDO	Active	TUCSON
333961	DIAZ-VEGA, JAIME	Active	TUCSON
334730	CAMACHO, DANIEL, STEVEN CO	Active	TUCSON
335163	BACA, LUIS	Active	TUCSON
335544	SAURES, ANTONIO, HERBERT	Active	TUCSON
335548	MENJIVAR-ALBERTO, FRANCISC	Active	TUCSON
335807	SANCHEZ, JOSE, ENRIQUE RAN	Active	TUCSON
336076	MENDOZA-NIEBLAS, FRANCISCO	Active	TUCSON
336104	VERDUGO, NELSON, GEOVANNY	Active	TUCSON
336175	CALIXTRO, LUIS, DAVID TIEN	Active	TUCSON
336395	REYES-ROJAS, GASPAR	Active	TUCSON
336578	FAVELA-BERNAL, JAQUIN, ANT	Active	TUCSON
337701	GUADALUPE, FAUSTINO, NORBE	Active	TUCSON
338069	SALBADOR-MARCOS, MARIO	Active	TUCSON
338149	BOJORQUEZ, CARLOS	Active	TUCSON
338168	NGUYEN, HUU, CHINH	Active	TUCSON
338672	MOGANA, ISRAEL, MONTES DE	Active	TUCSON
338925	BARRERA, CARLOS, FERNANDO	Active	TUCSON
339265	CHAIDEZ-SALAZAR, CESAR, AR	Active	TUCSON
339571	MANRIQUEZ, RAMON, ALBERTO	Active	TUCSON
340331	GARCIA, RAUL, I LOPEZ	Active	TUCSON
340525	PINEDA, SALVADOR, ALEXANDE	Active	TUCSON
340543	RAMOS, EDUARDO	Active	TUCSON
340901	CHAIDEZ-SALAZAR, AXEL, URI	Active	TUCSON
341700	HERNANDEZ-RAMIREZ, ARTURO	Active	TUCSON
341987	AMBRIZ, LUIS, EDUARDO	Active	TUCSON
342513	SANCHEZ, HERMELINDO	Active	TUCSON
342873	CANASTILLO-PEREZ, MARCO, A	Active	TUCSON
343021	SERVANTES, FIDEL	Active	TUCSON
343441	SEPULVEDA-SOTELO, LAZARD	Active	TUCSON
343600	MEZQUITA-TAPIA, MIGUEL, GI	Active	TUCSON

343889	ROMERO, EDGAR, MANJARREZ	Active	TUCSON
344493	CAMACHO, RAYMUNDO, JAVIER	Active	TUCSON
344758	SANTINI-ORDUNO, MARTIN, AN	Active	TUCSON
344825	ISLAS-GARCIA, JOSE	Active	TUCSON
345143	CAMEZ, JAVIER, GOMEZ	Active	TUCSON
345494	FLORES-AVILA, EDGAR, EDUAR	Active	TUCSON
345831	MARROQUIN-ALEGRIA, ABNER	Active	TUCSON
345846	FREGOZO, DAVID, ALEJANDRO	Active	TUCSON
345896	BELTRAN-MONTANO, OSCAR, RU	Active	TUCSON
345898	LEDEZMA, ALEJANDRO	Active	TUCSON
346044	LEAL, ABIGAIL, LOPEZ	Active	TUCSON
346189	PULIDO, JOSE, REFUGIO	Active	TUCSON
346244	DIAZ-MATEO, LAZARO	Active	TUCSON
346447	MOHAMMED-AMEEN, SAFAA, DEE	Active	TUCSON
346526	CASTRO, GILDARDO, HERNANDE	Active	TUCSON
346698	GALLARDO-MARTINEZ, ISMAEL	Active	TUCSON
346699	WOODS, FOULTON, LOVEBOY	Active	TUCSON
347127	ESPINO, GUSTAVO, Y	Active	TUCSON
347710	GONZALEZ-NEVAREZ, RAFAEL	Active	TUCSON
106638	AMAYA, SAMUEL, IVAN	Active	WINSLOW
113374	CORONADO, FEDERICO, ENCINO	Active	WINSLOW
119654	SANCHEZ, JOEL, ROMO	Active	WINSLOW
126634	TRAN, LAN, QUANG	Active	WINSLOW
138329	HERNANDEZ, ALBERTO, SALAZA	Active	WINSLOW
138504	ROMERO, PEDRO, MORAN	Active	WINSLOW
161694	HERRERA, ALFREDO, RODRIGUE	Active	WINSLOW
162256	HERNANDEZ, CESAR, GUSTAVO	Active	WINSLOW
165763	GARCIA-LOPEZ, JULIO, CESAR	Active	WINSLOW
170330	CONTRERAS, EDGAR	Active	WINSLOW
188934	SANCHEZ-HERNANDEZ, ROBERTO	Active	WINSLOW
196541	NORZAGARAY, FRANCISCO, IBA	Active	WINSLOW
200539	ORTIZ, ALFREDO, SICAIROS	Active	WINSLOW
211959	VELADOR-URIAS, ISRAEL	Active	WINSLOW
214392	FRANCO-ALAPISCO, CARLOS	Active	WINSLOW

216063	MACIEL, GERARDO, O	Active	WINSLOW
217548	PORTILLO, JESUS, MANUEL	Active	WINSLOW
217591	GARCIA, CHRISTOPHER, BAUTI	Active	WINSLOW
223674	CERVANTES-ZAVALA, RODRIGO	Active	WINSLOW
227778	AGUSTINIANO, MISAEL	Active	WINSLOW
231918	ZAVALA-PANUELAS, CARLOS, M	Active	WINSLOW
233352	FUENTES, JOSUE, ALEJANDRO	Active	WINSLOW
236355	RAMIREZ, CESAR	Active	WINSLOW
237193	LOPEZ-ARREDONDO, JESUS	Active	WINSLOW
237659	MENDEZ-DELGADO, JOSE	Active	WINSLOW
237886	SOBRAZO, CESAR, O.	Active	WINSLOW
239447	BELTRAN, JUAN, NUNEZ	Active	WINSLOW
243175	GARCIA, JESUS, BLAS	Active	WINSLOW
243412	JIMENEZ, JORGE, RODRIGUEZ	Active	WINSLOW
244468	AMARO-RODRIGUEZ, HERIBERTO	Active	WINSLOW
244594	GONZALEZ, RAUL, EDUARDO	Active	WINSLOW
245681	AGUILARA-MARTINEZ, JOSE	Active	WINSLOW
247006	NEALE, KENNETH, PAUL	Active	WINSLOW
247647	VALENZUELA, RIGOBERTO, SAN	Active	WINSLOW
248107	GONZAGA-MARTINEZ, TOMAS	Active	WINSLOW
249021	ZAVALA, FRANSISCO, AVILA	Active	WINSLOW
249594	FONSECA, JESUS, ANGULO	Active	WINSLOW
249862	CARDENAS-GARCIA, HECTOR, A	Active	WINSLOW
251223	PEREZ-MACIAS, JOSE	Active	WINSLOW
252657	MARTINEZ, MAX, PORTILLO	Active	WINSLOW
253158	LOPEZ, CHRISTIAN	Active	WINSLOW
253963	GOMEZ, SAUL, M	Active	WINSLOW
255032	VASQUEZ, RAMON, BOJORQUEZ	Active	WINSLOW
258880	ESPINOZA, JOSE, RODRIGO	Active	WINSLOW
259092	PEREZ-MORODO, GUSTAVO	Active	WINSLOW
260071	GARCIA, DIEGO, ARMANDO GUE	Active	WINSLOW
260569	LOPEZ-SILVA, IGNACIO	Active	WINSLOW
262117	CASTRO, IRAN	Active	WINSLOW
263823	MORFFAH, HERMENEGILD, E CA	Active	WINSLOW

264365	SOTO-PORTILLO, BULMARO	Active	WINSLOW
271035	ANGUIANO-SOTO, HANS, JONAT	Active	WINSLOW
271459	GUTIERREZ-CARILLO, JESUS	Active	WINSLOW
273779	MUSA, MOHAMED, HASSAN	Active	WINSLOW
274006	VASQUEZ, CHRISTIAN, BETZA	Active	WINSLOW
281430	VALENZUELA-MENDEZ, REY, DA	Active	WINSLOW
282042	ZAVALA-ALVAREZ, LUIS	Active	WINSLOW
282133	ESKIVEL, IVAN, ERNESTO	Active	WINSLOW
284657	VILLA, ESLYN, ADRIAN	Active	WINSLOW
286014	RUIZ-REYES, JESUS, ALBERTO	Active	WINSLOW
286526	RODRIGUEZ, JESUS	Active	WINSLOW
289407	YEPIZ-URREA, NARCIZO	Active	WINSLOW
290674	DUARTE, VICTOR	Active	WINSLOW
293531	BON-BELTRAN, MARCO, ANTONI	Active	WINSLOW
294542	PEREZ-VERDUGO, MARIANO	Active	WINSLOW
296748	GARCIA, MAURILIO, LUQUE	Active	WINSLOW
296804	BELTRAN-ADANCE, JESUS, ABE	Active	WINSLOW
296808	PADILLA-RAMIREZ, MARIO	Active	WINSLOW
301090	SOTELO, ANGEL, RAMIREZ	Active	WINSLOW
302103	DURAN-ROJAS, LIZARDO	Active	WINSLOW
302164	GARCIA, CESARIO, ARMANDO	Active	WINSLOW
303110	URRUTIA-RAMIREZ, JESUS, RO	Active	WINSLOW
307180	MONJE-PARRA, NOEL	Active	WINSLOW
308075	CAMACHO-MOLINA, BRIAN	Active	WINSLOW
308284	ORTEGA, GABRIEL, CANO	Active	WINSLOW
309435	ESPERICUETA, GUILLERMO, AL	Active	WINSLOW
310028	GARCIA-ALCANTAR, HECTOR	Active	WINSLOW
310334	REGALDO-MELENDREZ, HECTOR	Active	WINSLOW
312261	LEMUS-VELIZ, JOSE, CARLOS	Active	WINSLOW
314410	SOTO, JOSE, VILLEGAS	Active	WINSLOW
315624	LEYVA, JESUS, ANTONIO	Active	WINSLOW
316031	MOODY, LEON, DEXTER	Active	WINSLOW
316632	AHUMADA, NOE, PADILLA	Active	WINSLOW
318335	TOSCANO-DELVAL, JUAN, DIEG	Active	WINSLOW

318600	LOPEZ, JUAN, CARLOS CARONA	Active	WINSLOW
318901	RODRIGUEZ, RODRIGO	Active	WINSLOW
320263	SOLIS-RAMOS, ESTABAN	Active	WINSLOW
322255	HARVEY, VERBON, RICARDO	Active	WINSLOW
322402	MCGAHAN, NATHANIEL, BLAIR	Active	WINSLOW
323243	SORTO, JOSE, ALFREDO RUANO	Active	WINSLOW
323872	ZERMENO, JUAN, LUIS	Active	WINSLOW
324464	CORTES-SERRILLO, MODESTO,	Active	WINSLOW
325166	FUENTES, FRANCISCO, BAEZ	Active	WINSLOW
326321	RODRIGUEZ, CARLOS, MORENO	Active	WINSLOW
327642	SALGADO-REYES, LUIS, ANTHO	Active	WINSLOW
328342	RUIZMORA, JUAN	Active	WINSLOW
328695	BUSTOS, ARSENIO, CARRILLO	Active	WINSLOW
333642	VASQUEZ, ANGEL, ANTONIO MA	Active	WINSLOW
334191	AYALA, BERNARDO, GUERRERO	Active	WINSLOW
334300	SABADO, ELISEO	Active	WINSLOW
334316	COLLINS, CHRISTIAN	Active	WINSLOW
334422	RIOS, ARMANDO, ORTIS	Active	WINSLOW
337764	PARRA-DUARTE, VICTOR, ARNO	Active	WINSLOW
339700	FIERRO, BLAS, FERNANDO	Active	WINSLOW
340687	TORRES-GUTIERREZ, MARCO, A	Active	WINSLOW
341544	FELIX, JESUS, MANUEL LOPEZ	Active	WINSLOW
342440	PACHECO, EDGAR, IVAN UZARR	Active	WINSLOW
342537	ANGULO-RUIZ, ALFREDO	Active	WINSLOW
342848	SALAZAR-HURTADO, LUIS, ANG	Active	WINSLOW
346311	DENA, ANTONIO, ISAIT PEREZ	Active	WINSLOW
346367	LEYVA, JOSE, ROSARIO BELTR	Active	WINSLOW
76688	MARTINEZ, RAMON, HERNANDEZ	Active	YUMA
77319	SAEZ, ALFONSO, MACHADO	Active	YUMA
79310	ARENCIVIA, CARLOS, RAMOS	Active	YUMA
90557	ABDELSALAM, ABELSALAM, MOH	Active	YUMA
90645	MERIN, NICHOLAS, A	Active	YUMA
92135	CASTILLO, ARNOLDO	Active	YUMA
92679	DEOLIVEIRA, JOHN, OCTAVIO	Active	YUMA

115111	MEJIA, BALDEMAR, MORA	Active	YUMA
120800	VILLASENOR, JOSE, JOSE	Active	YUMA
122820	VASQUEZ, JUAN, RUBIO	Active	YUMA
143576	AL-ZAIDY, ALI, NAEEN	Active	YUMA
149785	ESPINOZA-SANCHEZ, RUBEN	Active	YUMA
152025	MARTINEZ-CAMARENA, OSCAR	Active	YUMA
154462	SANCHEZ-HERNANDEZ, OSCAR	Active	YUMA
156907	ROSAS-HERNANDEZ, ARNULFO	Active	YUMA
157554	PONCE-SEDANO, JOSE, LUIS	Active	YUMA
164953	FERNANDEZ, LIONEL	Active	YUMA
176966	IZQUIEDO, FRANCISCO, M.	Active	YUMA
177910	CHAVEZ, ALFREDO, ROMERO	Active	YUMA
182804	ARMENTA, MANUEL, ISIDRO	Active	YUMA
185007	RIVERA-TARAZON, ANTONIO	Active	YUMA
188770	MARTINEZ, ESTEBAN, VILLA	Active	YUMA
189272	SANTOS, ANIBAL, ROSADO	Active	YUMA
202251	WILLEFORD, ALEXANDER	Active	YUMA
207208	RUIZ-LEON, EDGARDO	Active	YUMA
211554	FIGUEROA, IVAN, TINEO	Active	YUMA
221798	BARRAGAN, GILBERTO, MOLINA	Active	YUMA
225633	MENDOZA-LARES, EDUARDO	Active	YUMA
226966	RUIZ-BACA, OSCAR	Active	YUMA
230298	COLORADO-MOLINA, RENATO	Active	YUMA
233203	CASTRUITA, ERNESTO, CASTRU	Active	YUMA
236369	HARO-ARCE, JOSE, MIGUEL	Active	YUMA
236570	BALTIERRA-QUEZADA, ANTONIO	Active	YUMA
237811	TORRES, JOSE, RUBEN, Jr	Active	YUMA
238273	SILVA, ALEJANDRINO, LARA	Active	YUMA
238490	LOPEZ-MILLAN, ALFONSO	Active	YUMA
238520	FRASQUILLO, CARLOS, ALEJAN	Active	YUMA
239893	MORENO, FABIAN, JAMIE	Active	YUMA
240400	GAXIOLA, OMAR, CAMACHO	Active	YUMA
240792	CABRERA-SOMOSA, JOSE, ABEL	Active	YUMA
243794	GONZALES, EDGAR, OLENCEER	Active	YUMA

244247	GIBBS, MURRAY, E	Active	YUMA
245316	RUELAS, DANIEL	Active	YUMA
245493	VILLA-CARRANZA, IGNACIO	Active	YUMA
246443	CUADROS-VASQUEZ, JACOBO	Active	YUMA
251846	GONZALEZ, PRAXEDIS, SAUL P	Out to Court	YUMA
253456	ACOSTA, JEAN CARLOS, MACIA	Active	YUMA
253728	RAMOS-CLAUDIO, MIGUEL	Active	YUMA
254377	MOSQUEDA, ABEL, LOZANO	Active	YUMA
254604	ORTEGA-MIRANDA, MIGUEL, AN	Active	YUMA
257255	ROQUE, JORGE, HERNANDEZ	Active	YUMA
257821	AVILA, JORGE, MIRANDA	Active	YUMA
258166	BALLARDO, JUAN, CARLOS	Active	YUMA
259774	MACIAS, CARLOS	Active	YUMA
260271	ALMONTE, PRIMITIVO, MADNGA	Active	YUMA
260956	AREVALO, OSCAR, DANIEL SA	Active	YUMA
261196	SANTANA, LUIS, PEREZ	Active	YUMA
262397	ALVAREZ, LUIS, FLORES	Active	YUMA
264231	GARCIA-AVALOS, HERIBERTO	Active	YUMA
269046	GARCIA, LUIS, FRANCISCO	Active	YUMA
269174	CARRILLO, JOSE, LUIS	Active	YUMA
269317	MELENDREZ-TRASVINA, JESUS	Active	YUMA
271837	DUNDA, ADAM, DANIEL	Active	YUMA
272740	PALACIOSHERNANDEZ, ROGELIO	Active	YUMA
273243	LOPEZ, MARCO, ANTONIO	Active	YUMA
274873	GODINEZ-GARCIA, FIDEL	Active	YUMA
277818	SANCHEZ-SANCHEZ, JESUS	Active	YUMA
277990	HUERTA-MARTINEZ, VICENTE	Active	YUMA
281247	ROMERO, ERIC, RENE	Active	YUMA
282206	MEKHAIL, ROBEN	Active	YUMA
283750	GUERRERO-VALENZUELA, RAY,	Active	YUMA
287930	RAMIREZ, LUIS, ALBERTO	Active	YUMA
289404	PADRES, JOSE, H.	Active	YUMA
291062	CARDENAS, LAISDEL, VIERAS	Active	YUMA
292459	FLORES, CARLOS, NOE	Active	YUMA

294591	TULL, CONRAD, ANTHONY	Active	YUMA
295262	BARAJAS-CERVANTES, JUAN, M	Active	YUMA
296816	URIARTE-VELASQUEZ, ERNESTO	Active	YUMA
298092	GONZALEZ-CEBALLOS, FABIAN	Active	YUMA
298378	GARCIA-SANCHEZ, SALVADOR	Active	YUMA
299775	GAUNA-GONZALES, AARON	Active	YUMA
300514	SANCHEZ, JESUS, DANIEL	Active	YUMA
301691	BELTRAN-ACOSTA, LUIS, ERNE	Active	YUMA
302486	REYES, FRANCISCO, APARICIO	Active	YUMA
304985	HOANG, BINN, THANH	Active	YUMA
306041	ZOTO, MIGUEL, ZAES	Active	YUMA
306399	GUZMAN-PINA, GUSTAVO, ARMA	Active	YUMA
306434	VILLA-CORTES, JONATHAN	Active	YUMA
308120	SILVA, VICTOR, PIERRE BENT	Active	YUMA
308536	VALDEZ, ERIC, GIOVANI	Active	YUMA
308599	MOLINA-ESPINOZA, CESAR, OM	Active	YUMA
310867	BOJORQUEZ, IRVIN, ALEJANDR	Active	YUMA
312227	BERRADA, THAMI	Active	YUMA
312233	PINEDA-CASTANEDA, JOSE, RA	Active	YUMA
312299	ESTRADA-MONTES, LUIS, ARTU	Active	YUMA
313082	BAILON, ZENAIDO	Active	YUMA
315725	VACA-HERNANDEZ, FERNANDO	Active	YUMA
316779	ARAMBURO-VEGA, JESUS	Active	YUMA
319059	RAMIREZ, ALFREDO, BOBADILL	Active	YUMA
319205	GAXIOLA, GIL	Active	YUMA
320113	SANDOVAL-FLORES, PEDRO	Active	YUMA
320233	RUIZ-RODRIGUEZ, RAMON, GIL	Active	YUMA
320706	CRUZ-ARAJO, JOSE	Active	YUMA
321302	VALLES-VARGAS, JUAN, MANUE	Active	YUMA
321437	MANSARAY, ALUSINE	Active	YUMA
324529	FIGUEROA, JOSE, UBALDO RUB	Active	YUMA
325080	AGUILAR-MEDINA, MARCO, A	Active	YUMA
326140	SANCHEZ-BURGOS, OMAR, ANTO	Active	YUMA
326309	DE LA ROSA PEREZ, JUAN, AL	Active	YUMA

327696	LOPEZ-RAMIREZ, JORGE	Active	YUMA
328041	MIRAMONTES, ALEJANDRO, LEO	Active	YUMA
328114	CERVANTES, EDGAR	Active	YUMA
328455	MEDINA-BORJORQUEZ, IBAN	Active	YUMA
328468	DANIEL-CANEDO, JESUS, JAVI	Active	YUMA
328721	RODELO-VELASQUEZ, ALAN	Active	YUMA
328965	VALDEZ-NORIEGA, FELIX	Active	YUMA
329097	ANGULO-CHAVEZ, JAVIER	Active	YUMA
329267	ROCHA, ALAIN, BERNABE	Active	YUMA
329550	PACHECO-ISLAS, GUADALUPE,	Active	YUMA
331916	RODRIGUEZ, FRANCISCO, MANU	Active	YUMA
332184	RIVERA, JOSE, JUAN PRADO	Active	YUMA
332836	ESTEVEZ, MARTIN, QUEZADA	Active	YUMA
332897	ARMENTA, NOE, GAMALIEL MAR	Active	YUMA
333841	HARO LOPEZ, JESUS, IVAN	Active	YUMA
334795	CORRALES-PAREDES, JOSE, LU	Active	YUMA
335739	CAMAS-GARCIA, LUIS, ANTONI	Active	YUMA
336468	LOPEZ, MARCO, ANTONIO CORO	Active	YUMA
337125	RODRIGUEZ, JAIRO, CHAVEZ	Active	YUMA
337190	BARRAZA-TORRES, IVAN	Active	YUMA
337248	MARTINEZ-SANCHEZ, ANGEL	Active	YUMA
337254	ROCHA-ALVAREZ, RODOLFO, RO	Active	YUMA
337395	DIAZ, EFREN, FAVELA	Active	YUMA
337486	MELGAR-BELTRAN, GERARDO	Active	YUMA
337963	JAQUEZ, EFRAIN, HUMBERTO	Active	YUMA
338194	MACHADO, GUILLERMO, LUIS C	Active	YUMA
338408	MIRANDA-ROLAND, GUILLERMO	Active	YUMA
338530	VELAZQUEZ, HERIBERTO, HERN	Active	YUMA
338574	VALEDEZ-MURCIA, YONI, ALEX	Active	YUMA
338887	LLANES, GASTON, SANTOS	Active	YUMA
339292	DELANGEL, RAFAEL	Active	YUMA
339413	MEDRANO-JUAREZ, ALLAN, ALB	Active	YUMA
340686	RIVERA, CUNDO, RAFAEL FELI	Active	YUMA
340713	MEZA-MEDINA, JESUS, ALFONS	Active	YUMA

340733	CASADO, GILBERTO	Active	YUMA
341018	ALONSO, SERGIO	Active	YUMA
341164	CARDENAS-ANGULO, JESUS, AL	Active	YUMA
341275	COTA, AARON, ALFONSO	Active	YUMA
341467	ESPINOZA-ADRIANO, DANIEL	Active	YUMA
342058	ROSAS-ALVARADO, LEOBARDO	Active	YUMA
342464	FUERTE-CORRALES, JOSE, COR	Active	YUMA
342672	MORENO, CARLOS, SEBASTIAN	Active	YUMA
342821	MENYONGARI, DESMOND, KWAME	Active	YUMA
343863	ZUNIGA, RAFAEL, ESPINOZA	Active	YUMA
345073	RIVAS, JOSE, EDUARDO SAUCE	Active	YUMA
345245	TORRES-MARTINEZ, RUBEN	Active	YUMA
345298	AVALOS, LUIS, ARREOLA BELT	Active	YUMA
345499	AHMED, ISMAIL	Active	YUMA
345646	FLORES, MIGUEL, G SOTO	Active	YUMA
345743	CLAVEL, WILLIAM, ANTONIO H	Active	YUMA
345841	CHAVEZ, ROSARIO	Active	YUMA
345877	CASTILLO-TREJO, HECTOR	Active	YUMA
346113	VALDEZ-GARCIA, FRANCISCO,	Active	YUMA
347110	FRAUSTO-CRUZ, MANUEL	Active	YUMA
347434	TERAN-SANCHEZ, RUBEN	Active	YUMA

UNIT	NEWMINRELEASE	DETAINER_DT1
CACF-FLORENCE	.	10/21/1985
CACF-FLORENCE	.	12/22/1992
CACF-FLORENCE	04/06/2024	01/30/2017
CACF-FLORENCE	05/16/2033	03/27/2017
CACF-FLORENCE	09/08/2149	09/16/1997
CACF-FLORENCE	.	12/30/1997
CACF-FLORENCE	04/25/2024	05/05/1998
CACF-FLORENCE	08/05/2244	10/21/2002
CACF-FLORENCE	02/09/2023	10/20/1998
CACF-FLORENCE	01/07/2023	02/04/1999
CACF-FLORENCE	01/13/2028	07/08/1999
CACF-FLORENCE	07/07/2025	11/13/2013
CACF-FLORENCE	04/03/2022	06/15/2000
CACF-FLORENCE	03/16/2038	02/13/2013
CACF-FLORENCE	12/29/2022	09/07/2001
CACF-FLORENCE	07/07/2021	09/16/2020
CACF-FLORENCE	07/26/2177	04/09/2002
CACF-FLORENCE	02/15/2029	03/05/2003
CACF-FLORENCE	.	09/10/2003
CACF-FLORENCE	04/28/2026	05/06/2004
CACF-FLORENCE	09/27/2045	01/05/2004
CACF-FLORENCE	.	03/30/2004
CACF-FLORENCE	05/29/2023	06/02/2004
CACF-FLORENCE	05/29/2028	06/02/2004
CACF-FLORENCE	09/16/2023	05/13/2013
CACF-FLORENCE	04/30/2022	11/25/2005
CACF-FLORENCE	07/01/2022	01/09/2006
CACF-FLORENCE	12/11/2030	03/11/2014
CACF-FLORENCE	03/09/2025	11/06/2008
CACF-FLORENCE	08/11/2022	09/13/2006
CACF-FLORENCE	08/06/2086	07/16/2007
CACF-FLORENCE	06/22/2027	09/12/2007
CACF-FLORENCE	.	10/24/2007

CACF-FLORENCE	03/25/2031	06/23/2015
CACF-FLORENCE	03/25/2026	03/05/2008
CACF-FLORENCE	01/03/2125	02/12/2008
CACF-FLORENCE	07/06/2032	07/23/2008
CACF-FLORENCE	07/04/2031	08/18/2008
CACF-FLORENCE	07/29/2042	09/15/2008
CACF-FLORENCE	04/14/2035	09/23/2008
CACF-FLORENCE	10/26/2027	11/06/2008
CACF-FLORENCE	.	11/29/2008
CACF-FLORENCE	.	08/24/2009
CACF-FLORENCE	01/28/2022	04/06/2021
CACF-FLORENCE	04/25/2026	09/19/2011
CACF-FLORENCE	08/29/2031	12/04/2009
CACF-FLORENCE	01/23/2031	02/04/2010
CACF-FLORENCE	12/09/2026	04/21/2010
CACF-FLORENCE	10/18/2029	06/14/2010
CACF-FLORENCE	07/05/2022	08/08/2011
CACF-FLORENCE	02/04/2025	03/22/2011
CACF-FLORENCE	04/26/2030	06/07/2011
CACF-FLORENCE	12/13/2178	05/25/2011
CACF-FLORENCE	11/21/2027	05/31/2011
CACF-FLORENCE	08/22/2025	06/10/2011
CACF-FLORENCE	02/19/2030	08/12/2011
CACF-FLORENCE	11/22/2025	09/28/2011
CACF-FLORENCE	06/27/2028	04/05/2017
CACF-FLORENCE	02/26/2028	01/24/2012
CACF-FLORENCE	04/26/2022	09/10/2020
CACF-FLORENCE	06/12/2031	07/03/2012
CACF-FLORENCE	06/24/2031	07/06/2012
CACF-FLORENCE	03/09/2031	08/28/2012
CACF-FLORENCE	02/13/2028	10/05/2012
CACF-FLORENCE	12/12/2032	12/14/2012
CACF-FLORENCE	04/13/2032	10/22/2012
CACF-FLORENCE	05/09/2030	11/21/2012

CACF-FLORENCE	03/22/2025	03/20/2013
CACF-FLORENCE	03/16/2027	03/20/2013
CACF-FLORENCE	03/15/2029	04/12/2013
CACF-FLORENCE	01/01/2023	03/07/2013
CACF-FLORENCE	.	12/30/2014
CACF-FLORENCE	05/30/2056	01/15/2021
CACF-FLORENCE	09/06/2036	10/28/2013
CACF-FLORENCE	04/20/2030	09/12/2013
CACF-FLORENCE	09/14/2024	08/31/2017
CACF-FLORENCE	09/15/2032	10/28/2013
CACF-FLORENCE	01/23/2023	09/04/2018
CACF-FLORENCE	05/28/2021	10/28/2013
CACF-FLORENCE	01/13/2030	01/30/2014
CACF-FLORENCE	04/30/2027	03/06/2014
CACF-FLORENCE	01/21/2022	01/02/2014
CACF-FLORENCE	08/19/2029	05/20/2014
CACF-FLORENCE	08/30/2032	03/21/2014
CACF-FLORENCE	07/22/2034	03/28/2014
CACF-FLORENCE	12/30/2034	11/23/2015
CACF-FLORENCE	02/01/2038	05/15/2015
CACF-FLORENCE	05/03/2032	05/09/2014
CACF-FLORENCE	04/16/2022	06/02/2014
CACF-FLORENCE	09/11/2038	02/14/2020
CACF-FLORENCE	05/23/2028	04/19/2017
CACF-FLORENCE	05/10/2022	09/03/2014
CACF-FLORENCE	07/29/2028	10/01/2014
CACF-FLORENCE	10/11/2021	10/10/2014
CACF-FLORENCE	03/05/2033	03/13/2017
CACF-FLORENCE	06/28/2034	12/02/2014
CACF-FLORENCE	10/14/2022	04/27/2021
CACF-FLORENCE	05/22/2023	03/19/2015
CACF-FLORENCE	03/04/2024	10/26/2018
CACF-FLORENCE	11/05/2024	11/12/2020
CACF-FLORENCE	01/04/2023	09/28/2020

CACF-FLORENCE	09/27/2022	08/05/2015
CACF-FLORENCE	02/13/2035	07/20/2015
CACF-FLORENCE	11/17/2023	10/13/2015
CACF-FLORENCE	03/23/2025	08/11/2015
CACF-FLORENCE	08/16/2031	08/07/2015
CACF-FLORENCE	01/17/2024	09/16/2015
CACF-FLORENCE	01/31/2030	09/17/2015
CACF-FLORENCE	12/15/2022	09/29/2015
CACF-FLORENCE	03/06/2040	10/08/2015
CACF-FLORENCE	10/03/2037	10/21/2015
CACF-FLORENCE	10/22/2021	11/17/2015
CACF-FLORENCE	06/06/2037	11/03/2015
CACF-FLORENCE	11/16/2022	11/17/2015
CACF-FLORENCE	10/23/2027	11/17/2015
CACF-FLORENCE	08/08/2022	02/25/2016
CACF-FLORENCE	12/07/2027	03/11/2016
CACF-FLORENCE	12/14/2031	02/18/2016
CACF-FLORENCE	10/25/2026	03/30/2016
CACF-FLORENCE	06/25/2093	03/03/2016
CACF-FLORENCE	12/03/2049	06/29/2016
CACF-FLORENCE	01/04/2032	07/13/2016
CACF-FLORENCE	02/06/2027	07/25/2016
CACF-FLORENCE	07/26/2032	08/12/2016
CACF-FLORENCE	10/09/2023	09/14/2016
CACF-FLORENCE	05/02/2032	10/26/2016
CACF-FLORENCE	01/01/2036	11/02/2016
CACF-FLORENCE	01/18/2040	11/23/2016
CACF-FLORENCE	12/18/2022	12/06/2016
CACF-FLORENCE	11/06/2035	11/16/2016
CACF-FLORENCE	08/30/2024	12/29/2016
CACF-FLORENCE	01/31/2035	03/27/2017
CACF-FLORENCE	02/13/2024	03/27/2017
CACF-FLORENCE	11/21/2031	05/05/2017
CACF-FLORENCE	03/17/2042	06/20/2017

CACF-FLORENCE	08/12/2050	06/30/2017
CACF-FLORENCE	12/13/2035	08/25/2017
CACF-FLORENCE	07/31/2022	03/02/2021
CACF-FLORENCE	04/24/2033	12/29/2020
CACF-FLORENCE	02/26/2027	10/11/2017
CACF-FLORENCE	12/08/2034	10/26/2017
CACF-FLORENCE	03/20/2023	09/20/2017
CACF-FLORENCE	09/22/2041	09/29/2017
CACF-FLORENCE	01/29/2028	10/31/2017
CACF-FLORENCE	12/10/2021	02/02/2021
CACF-FLORENCE	10/19/2034	10/17/2018
CACF-FLORENCE	10/07/2024	12/21/2017
CACF-FLORENCE	05/09/2028	01/10/2018
CACF-FLORENCE	12/02/2025	02/12/2018
CACF-FLORENCE	08/05/2024	02/27/2018
CACF-FLORENCE	04/10/2029	03/08/2018
CACF-FLORENCE	09/26/2027	12/08/2020
CACF-FLORENCE	03/02/2028	10/29/2018
CACF-FLORENCE	02/13/2028	11/26/2018
CACF-FLORENCE	01/13/2024	12/28/2018
CACF-FLORENCE	06/13/2023	11/30/2018
CACF-FLORENCE	12/03/2041	12/03/2018
CACF-FLORENCE	12/09/2044	12/05/2018
CACF-FLORENCE	03/13/2037	01/24/2019
CACF-FLORENCE	11/22/2026	04/03/2019
CACF-FLORENCE	03/25/2034	12/31/2020
CACF-FLORENCE	09/11/2026	05/31/2019
CACF-FLORENCE	09/10/2021	07/15/2020
CACF-FLORENCE	01/31/2025	06/06/2019
CACF-FLORENCE	05/20/2042	07/02/2019
CACF-FLORENCE	06/16/2026	07/29/2019
CACF-FLORENCE	02/13/2036	09/19/2019
CACF-FLORENCE	07/11/2024	09/04/2019
CACF-FLORENCE	09/23/2023	09/10/2019

CACF-FLORENCE	12/13/2045	10/10/2019
CACF-FLORENCE	11/19/2021	08/27/2020
CACF-FLORENCE	10/16/2026	12/01/2020
CACF-FLORENCE	12/16/2035	12/30/2019
CACF-FLORENCE	06/19/2024	01/07/2020
CACF-FLORENCE	10/13/2034	01/22/2020
CACF-FLORENCE	04/01/2037	02/13/2020
CACF-FLORENCE	08/02/2029	12/16/2020
CACF-FLORENCE	02/17/2039	02/28/2020
CACF-FLORENCE	12/28/2026	03/06/2020
CACF-FLORENCE	12/14/2038	01/13/2021
CACF-FLORENCE	11/24/2033	06/12/2020
CACF-FLORENCE	09/13/2044	06/02/2020
CACF-FLORENCE	03/17/2028	09/25/2020
CACF-FLORENCE	01/12/2033	11/04/2020
CACF-FLORENCE	04/06/2022	12/29/2020
CACF-FLORENCE	06/20/2025	03/17/2021
CACF-FLORENCE	06/04/2026	04/02/2021
CACF-FLORENCE	06/08/2028	04/09/2021
CENTRAL OFFICE	.	03/27/1989
CENTRAL OFFICE	03/04/2129	06/19/1998
CENTRAL OFFICE	11/08/2023	11/14/2000
CENTRAL OFFICE	03/23/2025	02/13/2018
CENTRAL OFFICE	.	06/28/2002
CENTRAL OFFICE	04/03/2023	04/23/2021
CENTRAL OFFICE	03/27/2022	12/07/2011
CENTRAL OFFICE	09/01/2039	12/15/2008
CENTRAL OFFICE	03/13/2023	06/29/2010
CENTRAL OFFICE	.	04/28/2009
CENTRAL OFFICE	11/09/2022	10/25/2011
CENTRAL OFFICE	04/15/2022	03/15/2012
CENTRAL OFFICE	01/27/2022	03/15/2012
CENTRAL OFFICE	02/20/2022	06/09/2012
CENTRAL OFFICE	12/25/2022	12/30/2013

CENTRAL OFFICE	03/01/2022	02/28/2013
	09/28/2021	03/19/2014
CENTRAL OFFICE	07/28/2028	06/11/2015
CENTRAL OFFICE	05/23/2022	12/30/2014
CENTRAL OFFICE	03/05/2022	02/27/2015
CENTRAL OFFICE	05/22/2022	10/08/2014
CENTRAL OFFICE	05/01/2021	01/22/2015
CENTRAL OFFICE	11/17/2022	09/25/2015
CENTRAL OFFICE	12/11/2021	09/16/2015
CENTRAL OFFICE	08/28/2021	07/27/2020
CENTRAL OFFICE	07/14/2021	02/04/2020
CENTRAL OFFICE	07/09/2026	09/29/2020
DOUGLAS GILA	02/04/2022	10/29/2020
DOUGLAS MOHAVE	01/05/2028	04/08/2021
DOUGLAS MOHAVE	07/21/2021	02/13/2020
DOUGLAS MOHAVE	01/27/2025	10/22/2015
DOUGLAS MOHAVE	.	05/30/1996
DOUGLAS GILA	04/30/2021	03/04/2021
DOUGLAS EGGERS	07/25/2024	04/20/2018
DOUGLAS MOHAVE	10/08/2037	10/13/2015
DOUGLAS MOHAVE	.	04/29/1998
DOUGLAS MOHAVE	.	09/13/2001
DOUGLAS MOHAVE	06/29/2021	01/22/2021
DOUGLAS MOHAVE	06/25/2026	10/31/2002
DOUGLAS MOHAVE	07/31/2023	11/24/2008
DOUGLAS MOHAVE	09/24/2021	12/16/2019
DOUGLAS MOHAVE	05/15/2052	02/21/2007
DOUGLAS GILA	11/05/2021	12/17/2015
DOUGLAS MOHAVE	02/15/2022	08/12/2019
DOUGLAS GILA	06/24/2022	09/24/2019
DOUGLAS MOHAVE	10/01/2026	11/17/2020
DOUGLAS MOHAVE	05/28/2026	03/06/2008
DOUGLAS GILA	02/27/2023	05/11/2020
DOUGLAS GILA	11/30/2021	03/05/2020

DOUGLAS MOHAVE	02/02/2026	08/05/2008
DOUGLAS EGGERS	12/10/2021	07/22/2009
DOUGLAS MOHAVE	08/31/2039	06/10/2019
DOUGLAS GILA	10/23/2023	11/05/2018
DOUGLAS MOHAVE	07/19/2034	06/09/2010
DOUGLAS MOHAVE	02/09/2045	06/02/2010
DOUGLAS MOHAVE	11/12/2021	04/15/2020
DOUGLAS MOHAVE	.	10/25/2019
DOUGLAS MOHAVE	11/05/2021	12/02/2020
DOUGLAS MOHAVE	11/04/2022	01/26/2012
DOUGLAS MOHAVE	02/20/2029	05/30/2012
DOUGLAS GILA	12/09/2021	01/15/2020
DOUGLAS GILA	07/08/2022	08/24/2018
DOUGLAS MOHAVE	07/11/2028	08/05/2013
DOUGLAS GILA	08/16/2021	01/22/2015
DOUGLAS MOHAVE	07/23/2024	08/14/2014
DOUGLAS MOHAVE	10/09/2024	03/06/2019
DOUGLAS MOHAVE	03/15/2027	09/09/2019
DOUGLAS GILA	02/26/2022	03/29/2021
DOUGLAS MOHAVE	04/28/2023	01/06/2021
DOUGLAS MOHAVE	11/18/2022	07/06/2020
DOUGLAS GILA	05/25/2021	02/13/2018
DOUGLAS MOHAVE	02/11/2023	07/20/2016
DOUGLAS MOHAVE	09/18/2031	09/06/2016
DOUGLAS MOHAVE	01/13/2022	09/27/2019
DOUGLAS GILA	05/11/2022	07/03/2017
DOUGLAS MOHAVE	06/05/2023	09/20/2017
DOUGLAS MOHAVE	09/09/2021	03/27/2018
DOUGLAS MOHAVE	01/14/2022	01/30/2018
DOUGLAS MOHAVE	08/12/2023	02/15/2018
DOUGLAS EGGERS	01/28/2026	01/16/2018
DOUGLAS MOHAVE	09/17/2021	11/18/2020
DOUGLAS GILA	10/19/2023	07/11/2018
DOUGLAS MOHAVE	07/26/2024	07/05/2018

DOUGLAS MOHAVE	05/10/2021	07/12/2018
DOUGLAS MOHAVE	06/06/2066	02/06/2019
DOUGLAS MOHAVE	07/20/2021	07/08/2020
DOUGLAS MOHAVE	06/28/2030	11/30/2018
DOUGLAS MOHAVE	08/13/2021	01/24/2019
DOUGLAS MOHAVE	06/04/2025	03/12/2019
DOUGLAS MOHAVE	10/21/2021	03/06/2020
DOUGLAS MOHAVE	05/23/2022	04/11/2019
DOUGLAS GILA	09/19/2021	06/20/2019
DOUGLAS EGGERS	10/31/2023	07/18/2019
DOUGLAS MOHAVE	08/09/2025	09/03/2019
DOUGLAS GILA	06/17/2022	08/06/2019
DOUGLAS GILA	06/18/2021	08/07/2019
DOUGLAS GILA	12/17/2021	08/23/2019
DOUGLAS MOHAVE	10/29/2021	10/24/2019
DOUGLAS GILA	05/06/2022	04/16/2020
DOUGLAS GILA	08/09/2021	02/25/2020
DOUGLAS GILA	06/14/2022	02/11/2021
DOUGLAS MOHAVE	09/27/2021	08/21/2020
DOUGLAS MOHAVE	12/06/2026	12/16/2019
DOUGLAS MOHAVE	07/28/2023	01/27/2021
DOUGLAS GILA	08/05/2022	01/08/2020
DOUGLAS MOHAVE	02/25/2022	01/23/2020
DOUGLAS GILA	09/09/2022	03/06/2020
DOUGLAS MOHAVE	08/31/2023	10/27/2020
DOUGLAS GILA	05/07/2021	08/11/2020
DOUGLAS GILA	05/07/2021	07/30/2020
DOUGLAS GILA	10/29/2021	03/27/2020
DOUGLAS GILA	06/17/2021	03/20/2020
DOUGLAS GILA	05/21/2021	02/22/2021
DOUGLAS GILA	05/21/2021	02/23/2021
DOUGLAS GILA	03/29/2022	04/15/2020
DOUGLAS MOHAVE	01/09/2027	06/08/2020
DOUGLAS MOHAVE	07/22/2022	07/23/2020

DOUGLAS MOHAVE	02/18/2022	08/21/2020
DOUGLAS GILA	06/04/2021	08/19/2020
DOUGLAS GILA	04/19/2022	09/16/2020
DOUGLAS GILA	11/10/2022	09/25/2020
DOUGLAS GILA	06/11/2021	09/30/2020
DOUGLAS GILA	09/29/2022	10/29/2020
DOUGLAS MOHAVE	06/17/2022	12/18/2020
DOUGLAS EGGERS	09/14/2023	01/19/2021
DOUGLAS MOHAVE	10/21/2021	03/17/2021
EYMAN COOK	10/26/2024	07/23/2008
EYMAN COOK	.	01/15/1986
EYMAN COOK	09/17/2053	06/28/1983
EYMAN COOK	09/06/2063	06/27/1983
EYMAN MEADOWS	06/12/2028	02/23/2011
EYMAN MEADOWS	03/06/2022	02/16/2017
EYMAN COOK	07/03/2098	06/08/1990
EYMAN MEADOWS	06/11/2046	09/19/1991
EYMAN MEADOWS	.	11/25/2002
EYMAN COOK	04/05/2041	06/26/2008
EYMAN MEADOWS	.	10/18/1996
EYMAN COOK	.	10/18/1996
EYMAN COOK	.	12/28/2018
EYMAN MEADOWS	06/24/2085	11/09/1992
EYMAN SMU I	08/22/2092	08/20/2013
EYMAN MEADOWS	02/18/2047	09/29/2014
EYMAN SMU I	01/20/2032	11/13/2014
EYMAN MEADOWS	.	07/13/2010
EYMAN COOK	01/12/2095	03/29/1994
EYMAN COOK	03/30/2025	01/10/2006
EYMAN MEADOWS	05/10/2057	08/04/2005
EYMAN MEADOWS	02/14/2028	07/23/2020
EYMAN COOK	04/26/2029	06/06/2008
EYMAN BROWNING	06/30/2021	03/25/2021
EYMAN COOK	10/05/2039	10/16/2020

EYMAN SMU I	07/05/2022	02/07/2001
EYMAN COOK	.	11/15/2010
EYMAN SMU I	06/28/2024	01/31/2003
EYMAN MEADOWS	07/13/2150	07/13/1998
EYMAN MEADOWS	02/08/2028	12/10/2008
EYMAN SMU I	.	07/30/1999
EYMAN COOK	.	01/27/2014
EYMAN COOK	03/08/2115	10/07/1999
EYMAN RYNNING	01/11/2024	04/04/2016
EYMAN MEADOWS	06/04/2022	05/27/2014
EYMAN MEADOWS	07/11/2052	03/31/2000
EYMAN SMU I	07/14/2034	08/08/2011
EYMAN RYNNING	.	08/24/2000
EYMAN BROWNING	11/03/2023	11/08/2012
EYMAN BROWNING	02/25/2030	09/07/2011
EYMAN COOK	07/06/2065	11/14/2000
EYMAN COOK	05/21/2036	12/28/2015
EYMAN MEADOWS	06/10/2120	03/30/2001
EYMAN BROWNING	02/17/2022	07/07/2017
EYMAN MEADOWS	11/26/2022	02/06/2002
EYMAN COOK	11/23/2060	12/26/2001
EYMAN RYNNING	10/10/2029	02/12/2002
EYMAN COOK	.	04/11/2002
EYMAN COOK	05/25/2021	03/09/2021
EYMAN BROWNING	12/20/2096	02/24/2011
EYMAN COOK	.	05/01/2002
EYMAN BROWNING	.	06/10/2002
EYMAN MEADOWS	10/19/2133	06/17/2002
EYMAN RYNNING	12/23/2037	03/26/2015
EYMAN MEADOWS	02/16/2037	09/12/2014
EYMAN RYNNING	11/22/2030	09/30/2002
EYMAN BROWNING	01/15/2026	03/07/2013
EYMAN COOK	.	11/07/2002
EYMAN BROWNING	11/05/2021	12/22/2020

EYMAN MEADOWS	06/08/2023	07/21/2003
EYMAN BROWNING	.	11/02/2010
EYMAN COOK	10/25/2028	10/23/2003
EYMAN SMU I	.	04/05/2006
EYMAN MEADOWS	11/01/2031	07/20/2004
EYMAN MEADOWS	02/20/2022	08/06/2020
EYMAN COOK	06/21/2023	02/23/2004
EYMAN RYNNING	02/09/2022	07/11/2018
EYMAN BROWNING	12/13/2024	06/01/2020
EYMAN BROWNING	03/29/2024	10/29/2004
EYMAN RYNNING	04/18/2023	02/16/2016
EYMAN SMU I	.	03/20/2020
EYMAN BROWNING	01/23/2037	09/09/2015
EYMAN MEADOWS	12/22/2023	03/04/2005
EYMAN SMU I	10/25/2029	10/23/2020
EYMAN SMU I	.	08/30/2018
EYMAN MEADOWS	.	07/23/2018
EYMAN COOK	.	08/11/2005
EYMAN BROWNING	09/03/2049	07/14/2005
EYMAN BROWNING	01/19/2024	10/03/2005
EYMAN MEADOWS	02/06/2022	10/11/2005
EYMAN SMU I	10/06/2061	01/30/2006
EYMAN COOK	07/13/2027	03/14/2006
EYMAN COOK	07/03/2022	02/10/2020
EYMAN MEADOWS	07/09/2024	03/27/2006
EYMAN MEADOWS	.	03/22/2006
EYMAN MEADOWS	01/12/2055	04/07/2006
EYMAN COOK	10/28/2025	08/07/2007
EYMAN COOK	.	07/17/2017
EYMAN RYNNING	02/11/2030	06/19/2006
EYMAN MEADOWS	09/19/2029	07/07/2006
EYMAN BROWNING	11/14/2031	08/23/2019
EYMAN BROWNING	01/16/2024	08/01/2018
EYMAN COOK	01/27/2029	09/13/2006

EYMAN COOK	07/30/2027	10/17/2006
EYMAN COOK	01/07/2231	10/21/2010
EYMAN RYNNING	08/04/2023	08/25/2006
EYMAN RYNNING	08/13/2023	12/11/2015
EYMAN MEADOWS	07/12/2023	11/11/2015
EYMAN MEADOWS	.	02/20/2007
EYMAN COOK	06/18/2037	11/21/2006
EYMAN MEADOWS	.	11/29/2006
EYMAN BROWNING	.	02/20/2007
EYMAN BROWNING	09/25/2025	01/31/2007
EYMAN BROWNING	11/30/2021	04/27/2021
EYMAN MEADOWS	06/18/2038	06/21/2007
EYMAN BROWNING	08/31/2025	04/22/2020
EYMAN MEADOWS	08/31/2039	07/14/2010
EYMAN MEADOWS	11/29/2030	06/07/2007
EYMAN BROWNING	05/12/2048	04/29/2020
EYMAN COOK	11/29/2026	09/12/2007
EYMAN COOK	10/11/2040	11/07/2007
EYMAN COOK	06/01/2029	11/27/2007
EYMAN BROWNING	.	11/29/2007
EYMAN BROWNING	12/10/2022	06/06/2013
EYMAN MEADOWS	01/29/2038	03/27/2017
EYMAN BROWNING	.	06/19/2008
EYMAN MEADOWS	09/20/2027	04/10/2008
EYMAN COOK	11/17/2057	04/22/2008
EYMAN RYNNING	06/18/2022	04/11/2017
EYMAN BROWNING	09/18/2037	10/28/2008
EYMAN COOK	01/15/2086	08/11/2008
EYMAN MEADOWS	04/24/2039	09/21/2015
EYMAN BROWNING	02/28/2032	10/28/2008
EYMAN RYNNING	07/15/2022	09/11/2020
EYMAN RYNNING	03/24/2028	10/06/2008
EYMAN RYNNING	08/12/2024	10/09/2008
EYMAN MEADOWS	11/29/2028	11/06/2008

EYMAN BROWNING	09/23/2030	10/23/2008
EYMAN RYNNING	02/22/2032	12/19/2008
EYMAN RYNNING	04/05/2034	02/04/2009
EYMAN COOK	09/18/2043	03/05/2009
EYMAN BROWNING	08/31/2028	08/23/2019
EYMAN BROWNING	05/24/2023	04/29/2009
EYMAN COOK	08/31/2028	06/11/2009
EYMAN COOK	01/25/2028	06/03/2009
EYMAN COOK	.	06/04/2009
EYMAN SMU I	12/23/2022	07/29/2009
EYMAN MEADOWS	04/18/2042	04/21/2011
EYMAN COOK	05/14/2028	08/19/2009
EYMAN SMU I	.	08/28/2009
EYMAN MEADOWS	12/08/2043	10/28/2009
EYMAN MEADOWS	09/26/2043	09/24/2009
EYMAN BROWNING	12/11/2021	04/12/2010
EYMAN RYNNING	04/23/2022	06/18/2020
EYMAN BROWNING	05/14/2029	10/28/2009
EYMAN RYNNING	01/14/2022	12/02/2009
EYMAN SMU I	01/19/2030	12/15/2009
EYMAN COOK	07/20/2044	02/04/2010
EYMAN MEADOWS	.	02/03/2010
EYMAN SMU I	11/26/2038	09/04/2013
EYMAN MEADOWS	06/19/2023	03/08/2016
EYMAN SMU I	12/26/2023	04/02/2001
EYMAN COOK	11/04/2051	01/30/2013
EYMAN COOK	10/02/2029	05/01/2010
EYMAN BROWNING	06/03/2022	08/30/2012
EYMAN COOK	07/31/2044	10/16/2020
EYMAN COOK	09/29/2043	05/07/2014
EYMAN MEADOWS	07/08/2022	03/26/2014
EYMAN RYNNING	03/28/2024	10/04/2011
EYMAN SMU I	09/21/2023	02/11/2013
EYMAN COOK	07/18/2031	09/29/2011

EYMAN MEADOWS	02/11/2029	10/21/2010
EYMAN COOK	11/24/2021	04/27/2021
EYMAN COOK	11/09/2024	12/29/2010
EYMAN MEADOWS	03/22/2023	04/03/2012
EYMAN RYNNING	02/05/2024	11/28/2012
EYMAN MEADOWS	04/04/2022	05/10/2013
EYMAN RYNNING	10/04/2029	12/29/2020
EYMAN COOK	.	01/27/2011
EYMAN BROWNING	03/22/2024	10/09/2019
EYMAN SMU I	01/25/2135	03/12/2014
EYMAN SMU I	03/03/2042	02/13/2018
EYMAN MEADOWS	.	07/29/2014
EYMAN MEADOWS	02/04/2030	05/16/2011
EYMAN RYNNING	10/07/2025	06/03/2011
EYMAN COOK	06/25/2034	04/14/2021
EYMAN COOK	08/25/2030	10/10/2014
EYMAN BROWNING	06/10/2024	01/07/2016
EYMAN SMU I	07/28/2030	02/25/2020
EYMAN SMU I	08/22/2053	03/04/2021
EYMAN SMU I	.	07/11/2017
EYMAN COOK	06/14/2027	11/15/2011
EYMAN MEADOWS	07/15/2083	11/23/2011
EYMAN RYNNING	07/12/2023	02/06/2018
EYMAN COOK	11/20/2131	12/05/2011
EYMAN BROWNING	10/05/2030	07/19/2017
EYMAN MEADOWS	03/05/2041	08/09/2012
EYMAN COOK	01/14/2037	03/01/2012
EYMAN COOK	06/24/2021	12/21/2020
EYMAN COOK	03/16/2024	07/09/2012
EYMAN RYNNING	.	01/31/2012
EYMAN COOK	01/30/2025	02/07/2012
EYMAN COOK	11/02/2021	03/30/2012
EYMAN SMU I	02/11/2026	04/03/2012
EYMAN RYNNING	02/16/2034	04/19/2012

EYMAN COOK	10/15/2037	06/22/2012
EYMAN MEADOWS	.	07/20/2012
EYMAN COOK	.	05/15/2012
EYMAN MEADOWS	06/10/2036	06/14/2012
EYMAN MEADOWS	.	05/29/2012
EYMAN SMU I	03/03/2033	10/28/2015
EYMAN SMU I	.	01/11/2017
EYMAN RYNNING	07/23/2021	07/19/2012
EYMAN RYNNING	.	04/11/2017
EYMAN BROWNING	.	08/21/2012
EYMAN BROWNING	09/13/2024	06/06/2018
EYMAN MEADOWS	10/23/2090	08/29/2012
EYMAN MEADOWS	05/20/2024	10/15/2012
EYMAN MEADOWS	11/16/2021	11/02/2012
EYMAN BROWNING	12/09/2022	02/11/2013
EYMAN MEADOWS	.	04/11/2013
EYMAN MEADOWS	02/28/2022	07/03/2013
EYMAN MEADOWS	12/05/2047	05/06/2013
EYMAN BROWNING	09/05/2023	07/20/2017
EYMAN SMU I	02/07/2028	05/23/2013
EYMAN COOK	08/12/2021	06/04/2013
EYMAN RYNNING	.	06/07/2013
EYMAN COOK	04/12/2028	06/21/2013
EYMAN RYNNING	05/05/2021	07/25/2013
EYMAN SMU I	06/25/2021	08/23/2013
EYMAN COOK	11/28/2029	08/19/2013
EYMAN MEADOWS	.	09/23/2013
EYMAN MEADOWS	10/08/2022	10/09/2013
EYMAN RYNNING	06/27/2023	10/10/2013
EYMAN MEADOWS	06/22/2027	10/06/2014
EYMAN MEADOWS	09/23/2022	04/24/2018
EYMAN COOK	08/31/2037	11/13/2013
EYMAN SMU I	11/20/2038	08/14/2020
EYMAN COOK	.	01/06/2014

EYMAN COOK	08/01/2038	09/25/2014
EYMAN COOK	08/22/2023	01/29/2014
EYMAN RYNNING	12/23/2022	03/04/2015
EYMAN COOK	05/14/2021	06/23/2014
EYMAN COOK	04/22/2028	06/05/2014
EYMAN COOK	02/12/2029	05/19/2014
EYMAN RYNNING	07/08/2022	06/26/2014
EYMAN COOK	.	07/29/2014
EYMAN COOK	.	06/26/2014
EYMAN MEADOWS	.	02/24/2015
EYMAN RYNNING	03/31/2023	12/17/2014
EYMAN SMU I	08/07/2022	05/16/2018
EYMAN MEADOWS	07/13/2023	10/29/2014
EYMAN MEADOWS	09/18/2022	11/14/2014
EYMAN MEADOWS	05/06/2049	11/14/2014
EYMAN COOK	02/11/2026	01/05/2015
EYMAN SMU I	02/13/2023	02/05/2015
EYMAN COOK	02/01/2037	01/07/2015
EYMAN COOK	05/12/2029	01/20/2015
EYMAN MEADOWS	05/10/2034	02/10/2015
EYMAN MEADOWS	02/16/2029	02/05/2015
EYMAN MEADOWS	04/27/2022	03/25/2015
EYMAN MEADOWS	01/24/2040	04/28/2015
EYMAN SMU I	09/30/2027	03/26/2015
EYMAN COOK	06/06/2027	04/20/2015
EYMAN MEADOWS	12/13/2159	04/22/2015
EYMAN SMU I	06/10/2038	05/15/2017
EYMAN RYNNING	11/03/2026	12/01/2020
EYMAN MEADOWS	03/03/2185	03/08/2017
EYMAN SMU I	07/03/2028	07/01/2015
EYMAN MEADOWS	.	07/14/2015
EYMAN COOK	02/24/2031	08/18/2015
EYMAN MEADOWS	08/15/2040	08/31/2015
EYMAN MEADOWS	01/03/2041	08/28/2015

EYMAN COOK	10/12/2021	08/31/2015
EYMAN COOK	06/21/2031	10/20/2015
EYMAN MEADOWS	01/09/2024	12/08/2015
EYMAN MEADOWS	02/09/2054	01/14/2016
EYMAN SMU I	12/13/2033	01/07/2016
EYMAN RYNNING	11/06/2023	01/08/2016
EYMAN BROWNING	05/06/2033	10/09/2019
EYMAN MEADOWS	09/01/2055	02/01/2016
EYMAN SMU I	09/27/2024	07/23/2020
EYMAN MEADOWS	06/07/2021	09/29/2017
EYMAN MEADOWS	12/20/2023	04/15/2016
EYMAN MEADOWS	04/23/2038	04/26/2016
EYMAN MEADOWS	11/23/2021	04/27/2021
EYMAN RYNNING	12/07/2029	06/01/2016
EYMAN RYNNING	12/20/2021	10/19/2018
EYMAN MEADOWS	05/29/2023	06/15/2016
EYMAN MEADOWS	10/08/2021	04/25/2016
EYMAN MEADOWS	09/07/2038	05/13/2016
EYMAN SMU I	08/22/2030	08/15/2018
EYMAN MEADOWS	07/30/2029	08/03/2016
EYMAN BROWNING	01/12/2023	03/20/2020
EYMAN RYNNING	02/01/2024	03/18/2021
EYMAN SMU I	05/21/2032	02/27/2020
EYMAN COOK	07/29/2037	06/29/2016
EYMAN SMU I	.	07/13/2016
EYMAN RYNNING	05/17/2024	07/14/2016
EYMAN RYNNING	11/30/2021	08/03/2016
EYMAN SMU I	04/28/2024	08/17/2016
EYMAN SMU I	.	09/06/2016
EYMAN MEADOWS	05/25/2023	10/05/2018
EYMAN COOK	06/30/2026	10/20/2016
EYMAN COOK	01/05/2028	11/09/2016
EYMAN SMU I	09/12/2034	12/06/2016
EYMAN COOK	08/24/2026	06/16/2020

EYMAN COOK	07/23/2022	12/01/2016
EYMAN COOK	02/29/2032	01/10/2017
EYMAN RYNNING	06/29/2024	03/23/2021
EYMAN COOK	08/28/2025	02/13/2017
EYMAN MEADOWS	11/23/2096	01/13/2017
EYMAN COOK	01/26/2022	01/26/2017
EYMAN MEADOWS	06/25/2030	02/21/2017
EYMAN MEADOWS	02/17/2024	02/27/2017
EYMAN COOK	02/11/2132	02/22/2017
EYMAN RYNNING	12/10/2023	03/10/2017
EYMAN MEADOWS	03/15/2023	04/05/2017
EYMAN COOK	04/07/2022	04/26/2017
EYMAN SMU I	.	05/25/2017
EYMAN COOK	07/29/2072	06/06/2017
EYMAN MEADOWS	03/08/2026	06/14/2017
EYMAN MEADOWS	04/25/2106	06/21/2017
EYMAN MEADOWS	07/24/2025	06/30/2017
EYMAN SMU I	.	06/23/2017
EYMAN MEADOWS	11/02/2021	02/26/2021
EYMAN MEADOWS	06/09/2046	07/20/2017
EYMAN RYNNING	10/12/2022	07/14/2017
EYMAN MEADOWS	06/05/2033	08/09/2017
EYMAN MEADOWS	10/25/2022	01/10/2020
EYMAN BROWNING	08/06/2025	11/12/2020
EYMAN MEADOWS	12/17/2024	09/27/2017
EYMAN COOK	06/08/2026	04/18/2019
EYMAN MEADOWS	11/18/2047	02/14/2019
EYMAN COOK	10/02/2024	09/01/2017
EYMAN MEADOWS	01/07/2036	08/24/2017
EYMAN RYNNING	.	08/30/2017
EYMAN COOK	02/20/2026	10/24/2017
EYMAN MEADOWS	02/11/2031	10/30/2017
EYMAN MEADOWS	11/28/2041	12/01/2017
EYMAN COOK	10/30/2026	11/03/2017

EYMAN SMU I	11/12/2024	11/09/2020
EYMAN COOK	02/25/2039	11/29/2017
EYMAN COOK	10/06/2025	06/05/2019
EYMAN SMU I	04/14/2031	12/14/2017
EYMAN MEADOWS	09/04/2022	02/14/2018
EYMAN COOK	07/04/2024	02/07/2018
EYMAN MEADOWS	05/04/2021	02/08/2018
EYMAN SMU I	.	01/18/2018
EYMAN MEADOWS	02/16/2041	02/12/2018
EYMAN BROWNING	09/10/2021	06/21/2019
EYMAN MEADOWS	06/02/2062	06/05/2020
EYMAN MEADOWS	07/07/2034	03/13/2018
EYMAN COOK	12/13/2041	03/14/2018
EYMAN MEADOWS	07/10/2022	04/05/2018
EYMAN SMU I	.	05/15/2018
EYMAN MEADOWS	01/06/2027	05/02/2018
EYMAN MEADOWS	06/26/2034	05/02/2018
EYMAN MEADOWS	08/08/2022	05/02/2018
EYMAN COOK	10/05/2024	05/01/2018
EYMAN SMU I	.	04/27/2018
EYMAN SMU I	01/19/2150	05/15/2018
EYMAN RYNNING	03/08/2024	06/20/2018
EYMAN SMU I	.	05/23/2018
EYMAN MEADOWS	11/07/2026	06/28/2018
EYMAN MEADOWS	07/17/2022	09/25/2018
EYMAN MEADOWS	02/26/2025	07/24/2018
EYMAN COOK	08/05/2037	07/19/2018
EYMAN MEADOWS	09/26/2021	04/05/2021
EYMAN MEADOWS	04/18/2075	08/15/2018
EYMAN SMU I	03/24/2023	07/27/2018
EYMAN SMU I	04/07/2044	08/15/2018
EYMAN COOK	10/20/2022	08/16/2018
EYMAN MEADOWS	07/11/2022	09/17/2020
EYMAN MEADOWS	09/10/2030	09/25/2018

EYMAN MEADOWS	09/06/2029	09/27/2018
EYMAN MEADOWS	09/18/2026	10/10/2018
EYMAN MEADOWS	10/08/2027	10/10/2018
EYMAN MEADOWS	05/05/2027	10/25/2018
EYMAN MEADOWS	02/19/2034	10/19/2018
EYMAN MEADOWS	07/23/2024	10/31/2018
EYMAN SMU I	.	11/19/2018
EYMAN SMU I	01/09/2051	12/21/2018
EYMAN SMU I	01/09/2030	10/26/2018
EYMAN RYNNING	03/16/2024	05/15/2020
EYMAN MEADOWS	02/22/2023	05/23/2019
EYMAN MEADOWS	06/27/2038	12/20/2018
EYMAN MEADOWS	11/06/2030	12/26/2018
EYMAN MEADOWS	11/24/2021	01/30/2019
EYMAN SMU I	.	02/06/2019
EYMAN MEADOWS	09/02/2027	02/12/2019
EYMAN COOK	01/31/2025	01/31/2019
EYMAN MEADOWS	04/26/2024	02/15/2019
EYMAN BROWNING	.	03/20/2019
EYMAN MEADOWS	10/25/2021	04/17/2019
EYMAN SMU I	.	04/09/2019
EYMAN COOK	11/03/2021	04/25/2019
EYMAN MEADOWS	06/02/2057	04/26/2019
EYMAN MEADOWS	08/27/2021	07/01/2019
EYMAN COOK	12/14/2041	07/17/2019
EYMAN COOK	05/12/2021	10/17/2019
EYMAN SMU I	.	08/19/2019
EYMAN COOK	12/07/2025	08/28/2019
EYMAN BROWNING	.	11/05/2019
EYMAN BROWNING	03/06/2023	07/27/2020
EYMAN COOK	08/01/2045	10/30/2019
EYMAN COOK	05/14/2021	09/12/2019
EYMAN MEADOWS	12/19/2027	10/16/2019
EYMAN SMU I	.	11/05/2019

EYMAN MEADOWS	11/27/2026	10/29/2019
EYMAN COOK	05/30/2031	12/09/2019
EYMAN COOK	11/14/2026	11/25/2019
EYMAN BROWNING	.	12/10/2019
EYMAN MEADOWS	11/22/2021	12/17/2019
EYMAN SMU I	11/15/2196	01/10/2020
EYMAN BROWNING	.	01/10/2020
EYMAN MEADOWS	08/06/2027	01/27/2020
EYMAN MEADOWS	01/20/2028	01/27/2020
EYMAN MEADOWS	12/27/2027	01/21/2020
EYMAN SMU I	05/28/2026	10/13/2020
EYMAN MEADOWS	02/06/2024	03/25/2020
EYMAN MEADOWS	04/15/2029	02/25/2020
EYMAN COOK	09/03/2027	04/27/2020
EYMAN COOK	07/06/2024	06/12/2020
EYMAN COOK	03/22/2024	06/15/2020
EYMAN MEADOWS	04/14/2025	05/19/2020
EYMAN MEADOWS	09/02/2034	06/16/2020
EYMAN COOK	01/29/2024	06/22/2020
EYMAN COOK	10/29/2037	06/29/2020
EYMAN BROWNING	.	10/20/2020
EYMAN MEADOWS	11/10/2030	12/16/2020
EYMAN COOK	05/06/2022	02/10/2021
EYMAN MEADOWS	09/17/2027	02/12/2021
EYMAN MEADOWS	05/21/2027	02/26/2021
EYMAN SMU I	.	03/17/2021
FLORENCE CENTRAL	.	05/29/2018
FLORENCE SOUTH	03/26/2028	08/04/2000
FLORENCE SOUTH	07/22/2025	05/01/2018
FLORENCE EAST	02/10/2068	01/07/1994
FLORENCE CENTRAL	05/22/2023	05/16/2019
FLORENCE EAST	12/30/2044	12/19/2006
FLORENCE SOUTH	.	10/22/1996
FLORENCE EAST	10/15/2032	04/05/2010

FLORENCE SOUTH	01/19/2178	05/02/1996
FLORENCE CENTRAL	.	07/25/2009
FLORENCE SOUTH	04/01/2022	04/27/2021
FLORENCE CENTRAL	05/25/2027	06/08/1998
FLORENCE EAST	.	08/25/1998
FLORENCE SOUTH	04/05/2022	04/27/2021
FLORENCE CENTRAL	10/10/2024	03/24/1999
FLORENCE CENTRAL	.	01/21/2000
FLORENCE EAST	.	12/06/1999
FLORENCE EAST	03/24/2023	11/01/2000
FLORENCE SOUTH	02/14/2189	11/15/2000
FLORENCE EAST	.	02/16/2001
FLORENCE EAST	.	05/08/2001
FLORENCE EAST	.	04/04/2001
FLORENCE EAST	09/03/2032	01/27/2014
FLORENCE CENTRAL	11/14/2022	05/28/2020
FLORENCE SOUTH	.	05/03/2002
FLORENCE EAST	.	11/19/2002
FLORENCE SOUTH	10/19/2194	11/25/2002
FLORENCE SOUTH	.	06/10/2003
FLORENCE SOUTH	08/08/2022	06/18/2003
FLORENCE SOUTH	04/10/2210	10/09/2003
FLORENCE SOUTH	05/20/2023	02/19/2004
FLORENCE CENTRAL	02/10/2025	04/27/2018
FLORENCE EAST	10/18/2027	04/29/2004
FLORENCE SOUTH	.	05/27/2004
FLORENCE CENTRAL	09/15/2032	08/12/2004
FLORENCE EAST	08/02/2021	11/23/2004
FLORENCE CENTRAL	08/29/2023	09/15/2009
FLORENCE CENTRAL	.	05/18/2005
FLORENCE SOUTH	11/13/2024	08/12/2005
FLORENCE SOUTH	02/05/2032	07/24/2018
FLORENCE CENTRAL	06/29/2022	02/11/2019
FLORENCE SOUTH	05/29/2041	08/08/2006

FLORENCE EAST	10/01/2027	10/14/2013
FLORENCE CENTRAL	12/14/2023	06/16/2006
FLORENCE SOUTH	11/18/2023	07/31/2006
FLORENCE SOUTH	06/24/2228	09/08/2006
FLORENCE SOUTH	03/01/2029	11/14/2007
FLORENCE EAST	05/25/2029	10/26/2006
FLORENCE CENTRAL	.	11/08/2006
FLORENCE EAST	.	02/20/2007
FLORENCE EAST	02/27/2030	01/18/2007
FLORENCE SOUTH	10/28/2034	07/25/2013
FLORENCE EAST	12/15/2022	05/27/2020
FLORENCE EAST	03/16/2033	04/20/2007
FLORENCE SOUTH	09/19/2028	04/24/2007
FLORENCE CENTRAL	07/26/2027	02/16/2018
FLORENCE CENTRAL	.	10/31/2007
FLORENCE SOUTH	02/04/2022	10/07/2009
FLORENCE SOUTH	05/22/2044	01/28/2008
FLORENCE CENTRAL	04/29/2027	04/04/2019
FLORENCE EAST	.	02/01/2008
FLORENCE SOUTH	07/02/2077	03/18/2008
FLORENCE SOUTH	06/08/2026	05/05/2015
FLORENCE SOUTH	10/01/2027	04/23/2009
FLORENCE SOUTH	09/08/2022	06/04/2008
FLORENCE EAST	02/07/2029	06/04/2008
FLORENCE CENTRAL	08/01/2026	03/18/2021
FLORENCE SOUTH	01/25/2033	08/18/2008
FLORENCE CENTRAL	11/19/2031	02/18/2021
FLORENCE CENTRAL	09/14/2021	09/23/2008
FLORENCE EAST	02/02/2030	11/06/2008
FLORENCE SOUTH	01/29/2033	05/17/2011
FLORENCE CENTRAL	04/19/2022	02/17/2009
FLORENCE SOUTH	03/16/2129	02/25/2009
FLORENCE CENTRAL	02/06/2027	03/01/2009
FLORENCE SOUTH	01/20/2048	04/08/2009

FLORENCE SOUTH	.	04/09/2009
FLORENCE SOUTH	11/20/2076	03/26/2009
FLORENCE CENTRAL	11/21/2028	04/14/2009
FLORENCE CENTRAL	12/08/2022	09/22/2017
FLORENCE SOUTH	12/21/2035	07/22/2009
FLORENCE SOUTH	12/24/2034	07/30/2009
FLORENCE CENTRAL	03/29/2022	12/10/2019
FLORENCE SOUTH	03/14/2051	03/13/2017
FLORENCE SOUTH	04/18/2031	12/01/2009
FLORENCE SOUTH	.	11/12/2009
FLORENCE SOUTH	07/26/2022	01/06/2020
FLORENCE SOUTH	08/02/2033	03/04/2010
FLORENCE SOUTH	.	03/22/2010
FLORENCE SOUTH	09/17/2173	02/09/2011
FLORENCE SOUTH	12/14/2044	06/14/2010
FLORENCE SOUTH	10/02/2042	07/08/2010
FLORENCE SOUTH	07/21/2030	06/23/2010
FLORENCE CENTRAL	04/06/2028	06/25/2018
FLORENCE EAST	05/16/2028	11/30/2010
FLORENCE CENTRAL	08/02/2029	08/30/2011
FLORENCE SOUTH	04/30/2025	09/16/2013
FLORENCE SOUTH	11/11/2030	04/14/2011
FLORENCE CENTRAL	02/23/2039	11/16/2020
FLORENCE EAST	11/21/2026	04/29/2011
FLORENCE SOUTH	.	05/20/2011
FLORENCE CENTRAL	05/25/2033	06/29/2020
FLORENCE SOUTH	01/15/2028	04/03/2012
FLORENCE SOUTH	03/20/2024	03/20/2012
FLORENCE SOUTH	08/04/2032	02/16/2012
FLORENCE SOUTH	09/15/2023	05/16/2012
FLORENCE CENTRAL	.	07/09/2012
FLORENCE CENTRAL	08/10/2026	06/22/2012
FLORENCE SOUTH	01/02/2022	01/19/2021
FLORENCE CENTRAL	10/24/2026	02/01/2013

FLORENCE EAST	.	02/21/2013
FLORENCE SOUTH	10/13/2027	04/19/2013
FLORENCE SOUTH	09/05/2022	06/28/2013
FLORENCE CENTRAL	10/16/2021	04/29/2013
FLORENCE CENTRAL	07/30/2025	06/20/2013
FLORENCE SOUTH	09/22/2031	06/25/2013
FLORENCE CENTRAL	09/23/2037	03/13/2019
FLORENCE SOUTH	11/09/2038	10/31/2013
FLORENCE SOUTH	05/12/2039	11/18/2013
FLORENCE SOUTH	05/01/2033	01/24/2014
FLORENCE SOUTH	11/30/2058	01/30/2014
FLORENCE SOUTH	11/29/2028	02/21/2014
FLORENCE SOUTH	07/02/2021	01/02/2015
FLORENCE SOUTH	04/21/2037	09/25/2014
FLORENCE SOUTH	05/24/2034	10/22/2014
FLORENCE CENTRAL	07/06/2028	10/21/2019
FLORENCE CENTRAL	07/17/2023	10/27/2014
FLORENCE SOUTH	08/05/2022	12/04/2014
FLORENCE CENTRAL	01/21/2022	10/21/2019
FLORENCE SOUTH	07/27/2027	02/19/2015
FLORENCE CENTRAL	09/22/2021	08/17/2015
FLORENCE SOUTH	07/25/2029	01/03/2017
FLORENCE CENTRAL	12/23/2022	09/15/2015
FLORENCE SOUTH	12/01/2026	09/17/2015
FLORENCE EAST	11/08/2021	11/07/2018
FLORENCE EAST	05/18/2023	06/15/2016
FLORENCE CENTRAL	12/08/2021	09/16/2016
FLORENCE SOUTH	09/06/2023	08/31/2016
FLORENCE EAST	08/26/2022	11/20/2018
FLORENCE SOUTH	10/03/2031	10/26/2016
FLORENCE SOUTH	08/16/2025	07/23/2018
FLORENCE SOUTH	06/19/2024	01/10/2017
FLORENCE SOUTH	08/03/2026	05/29/2020
FLORENCE CENTRAL	01/25/2030	07/03/2017

FLORENCE SOUTH	09/19/2024	08/25/2017
FLORENCE CENTRAL	12/07/2025	06/13/2019
FLORENCE CENTRAL	09/07/2022	12/12/2017
FLORENCE SOUTH	03/09/2024	02/14/2018
FLORENCE GLOBE	05/26/2023	06/19/2019
FLORENCE SOUTH	05/28/2021	04/20/2018
FLORENCE EAST	06/02/2023	05/10/2018
FLORENCE EAST	11/05/2024	07/11/2018
FLORENCE CENTRAL	06/01/2021	04/21/2021
FLORENCE SOUTH	06/24/2032	12/23/2020
FLORENCE CENTRAL	05/08/2026	12/11/2019
FLORENCE SOUTH	04/05/2027	08/16/2018
FLORENCE SOUTH	10/06/2043	08/17/2018
FLORENCE CENTRAL	06/03/2039	10/16/2018
FLORENCE CENTRAL	07/30/2025	11/30/2018
FLORENCE SOUTH	05/11/2030	01/17/2019
FLORENCE GLOBE	01/06/2022	04/17/2019
FLORENCE CENTRAL	02/28/2039	04/30/2019
FLORENCE GLOBE	12/01/2024	02/11/2020
FLORENCE SOUTH	08/05/2040	07/23/2019
FLORENCE SOUTH	05/27/2038	07/18/2019
FLORENCE CENTRAL	08/05/2022	06/16/2020
FLORENCE SOUTH	11/16/2021	09/26/2019
FLORENCE EAST	09/24/2023	10/21/2019
FLORENCE SOUTH	11/18/2022	01/22/2020
FLORENCE SOUTH	09/17/2036	12/26/2019
FLORENCE CENTRAL	10/08/2021	04/05/2021
FLORENCE SOUTH	09/15/2023	02/28/2020
FLORENCE EAST	03/11/2022	03/06/2020
FLORENCE SOUTH	05/10/2024	08/26/2020
FLORENCE SOUTH	06/07/2032	09/02/2020
FLORENCE SOUTH	12/29/2021	12/03/2020
FLORENCE WEST	04/11/2024	09/17/2019
FLORENCE WEST	04/10/2024	09/21/2020

FLORENCE WEST	09/14/2021	05/05/2014
FLORENCE WEST	10/16/2023	04/10/2019
FLORENCE WEST	07/15/2022	12/11/2019
FLORENCE WEST	12/23/2024	10/09/2019
FLORENCE WEST	10/12/2021	01/15/2009
FLORENCE WEST	11/29/2024	12/06/2018
FLORENCE WEST	12/06/2021	09/11/2018
FLORENCE WEST	06/09/2021	03/12/2015
FLORENCE WEST	10/05/2023	05/11/2015
FLORENCE WEST	11/18/2022	12/21/2017
FLORENCE WEST	08/19/2022	03/07/2017
FLORENCE WEST	05/28/2021	01/29/2016
FLORENCE WEST	09/24/2023	02/07/2019
FLORENCE WEST	06/11/2021	07/05/2019
FLORENCE WEST	12/30/2021	11/29/2019
KINGMAN-HUACHUCA	07/27/2022	08/14/1987
KINGMAN-HUACHUCA	06/24/2024	06/09/2008
KINGMAN-HUACHUCA	02/23/2023	09/10/1996
KINGMAN-HUACHUCA	08/18/2030	08/26/2014
KINGMAN-HUACHUCA	07/05/2024	08/03/2011
KINGMAN-CERBAT	01/10/2022	09/04/2003
KINGMAN-CERBAT	04/20/2022	07/28/2009
KINGMAN-HUACHUCA	11/23/2023	09/25/2000
KINGMAN-HUACHUCA	02/12/2025	12/10/2019
KINGMAN-HUACHUCA	07/04/2023	01/31/2003
KINGMAN-HUACHUCA	01/02/2032	03/03/2003
KINGMAN-HUACHUCA	04/26/2028	08/09/2017
KINGMAN-HUACHUCA	11/14/2032	07/16/2009
KINGMAN-HUACHUCA	02/27/2027	03/19/2004
KINGMAN-HUACHUCA	04/03/2025	09/28/2011
KINGMAN-CERBAT	12/13/2023	02/01/2019
KINGMAN-CERBAT	08/20/2021	08/20/2020
KINGMAN-HUACHUCA	12/11/2023	05/13/2020
KINGMAN-HUACHUCA	07/29/2027	08/05/2004

KINGMAN-HUACHUCA	11/29/2024	09/28/2005
KINGMAN-HUACHUCA	08/10/2027	09/29/2005
KINGMAN-HUACHUCA	07/14/2025	09/27/2005
KINGMAN-HUACHUCA	08/27/2021	10/24/2005
KINGMAN-HUACHUCA	10/05/2038	10/20/2005
KINGMAN-HUACHUCA	03/18/2025	03/14/2006
KINGMAN-HUACHUCA	11/12/2026	06/26/2006
KINGMAN-CERBAT	12/21/2021	08/19/2019
KINGMAN-CERBAT	09/24/2021	08/08/2006
KINGMAN-HUACHUCA	03/04/2025	11/08/2006
KINGMAN-HUACHUCA	11/06/2025	01/24/2007
KINGMAN-HUACHUCA	04/24/2026	02/15/2007
KINGMAN-HUACHUCA	10/22/2021	06/19/2007
KINGMAN-HUACHUCA	07/28/2023	05/25/2007
KINGMAN-HUACHUCA	04/07/2024	09/06/2007
KINGMAN-CERBAT	03/24/2022	01/02/2020
KINGMAN-CERBAT	06/10/2021	05/15/2013
KINGMAN-HUACHUCA	11/05/2035	12/27/2007
KINGMAN-HUACHUCA	06/15/2024	01/08/2008
KINGMAN-HUACHUCA	01/23/2027	01/22/2008
KINGMAN-HUACHUCA	05/07/2032	11/18/2008
KINGMAN-HUACHUCA	04/29/2022	03/09/2012
KINGMAN-CERBAT	06/02/2022	03/16/2021
KINGMAN-HUACHUCA	12/19/2026	11/12/2009
KINGMAN-HUACHUCA	01/21/2037	05/07/2008
KINGMAN-HUACHUCA	12/31/2027	08/20/2008
KINGMAN-HUACHUCA	07/25/2034	08/26/2008
KINGMAN-HUACHUCA	02/19/2032	12/10/2008
KINGMAN-HUACHUCA	02/14/2031	11/25/2008
KINGMAN-HUACHUCA	11/24/2024	12/01/2008
KINGMAN-HUACHUCA	06/28/2028	02/04/2009
KINGMAN-HUACHUCA	08/06/2029	04/14/2009
KINGMAN-HUACHUCA	09/22/2025	06/08/2009
KINGMAN-HUACHUCA	08/27/2021	11/05/2020

KINGMAN-HUACHUCA	11/30/2021	06/25/2009
KINGMAN-HUACHUCA	10/24/2025	10/06/2009
KINGMAN-HUACHUCA	02/14/2025	09/01/2009
KINGMAN-HUACHUCA	03/28/2025	10/06/2009
KINGMAN-HUACHUCA	05/18/2029	11/12/2009
KINGMAN-CERBAT	06/14/2021	08/12/2020
KINGMAN-HUACHUCA	03/26/2023	02/04/2010
KINGMAN-HUACHUCA	05/08/2033	03/25/2010
KINGMAN-HUACHUCA	10/07/2039	05/08/2013
KINGMAN-HUACHUCA	03/08/2026	06/07/2010
KINGMAN-HUACHUCA	07/19/2033	07/08/2010
KINGMAN-HUACHUCA	05/31/2023	06/21/2010
KINGMAN-CERBAT	09/27/2022	05/06/2013
KINGMAN-HUACHUCA	09/04/2025	08/12/2010
KINGMAN-HUACHUCA	07/03/2033	09/03/2010
KINGMAN-HUACHUCA	01/25/2023	10/04/2011
KINGMAN-HUACHUCA	06/14/2025	10/27/2010
KINGMAN-HUACHUCA	12/06/2023	08/30/2011
KINGMAN-CERBAT	05/19/2023	08/27/2018
KINGMAN-HUACHUCA	12/03/2029	07/24/2012
KINGMAN-HUACHUCA	01/07/2027	10/06/2017
KINGMAN-HUACHUCA	03/24/2030	03/09/2011
KINGMAN-HUACHUCA	08/24/2022	01/14/2019
KINGMAN-CERBAT	09/12/2022	08/23/2017
KINGMAN-HUACHUCA	12/16/2021	02/11/2021
KINGMAN-HUACHUCA	01/03/2032	05/22/2013
KINGMAN-HUACHUCA	12/10/2028	03/31/2015
KINGMAN-HUACHUCA	01/23/2033	04/10/2012
KINGMAN-HUACHUCA	08/01/2032	11/18/2015
KINGMAN-HUACHUCA	12/24/2027	04/03/2012
KINGMAN-HUACHUCA	07/18/2026	01/06/2012
KINGMAN-CERBAT	09/05/2022	03/27/2018
KINGMAN-HUACHUCA	09/11/2030	04/02/2012
KINGMAN-HUACHUCA	07/04/2028	04/30/2012

KINGMAN-HUACHUCA	06/11/2031	06/22/2012
KINGMAN-CERBAT	11/06/2023	03/03/2021
KINGMAN-HUACHUCA	06/10/2022	06/13/2012
KINGMAN-HUACHUCA	09/26/2031	10/28/2016
KINGMAN-HUACHUCA	11/04/2040	08/28/2012
KINGMAN-HUACHUCA	08/30/2028	10/05/2012
KINGMAN-HUACHUCA	08/21/2032	10/22/2012
KINGMAN-CERBAT	09/13/2021	02/05/2018
KINGMAN-HUACHUCA	06/18/2028	05/06/2013
KINGMAN-CERBAT	05/02/2022	03/04/2021
KINGMAN-CERBAT	08/20/2021	03/20/2018
KINGMAN-HUACHUCA	04/13/2038	05/12/2015
KINGMAN-HUACHUCA	07/26/2032	11/05/2013
KINGMAN-HUACHUCA	06/30/2030	10/01/2013
KINGMAN-HUACHUCA	03/18/2035	10/15/2013
KINGMAN-HUACHUCA	06/18/2022	01/10/2014
KINGMAN-HUACHUCA	02/25/2023	10/09/2015
KINGMAN-CERBAT	10/29/2021	11/26/2013
KINGMAN-HUACHUCA	01/16/2022	03/25/2021
KINGMAN-HUACHUCA	03/20/2022	03/19/2014
KINGMAN-HUACHUCA	08/16/2025	04/02/2014
KINGMAN-HUACHUCA	04/07/2027	02/11/2014
KINGMAN-HUACHUCA	03/07/2022	02/19/2014
KINGMAN-HUACHUCA	04/12/2033	03/05/2014
KINGMAN-HUACHUCA	01/30/2033	02/20/2014
KINGMAN-HUACHUCA	02/25/2022	03/25/2021
KINGMAN-HUACHUCA	06/06/2035	06/11/2015
KINGMAN-HUACHUCA	01/07/2024	05/22/2014
KINGMAN-HUACHUCA	10/18/2030	09/26/2014
KINGMAN-HUACHUCA	11/08/2030	10/01/2015
KINGMAN-CERBAT	09/15/2021	04/12/2016
KINGMAN-HUACHUCA	10/05/2024	03/10/2015
KINGMAN-HUACHUCA	04/13/2023	03/24/2015
KINGMAN-HUACHUCA	07/18/2031	06/27/2016

KINGMAN-HUACHUCA	12/26/2026	11/15/2019
KINGMAN-HUACHUCA	01/18/2034	04/21/2015
KINGMAN-HUACHUCA	08/08/2024	12/08/2015
KINGMAN-HUACHUCA	11/09/2034	07/01/2015
KINGMAN-HUACHUCA	12/27/2023	05/04/2015
KINGMAN-CERBAT	05/17/2021	06/16/2015
KINGMAN-HUACHUCA	03/08/2038	05/14/2015
KINGMAN-HUACHUCA	10/25/2030	06/12/2015
KINGMAN-HUACHUCA	03/15/2027	06/24/2015
KINGMAN-HUACHUCA	04/12/2033	07/17/2015
KINGMAN-CERBAT	08/10/2022	09/30/2015
KINGMAN-CERBAT	07/01/2021	12/09/2015
KINGMAN-HUACHUCA	07/03/2032	12/23/2015
KINGMAN-HUACHUCA	04/22/2022	09/10/2020
KINGMAN-CERBAT	11/13/2022	03/17/2016
KINGMAN-CERBAT	08/31/2022	03/30/2016
KINGMAN-HUACHUCA	05/15/2036	06/09/2017
KINGMAN-HUACHUCA	03/14/2027	05/03/2016
KINGMAN-HUACHUCA	07/22/2022	06/06/2016
KINGMAN-CERBAT	09/05/2025	10/12/2020
KINGMAN-CERBAT	01/04/2023	06/06/2018
KINGMAN-HUACHUCA	08/26/2035	08/16/2016
KINGMAN-HUACHUCA	07/01/2026	08/31/2016
KINGMAN-HUACHUCA	01/28/2023	10/20/2016
KINGMAN-HUACHUCA	07/18/2034	12/15/2016
KINGMAN-HUACHUCA	03/24/2023	11/04/2016
KINGMAN-HUACHUCA	04/11/2029	12/15/2016
KINGMAN-CERBAT	02/27/2022	09/04/2020
KINGMAN-CERBAT	05/31/2021	05/16/2017
KINGMAN-HUACHUCA	01/11/2023	06/30/2017
KINGMAN-HUACHUCA	10/20/2032	07/28/2017
KINGMAN-HUACHUCA	10/02/2031	08/09/2017
KINGMAN-HUACHUCA	09/28/2026	09/29/2017
KINGMAN-CERBAT	08/09/2022	09/27/2017

KINGMAN-HUACHUCA	04/14/2036	10/25/2017
KINGMAN-HUACHUCA	03/06/2031	11/07/2017
KINGMAN-HUACHUCA	11/25/2035	05/23/2018
KINGMAN-HUACHUCA	02/15/2026	04/26/2018
KINGMAN-CERBAT	11/14/2021	05/22/2018
KINGMAN-HUACHUCA	05/17/2025	05/22/2018
KINGMAN-HUACHUCA	10/08/2027	11/28/2018
KINGMAN-CERBAT	06/08/2021	01/16/2019
KINGMAN-HUACHUCA	08/10/2033	07/31/2018
KINGMAN-CERBAT	06/25/2021	07/31/2018
KINGMAN-HUACHUCA	03/06/2024	05/07/2020
KINGMAN-CERBAT	03/11/2022	08/22/2018
KINGMAN-HUACHUCA	02/18/2022	10/15/2018
KINGMAN-CERBAT	05/05/2021	08/13/2020
KINGMAN-CERBAT	08/12/2022	09/18/2020
KINGMAN-CERBAT	05/18/2021	02/19/2021
KINGMAN-CERBAT	04/30/2021	02/01/2021
KINGMAN-CERBAT	05/27/2022	09/14/2020
KINGMAN-HUACHUCA	04/06/2022	12/18/2018
KINGMAN-CERBAT	03/24/2023	12/20/2018
KINGMAN-HUACHUCA	08/26/2034	01/03/2019
KINGMAN-CERBAT	06/17/2021	12/28/2018
KINGMAN-HUACHUCA	06/14/2023	01/18/2019
KINGMAN-HUACHUCA	11/03/2021	02/05/2019
KINGMAN-CERBAT	09/19/2022	05/23/2019
KINGMAN-HUACHUCA	09/03/2028	02/26/2019
KINGMAN-HUACHUCA	08/25/2029	03/08/2019
KINGMAN-CERBAT	10/04/2021	03/01/2019
KINGMAN-CERBAT	04/30/2021	03/14/2019
KINGMAN-CERBAT	08/10/2021	03/22/2019
KINGMAN-CERBAT	10/22/2021	03/27/2019
KINGMAN-CERBAT	04/29/2021	03/26/2019
KINGMAN-CERBAT	02/07/2022	07/02/2019
KINGMAN-HUACHUCA	01/15/2025	04/22/2019

KINGMAN-CERBAT	10/29/2021	04/08/2019
KINGMAN-CERBAT	07/14/2021	04/05/2019
KINGMAN-CERBAT	05/20/2023	04/11/2019
KINGMAN-HUACHUCA	02/25/2023	04/12/2019
KINGMAN-HUACHUCA	05/23/2025	04/16/2020
KINGMAN-HUACHUCA	07/17/2039	06/10/2019
KINGMAN-CERBAT	05/10/2021	02/09/2021
KINGMAN-CERBAT	08/17/2021	05/28/2019
KINGMAN-CERBAT	09/02/2022	05/29/2019
KINGMAN-CERBAT	10/23/2023	05/30/2019
KINGMAN-HUACHUCA	01/14/2032	06/10/2019
KINGMAN-CERBAT	10/05/2021	06/20/2019
KINGMAN-CERBAT	06/17/2022	09/15/2020
KINGMAN-HUACHUCA	02/17/2027	07/24/2019
KINGMAN-CERBAT	09/16/2021	07/05/2019
KINGMAN-HUACHUCA	04/26/2035	07/08/2019
KINGMAN-HUACHUCA	08/08/2030	07/24/2019
KINGMAN-CERBAT	06/09/2021	03/11/2021
KINGMAN-CERBAT	02/21/2023	07/17/2019
KINGMAN-CERBAT	10/24/2021	07/27/2019
KINGMAN-CERBAT	02/14/2022	07/26/2019
KINGMAN-CERBAT	08/09/2022	08/15/2019
KINGMAN-CERBAT	05/27/2021	08/22/2019
KINGMAN-HUACHUCA	01/17/2028	09/12/2019
KINGMAN-CERBAT	05/13/2022	09/11/2019
KINGMAN-CERBAT	04/30/2021	09/19/2019
KINGMAN-HUACHUCA	09/04/2033	09/25/2019
KINGMAN-CERBAT	01/26/2022	09/02/2020
KINGMAN-CERBAT	07/01/2022	09/16/2020
KINGMAN-CERBAT	02/24/2023	10/07/2019
KINGMAN-CERBAT	08/25/2024	10/10/2019
KINGMAN-HUACHUCA	03/28/2024	10/22/2019
KINGMAN-CERBAT	03/06/2025	10/05/2020
KINGMAN-CERBAT	09/08/2022	11/18/2019

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KINGMAN-CERBAT	07/14/2021	10/21/2019
KINGMAN-CERBAT	03/23/2022	10/23/2019
KINGMAN-CERBAT	12/04/2023	10/24/2019
KINGMAN-CERBAT	04/20/2022	11/27/2019
KINGMAN-CERBAT	10/29/2021	11/06/2019
KINGMAN-CERBAT	10/08/2021	11/21/2019
KINGMAN-HUACHUCA	02/09/2031	05/15/2020
KINGMAN-HUACHUCA	08/11/2026	12/30/2019
KINGMAN-CERBAT	08/06/2021	12/09/2019
KINGMAN-CERBAT	02/27/2024	12/16/2019
KINGMAN-HUACHUCA	09/15/2023	01/15/2020
KINGMAN-HUACHUCA	10/23/2035	01/02/2020
KINGMAN-CERBAT	07/20/2021	08/18/2020
KINGMAN-CERBAT	11/15/2021	12/27/2019
KINGMAN-CERBAT	01/13/2023	01/03/2020
KINGMAN-CERBAT	08/24/2021	01/08/2020
KINGMAN-CERBAT	03/03/2023	01/09/2020
KINGMAN-CERBAT	08/18/2022	09/18/2020
KINGMAN-CERBAT	05/12/2021	01/10/2020
KINGMAN-CERBAT	12/17/2021	01/22/2020
KINGMAN-CERBAT	10/05/2021	08/25/2020
KINGMAN-CERBAT	05/28/2021	01/23/2020
KINGMAN-CERBAT	02/25/2022	09/04/2020
KINGMAN-CERBAT	10/14/2021	01/24/2020
KINGMAN-CERBAT	09/22/2022	01/24/2020
KINGMAN-CERBAT	01/21/2022	01/29/2020
KINGMAN-CERBAT	08/22/2021	02/04/2020
KINGMAN-CERBAT	10/13/2024	11/12/2020
KINGMAN-HUACHUCA	04/27/2029	02/28/2020
KINGMAN-CERBAT	04/18/2024	11/10/2020
KINGMAN-CERBAT	09/02/2022	02/11/2020
KINGMAN-CERBAT	01/25/2023	02/20/2020
KINGMAN-CERBAT	08/26/2024	02/20/2020
KINGMAN-CERBAT	04/15/2022	09/09/2020

KINGMAN-CERBAT	03/15/2022	02/26/2020
KINGMAN-CERBAT	09/29/2023	02/28/2020
KINGMAN-CERBAT	09/17/2021	03/26/2020
KINGMAN-CERBAT	10/08/2021	08/06/2020
KINGMAN-CERBAT	05/03/2021	03/05/2020
KINGMAN-CERBAT	12/29/2023	03/04/2020
KINGMAN-CERBAT	06/07/2021	03/06/2020
KINGMAN-CERBAT	05/07/2021	03/11/2020
KINGMAN-HUACHUCA	02/06/2026	04/17/2020
KINGMAN-HUACHUCA	10/25/2022	04/16/2020
KINGMAN-CERBAT	12/12/2023	04/22/2020
KINGMAN-CERBAT	08/26/2021	04/21/2020
KINGMAN-CERBAT	10/28/2024	04/28/2020
KINGMAN-CERBAT	05/09/2024	05/05/2020
KINGMAN-CERBAT	09/22/2022	05/04/2020
KINGMAN-CERBAT	08/06/2021	05/11/2020
KINGMAN-HUACHUCA	01/29/2027	07/29/2020
KINGMAN-CERBAT	04/22/2022	01/08/2021
KINGMAN-CERBAT	08/20/2021	01/11/2021
KINGMAN-CERBAT	06/17/2024	01/13/2021
KINGMAN-CERBAT	09/17/2021	03/18/2021
KINGMAN-CERBAT	07/03/2023	02/19/2021
KINGMAN-CERBAT	09/14/2022	02/24/2021
KINGMAN-CERBAT	03/01/2024	03/03/2021
KINGMAN-CERBAT	08/06/2024	03/10/2021
KINGMAN-CERBAT	12/19/2022	03/19/2021
KINGMAN-CERBAT	04/29/2022	03/24/2021
KINGMAN-CERBAT	03/16/2022	03/31/2021
KINGMAN-CERBAT	10/22/2021	04/02/2021
KINGMAN-CERBAT	04/18/2023	04/02/2021
KINGMAN-CERBAT	09/06/2022	04/07/2021
KINGMAN-CERBAT	10/07/2024	04/07/2021
KINGMAN-CERBAT	07/01/2024	04/14/2021
KINGMAN-CERBAT	12/05/2023	04/16/2021

LEWIS RAST	01/11/2022	11/16/2001
LEWIS BARCHEY	.	03/05/1998
LEWIS BUCKLEY	.	04/16/1987
LEWIS STINER	.	07/15/1985
LEWIS STINER	.	03/31/1994
LEWIS RAST	.	01/27/2014
LEWIS STINER	12/25/2027	06/23/1988
LEWIS RAST	06/01/2073	06/22/1994
LEWIS MOREY	04/15/2031	02/13/1996
LEWIS BUCKLEY	.	08/14/1990
LEWIS BACHMAN	.	11/18/1993
LEWIS RAST	02/02/2027	09/13/2002
LEWIS MOREY	01/13/2029	01/19/2006
LEWIS STINER	.	11/05/2009
LEWIS BARCHEY	.	12/02/1996
LEWIS BUCKLEY	01/17/2036	03/30/2009
LEWIS BARCHEY	.	05/10/2002
LEWIS RAST	03/28/2301	06/17/1994
LEWIS RAST	11/15/2021	01/04/2013
LEWIS BARCHEY	11/04/2036	11/15/1994
LEWIS BACHMAN	11/15/2023	12/21/1994
LEWIS BARCHEY	10/21/2062	01/18/1995
LEWIS RAST	.	05/03/1995
LEWIS STINER	07/26/2026	03/13/2019
LEWIS BARCHEY	.	07/29/1998
LEWIS RAST	.	05/20/1996
LEWIS BARCHEY	.	06/03/1996
LEWIS RAST	02/09/2035	06/21/2005
LEWIS BARCHEY	.	10/04/1996
LEWIS STINER	03/26/2026	12/15/1999
LEWIS BARCHEY	.	03/24/1997
LEWIS BUCKLEY	07/28/2021	08/31/2015
LEWIS BARCHEY	.	06/23/1997
LEWIS BARCHEY	.	07/29/1997

LEWIS BUCKLEY	04/15/2022	06/06/2019
LEWIS STINER	.	08/13/1997
LEWIS BARCHEY	01/31/2028	01/06/2020
LEWIS BARCHEY	09/18/2028	03/20/1998
LEWIS RAST	12/17/2040	09/23/2008
LEWIS BUCKLEY	09/06/2060	08/07/1998
LEWIS RAST	.	05/14/2002
LEWIS RAST	09/09/2022	06/16/2004
LEWIS BUCKLEY	.	10/22/1999
LEWIS RAST	02/25/2022	08/01/2000
LEWIS BARCHEY	.	12/23/2015
LEWIS BARCHEY	02/16/2023	01/05/2001
LEWIS RAST	09/09/2026	06/16/2005
LEWIS RAST	07/25/2031	06/23/2008
LEWIS BARCHEY	01/20/2022	05/22/2020
LEWIS BARCHEY	02/05/2025	01/19/2021
LEWIS STINER	09/15/2022	07/02/2018
LEWIS RAST	09/26/2023	11/30/2015
LEWIS MOREY	11/24/2028	12/05/2001
LEWIS STINER	.	01/24/2002
LEWIS RAST	.	06/28/2010
LEWIS MOREY	07/28/2031	12/20/2006
LEWIS RAST	07/25/2028	02/27/2002
LEWIS BARCHEY	.	03/11/2002
LEWIS BUCKLEY	10/11/2030	05/09/2008
LEWIS RAST	06/10/2031	10/15/2008
LEWIS RAST	08/08/2039	06/01/2009
LEWIS BARCHEY	.	06/03/2002
LEWIS MOREY	10/04/2034	04/12/2016
LEWIS MOREY	04/24/2023	06/14/2002
LEWIS BUCKLEY	12/21/2026	07/10/2002
LEWIS RAST	.	02/23/2015
LEWIS STINER	10/27/2021	05/19/2014
LEWIS MOREY	12/17/2024	08/29/2002

LEWIS BUCKLEY	06/26/2028	02/11/2021
LEWIS BACHMAN	.	03/11/2003
LEWIS BUCKLEY	06/12/2029	03/13/2017
LEWIS MOREY	02/20/2023	06/02/2005
LEWIS STINER	04/17/2030	05/11/2020
LEWIS STINER	11/06/2025	12/24/2019
LEWIS RAST	05/26/2023	04/21/2010
LEWIS STINER	06/01/2027	02/26/2018
LEWIS MOREY	07/02/2021	01/12/2011
LEWIS STINER	.	04/15/2004
LEWIS RAST	06/04/2032	07/20/2020
LEWIS STINER	.	10/14/2004
LEWIS BUCKLEY	10/24/2030	10/27/2004
LEWIS BUCKLEY	11/01/2027	09/28/2012
LEWIS STINER	.	05/20/2005
LEWIS STINER	04/23/2035	08/11/2005
LEWIS RAST	10/27/2025	02/03/2006
LEWIS BARCHEY	11/17/2028	11/22/2005
LEWIS BARCHEY	.	11/25/2005
LEWIS STINER	11/15/2022	10/22/2009
LEWIS STINER	02/28/2030	05/11/2006
LEWIS MOREY	11/01/2045	02/10/2010
LEWIS STINER	01/27/2050	02/05/2020
LEWIS STINER	11/16/2042	07/31/2010
LEWIS MOREY	02/16/2024	07/08/2006
LEWIS MOREY	05/26/2028	06/15/2006
LEWIS STINER	04/19/2022	07/18/2011
LEWIS STINER	01/23/2022	02/03/2007
LEWIS BARCHEY	.	11/19/2010
LEWIS BARCHEY	.	03/19/2007
LEWIS STINER	02/09/2028	08/11/2009
LEWIS BUCKLEY	08/12/2033	05/14/2007
LEWIS BARCHEY	10/19/2025	05/14/2007
LEWIS BUCKLEY	03/24/2023	10/24/2007

LEWIS STINER	08/01/2024	03/29/2019
LEWIS MOREY	.	08/29/2007
LEWIS BARCHEY	.	10/16/2007
LEWIS RAST	10/22/2021	11/06/2007
LEWIS STINER	07/15/2027	10/19/2015
LEWIS RAST	09/19/2023	12/13/2007
LEWIS RAST	.	01/16/2008
LEWIS RAST	.	01/29/2008
LEWIS RAST	04/15/2030	01/26/2011
LEWIS RAST	08/06/2021	03/04/2008
LEWIS STINER	02/14/2025	01/15/2020
LEWIS MOREY	11/29/2022	03/24/2008
LEWIS STINER	02/05/2026	04/07/2008
LEWIS STINER	02/24/2034	08/16/2016
LEWIS STINER	01/22/2028	07/15/2011
LEWIS RAST	10/16/2033	08/20/2008
LEWIS RAST	.	02/14/2012
LEWIS STINER	09/24/2032	08/18/2008
LEWIS BARCHEY	08/29/2025	11/03/2020
LEWIS STINER	03/24/2028	10/14/2008
LEWIS BUCKLEY	04/24/2033	11/06/2008
LEWIS MOREY	02/08/2030	12/08/2008
LEWIS STINER	05/08/2026	11/17/2008
LEWIS RAST	.	12/15/2008
LEWIS BUCKLEY	03/16/2024	03/02/2012
LEWIS BACHMAN	08/31/2022	02/02/2018
LEWIS STINER	12/02/2024	05/04/2009
LEWIS STINER	10/07/2022	10/26/2017
LEWIS BARCHEY	03/18/2025	03/20/2019
LEWIS RAST	10/30/2029	07/16/2009
LEWIS STINER	12/16/2024	11/19/2019
LEWIS RAST	08/27/2023	07/31/2009
LEWIS BUCKLEY	.	01/04/2018
LEWIS RAST	02/18/2032	04/20/2010

LEWIS BARCHEY	07/26/2024	11/10/2009
LEWIS BARCHEY	09/30/2036	12/16/2009
LEWIS STINER	11/23/2022	01/15/2010
LEWIS BACHMAN	10/20/2021	06/15/2011
LEWIS STINER	05/16/2023	03/18/2019
LEWIS STINER	05/30/2022	03/05/2018
LEWIS RAST	05/17/2024	09/13/2011
LEWIS BARCHEY	03/03/2023	07/30/2010
LEWIS STINER	09/09/2022	09/21/2020
LEWIS MOREY	07/21/2028	09/25/2014
LEWIS RAST	08/19/2021	09/28/2010
LEWIS BARCHEY	06/14/2023	05/03/2011
LEWIS MOREY	08/19/2021	12/16/2010
LEWIS BUCKLEY	11/24/2034	05/17/2013
LEWIS BARCHEY	03/11/2026	02/04/2011
LEWIS MOREY	09/04/2029	11/01/2018
LEWIS BUCKLEY	.	03/10/2011
LEWIS BUCKLEY	03/11/2032	04/08/2011
LEWIS BARCHEY	05/08/2026	04/14/2011
LEWIS EAGLE POIN	11/13/2024	05/25/2011
LEWIS STINER	03/12/2025	06/09/2011
LEWIS STINER	11/19/2021	11/12/2019
LEWIS STINER	09/19/2025	08/17/2011
LEWIS STINER	01/24/2025	08/14/2017
LEWIS RAST	03/25/2057	08/29/2011
LEWIS BARCHEY	.	04/22/2013
LEWIS BACHMAN	11/04/2028	03/01/2012
LEWIS STINER	12/28/2028	09/05/2012
LEWIS BARCHEY	02/14/2027	10/19/2012
LEWIS RAST	12/14/2021	02/20/2019
LEWIS BUCKLEY	04/28/2026	11/01/2012
LEWIS RAST	02/14/2042	01/04/2013
LEWIS RAST	03/04/2023	04/12/2019
LEWIS BARCHEY	05/04/2021	05/13/2013

LEWIS BARCHEY	04/27/2022	07/19/2017
LEWIS BARCHEY	10/27/2021	10/28/2013
LEWIS BARCHEY	11/14/2030	09/12/2013
LEWIS BARCHEY	08/20/2024	09/13/2013
LEWIS BACHMAN	12/17/2031	12/20/2013
LEWIS BUCKLEY	.	10/17/2016
LEWIS STINER	12/22/2026	01/28/2015
LEWIS RAST	07/31/2028	05/19/2014
LEWIS STINER	03/24/2023	11/12/2014
LEWIS STINER	.	10/10/2014
LEWIS MOREY	02/23/2024	09/15/2014
LEWIS BACHMAN	01/04/2028	03/24/2015
LEWIS STINER	07/24/2023	10/13/2020
LEWIS MOREY	11/09/2023	10/27/2020
LEWIS STINER	08/13/2023	11/19/2015
LEWIS STINER	12/18/2021	03/07/2017
LEWIS STINER	07/05/2033	11/23/2015
LEWIS MOREY	05/27/2024	01/31/2020
LEWIS BACHMAN	09/12/2023	04/28/2016
LEWIS STINER	02/08/2022	06/23/2016
LEWIS STINER	08/20/2030	05/25/2018
LEWIS STINER	03/04/2025	11/27/2020
LEWIS STINER	07/02/2021	09/10/2018
LEWIS BARCHEY	11/13/2024	08/05/2019
LEWIS STINER	04/12/2024	11/24/2017
LEWIS STINER	02/13/2024	05/02/2018
LEWIS STINER	10/28/2031	03/30/2018
LEWIS BACHMAN	06/11/2026	11/25/2020
LEWIS RAST	.	06/18/2018
LEWIS STINER	08/10/2021	06/21/2018
LEWIS BARCHEY	11/20/2028	08/24/2018
LEWIS STINER	05/04/2021	09/04/2018
LEWIS STINER	11/10/2022	12/05/2018
LEWIS STINER	07/20/2023	10/08/2020

LEWIS BARCHEY	07/21/2028	11/30/2018
LEWIS BARCHEY	07/15/2026	02/01/2019
LEWIS STINER	06/21/2028	04/03/2019
LEWIS BACHMAN	05/06/2022	05/15/2020
LEWIS STINER	07/21/2027	07/08/2019
LEWIS STINER	04/04/2030	09/06/2019
LEWIS BARCHEY	10/09/2026	09/06/2019
LEWIS STINER	05/11/2028	09/16/2019
LEWIS STINER	11/17/2023	11/25/2019
LEWIS STINER	07/14/2026	12/09/2019
LEWIS BARCHEY	10/22/2021	05/22/2020
LEWIS STINER	02/02/2024	06/16/2020
LEWIS BUCKLEY	05/06/2022	12/04/2020
LEWIS STINER	03/31/2026	09/30/2020
LEWIS STINER	05/22/2026	10/22/2020
LEWIS STINER	07/06/2021	11/24/2020
LEWIS STINER	09/22/2023	12/11/2020
LEWIS BACHMAN	10/15/2021	01/29/2021
LEWIS STINER	12/30/2024	02/04/2021
LEWIS STINER	02/02/2032	02/05/2021
LEWIS MOREY	09/15/2023	04/16/2021
MARANA	08/19/2021	09/28/2018
MARANA	10/07/2021	08/26/2019
MARANA	05/03/2022	07/02/2018
MARANA	09/18/2023	05/06/2009
MARANA	04/27/2022	01/15/2019
MARANA	09/30/2022	06/24/2010
MARANA	03/20/2025	07/07/2015
MARANA	08/31/2021	03/01/2021
MARANA	03/03/2022	11/09/2018
MARANA	08/29/2021	09/09/2020
MARANA	11/27/2022	06/28/2013
MARANA	04/04/2022	05/21/2013
MARANA	02/24/2023	12/22/2017

MARANA	08/05/2021	09/27/2019
MARANA	08/23/2021	01/22/2021
MARANA	02/07/2024	11/23/2016
MARANA	07/05/2021	12/05/2016
MARANA	09/12/2021	01/06/2017
MARANA	11/29/2021	08/28/2020
MARANA	03/26/2025	10/12/2017
MARANA	01/06/2023	09/14/2020
MARANA	11/20/2022	01/03/2018
MARANA	08/07/2021	06/16/2020
MARANA	05/31/2023	05/24/2018
MARANA	09/02/2022	09/24/2020
MARANA	09/16/2021	08/13/2018
MARANA	01/08/2024	09/07/2018
MARANA	10/15/2021	11/15/2018
MARANA	11/22/2022	11/15/2018
MARANA	05/19/2021	11/15/2018
MARANA	08/22/2022	02/11/2019
MARANA	07/16/2022	12/27/2018
MARANA	05/28/2021	01/25/2018
MARANA	04/30/2021	01/25/2019
MARANA	07/16/2021	01/30/2019
MARANA	03/01/2023	03/28/2019
MARANA	02/11/2024	04/11/2019
MARANA	07/06/2022	05/08/2019
MARANA	07/16/2021	05/08/2019
MARANA	06/07/2023	05/30/2019
MARANA	09/21/2022	06/20/2019
MARANA	02/15/2022	07/05/2019
MARANA	05/07/2021	07/05/2019
MARANA	12/10/2021	07/03/2019
MARANA	12/01/2021	07/15/2019
MARANA	02/21/2023	07/17/2019
MARANA	04/21/2022	07/26/2019

MARANA	09/17/2021	08/13/2019
MARANA	11/08/2021	08/21/2019
MARANA	04/27/2022	09/06/2019
MARANA	03/19/2024	09/05/2019
MARANA	11/10/2021	09/12/2019
MARANA	06/04/2021	09/12/2019
MARANA	04/21/2022	09/19/2019
MARANA	05/07/2021	09/30/2019
MARANA	07/01/2022	10/04/2019
MARANA	05/19/2021	02/19/2021
MARANA	12/02/2021	10/25/2019
MARANA	11/01/2021	11/07/2019
MARANA	01/17/2023	11/07/2019
MARANA	01/13/2022	11/08/2019
MARANA	04/08/2022	11/13/2019
MARANA	07/28/2023	11/27/2019
MARANA	09/20/2021	11/25/2019
MARANA	03/04/2022	04/08/2020
MARANA	07/17/2023	12/12/2019
MARANA	08/13/2021	12/17/2019
MARANA	12/08/2023	12/24/2019
MARANA	05/07/2021	01/22/2020
MARANA	05/23/2022	01/13/2020
MARANA	04/29/2022	09/11/2020
MARANA	05/07/2021	02/03/2020
MARANA	08/17/2023	02/14/2020
MARANA	09/06/2022	02/12/2020
MARANA	11/12/2023	02/13/2020
MARANA	09/03/2021	02/25/2020
MARANA	11/04/2021	03/02/2020
MARANA	07/23/2021	02/27/2020
MARANA	04/30/2021	03/17/2020
MARANA	04/30/2021	03/09/2020
MARANA	02/16/2023	03/11/2020

MARANA	04/30/2021	05/29/2020
MARANA	12/03/2021	07/07/2020
MARANA	12/07/2021	06/29/2020
MARANA	10/21/2024	09/16/2020
MARANA	10/12/2022	09/18/2020
MARANA	08/05/2021	09/30/2020
MARANA	05/06/2024	10/21/2020
MARANA	07/14/2022	10/08/2020
MARANA	05/16/2024	10/08/2020
MARANA	07/21/2023	10/16/2020
MARANA	05/06/2021	10/29/2020
MARANA	02/23/2025	11/18/2020
MARANA	09/15/2023	11/18/2020
MARANA	01/07/2022	11/25/2020
MARANA	05/08/2023	12/02/2020
MARANA	08/11/2022	12/28/2020
MARANA	12/29/2021	02/08/2021
MARANA	07/01/2022	12/29/2020
MARANA	11/24/2021	01/05/2021
MARANA	10/21/2021	12/30/2020
MARANA	09/02/2021	12/30/2020
MARANA	11/23/2022	01/15/2021
MARANA	09/06/2023	02/09/2021
MARANA	06/07/2021	02/03/2021
MARANA	02/21/2024	02/11/2021
MARANA	04/04/2022	03/01/2021
MARANA	09/22/2022	03/10/2021
PV LUMLEY	.	01/31/1994
PV SANTA CRUZ	.	07/17/2001
PV SAN CARLOS	12/02/2025	06/20/2002
PV SANTA ROSA	07/03/2021	08/19/2002
PV LUMLEY	02/15/2022	07/17/2020
PV LUMLEY	05/27/2023	10/16/2015
PV SANTA CRUZ	04/14/2023	12/29/2010

PV SANTA CRUZ	08/04/2028	02/16/2011
PV SAN CARLOS	11/16/2021	08/29/2011
PV SANTA CRUZ	08/30/2022	08/14/2015
PV SANTA CRUZ	05/26/2026	09/09/2013
PV SAN CARLOS	11/03/2025	03/10/2014
PV SAN CARLOS	11/01/2022	08/29/2014
PV SANTA CRUZ	05/16/2040	07/31/2014
PV SANTA CRUZ	11/12/2023	05/15/2015
PV SANTA MARIA	10/24/2034	05/24/2017
PV LUMLEY	07/29/2022	08/19/2016
PV SAN CARLOS	03/17/2023	08/22/2016
PV SAN PEDRO	11/25/2022	01/27/2017
PV SANTA CRUZ	12/24/2034	04/07/2017
PV SAN PEDRO	06/25/2021	05/05/2017
PV SAN CARLOS	01/19/2023	06/05/2019
PV SAN CARLOS	09/14/2021	09/25/2017
PV SAN PEDRO	06/07/2021	11/06/2017
PV SAN PEDRO	12/31/2021	11/20/2017
PV SAN CARLOS	10/29/2021	11/15/2018
PV SAN PEDRO	11/21/2021	02/15/2018
PV SANTA MARIA	08/19/2022	02/26/2018
PV SAN CARLOS	01/26/2024	12/03/2018
PV LUMLEY	01/17/2023	02/26/2018
PV SAN PEDRO	12/06/2022	04/30/2018
PV LUMLEY	07/14/2035	08/20/2018
PV SAN PEDRO	10/20/2021	08/31/2018
PV SAN PEDRO	07/21/2021	10/16/2018
PV SAN CARLOS	09/02/2025	09/28/2018
PV SAN CARLOS	08/29/2025	11/14/2018
PV SAN CARLOS	04/26/2024	12/03/2018
PV LUMLEY	11/23/2027	12/27/2018
PV SANTA MARIA	01/13/2022	02/07/2019
PV SAN PEDRO	01/02/2026	04/15/2019
PV SAN CARLOS	11/05/2021	04/29/2019

PV SANTA CRUZ	01/11/2022	08/26/2019
PV SAN CARLOS	01/24/2022	04/13/2020
PV SAN CARLOS	05/17/2021	11/22/2019
PV SAN PEDRO	11/09/2023	09/27/2019
PV SANTA CRUZ	02/01/2022	10/18/2019
PV SAN CARLOS	07/08/2023	11/27/2019
PV SAN CARLOS	08/24/2021	10/30/2019
PV SAN CARLOS	09/09/2021	11/07/2019
PV SANTA MARIA	01/26/2023	11/18/2019
PV SAN CARLOS	11/22/2023	11/18/2019
PV SAN PEDRO	09/05/2021	12/05/2019
PV SAN CARLOS	06/30/2022	12/17/2019
PV SANTA CRUZ	10/29/2021	05/28/2020
PV SAN CARLOS	06/30/2022	01/06/2020
PV SAN CARLOS	05/21/2021	01/27/2020
PV SAN PEDRO	12/01/2024	02/19/2020
PV SAN CARLOS	08/24/2021	03/12/2020
PV SAN CARLOS	10/13/2021	08/06/2020
PV SANTA CRUZ	10/08/2023	04/17/2020
PV SANTA CRUZ	07/09/2021	04/17/2020
PV SAN CARLOS	05/16/2023	04/21/2020
PV SAN CARLOS	02/18/2022	04/20/2020
PV SAN CARLOS	04/05/2022	04/20/2020
PV SAN CARLOS	12/22/2023	04/29/2020
PV SANTA MARIA	07/02/2021	06/25/2020
PV SAN CARLOS	09/28/2021	07/16/2020
PV SAN PEDRO	03/11/2022	08/20/2020
PV SAN CARLOS	10/22/2021	09/18/2020
PV SAN CARLOS	05/06/2024	11/20/2020
PV SAN CARLOS	11/08/2021	12/31/2020
PV LUMLEY	11/03/2021	01/29/2021
PV SANTA MARIA	05/24/2021	02/12/2021
PV SAN CARLOS	03/28/2025	03/12/2021
PV SAN CARLOS	11/01/2022	04/02/2021

PHX FLAMENCO MAL	07/07/2025	09/10/2004
PHX ASPEN	09/02/2021	04/10/2009
PHX ASPEN	12/23/2022	08/13/2019
PHX FLAMENCO MAL	07/18/2022	04/20/2021
PHX ALHAMBRA I/M	01/29/2030	04/23/2021
PHX ALHAMBRA I/M	12/12/2022	04/21/2021
PHX ALHAMBRA I/M	09/03/2021	04/21/2021
PHX ALHAMBRA I/M	05/14/2026	04/21/2021
PHX ALHAMBRA I/M	07/28/2023	04/23/2021
PHX ALHAMBRA I/M	06/06/2024	04/28/2021
PHX ALHAMBRA I/M	11/03/2023	04/28/2021
PHX ALHAMBRA I/M	08/04/2022	04/28/2021
PHX ALHAMBRA I/M	04/12/2027	04/28/2021
PHOENIX WEST	08/13/2024	09/03/2019
PHOENIX WEST	10/26/2021	04/21/2014
PHOENIX WEST	10/01/2021	02/28/2020
PHOENIX WEST	06/26/2021	06/15/2020
PHOENIX WEST	04/02/2025	10/06/2020
PHOENIX WEST	04/14/2023	12/11/2014
PHOENIX WEST	02/05/2024	09/11/2020
PHOENIX WEST	02/06/2023	04/13/2007
PHOENIX WEST	09/16/2021	07/13/2020
PHOENIX WEST	05/21/2024	09/22/2020
PHOENIX WEST	04/03/2025	07/19/2017
PHOENIX WEST	08/26/2021	01/02/2020
PHOENIX WEST	02/04/2022	04/01/2021
PHOENIX WEST	10/10/2021	06/19/2019
PHOENIX WEST	09/10/2021	12/11/2019
PHOENIX WEST	12/23/2022	07/22/2020
PHOENIX WEST	02/17/2023	07/29/2020
PHOENIX WEST	12/07/2021	08/05/2020
PHOENIX WEST	05/06/2022	09/16/2020
PHOENIX WEST	07/03/2023	02/19/2021
PHOENIX WEST	07/18/2022	02/24/2021

PHOENIX WEST	06/04/2021	03/22/2021
PHOENIX WEST	07/19/2021	03/17/2021
PHOENIX WEST	07/09/2021	03/23/2021
RED ROCK	10/20/2022	07/20/2020
RED ROCK	06/17/2025	08/18/2020
RED ROCK	05/26/2025	07/30/2013
RED ROCK	08/21/2057	01/16/2001
RED ROCK	10/02/2024	09/16/2020
RED ROCK	.	10/23/2000
RED ROCK	10/22/2021	12/30/2020
RED ROCK	08/17/2022	09/03/2020
RED ROCK	12/03/2021	01/05/2018
RED ROCK	12/31/2026	10/29/2020
RED ROCK	04/15/2022	09/01/2020
RED ROCK	08/16/2023	09/05/2018
RED ROCK	07/18/2028	04/28/2017
RED ROCK	11/30/2026	06/26/2006
RED ROCK	06/26/2026	10/28/2020
RED ROCK	09/01/2023	08/30/2007
RED ROCK	09/11/2028	10/05/2007
RED ROCK	04/23/2024	07/30/2013
RED ROCK	05/28/2026	03/07/2008
RED ROCK	05/28/2026	03/07/2008
RED ROCK	09/08/2025	08/19/2008
RED ROCK	02/28/2022	08/25/2020
RED ROCK	02/22/2030	11/17/2020
RED ROCK	01/27/2025	02/10/2009
RED ROCK	10/20/2025	02/20/2009
RED ROCK	03/23/2022	08/26/2020
RED ROCK	12/05/2030	02/03/2010
RED ROCK	05/07/2021	10/20/2020
RED ROCK	01/10/2022	05/16/2016
RED ROCK	10/21/2045	06/29/2010
RED ROCK	05/04/2021	05/03/2011

RED ROCK	10/05/2024	06/07/2019
RED ROCK	08/01/2026	10/21/2020
RED ROCK	06/26/2026	02/08/2019
RED ROCK	02/14/2026	10/28/2011
RED ROCK	04/07/2034	12/28/2011
RED ROCK	09/18/2022	03/18/2013
RED ROCK	07/15/2022	07/31/2018
RED ROCK	12/26/2023	03/05/2019
RED ROCK	12/15/2028	02/17/2021
RED ROCK	08/05/2022	03/10/2021
RED ROCK	11/24/2023	11/05/2014
RED ROCK	09/28/2023	01/25/2018
RED ROCK	05/01/2021	12/22/2020
RED ROCK	10/28/2024	09/29/2020
RED ROCK	05/06/2022	05/30/2019
RED ROCK	02/01/2022	08/24/2020
RED ROCK	12/08/2024	10/01/2020
RED ROCK	07/21/2025	10/08/2020
RED ROCK	12/08/2040	11/30/2020
RED ROCK	08/17/2022	09/02/2020
RED ROCK	04/22/2025	10/07/2020
RED ROCK	07/23/2027	07/24/2020
RED ROCK	11/10/2026	02/05/2018
RED ROCK	07/03/2024	09/23/2020
RED ROCK	11/28/2025	09/29/2020
RED ROCK	05/21/2022	10/09/2018
RED ROCK	03/31/2026	10/02/2020
RED ROCK	10/06/2023	08/08/2019
RED ROCK	03/18/2026	08/16/2018
RED ROCK	08/06/2021	08/13/2020
RED ROCK	08/04/2023	09/14/2020
RED ROCK	07/17/2025	10/08/2020
RED ROCK	09/24/2021	08/17/2020
RED ROCK	04/30/2021	04/05/2019

RED ROCK	04/19/2026	04/19/2019
RED ROCK	02/29/2024	04/22/2019
RED ROCK	11/25/2026	06/26/2020
RED ROCK	01/23/2025	10/01/2020
RED ROCK	04/09/2024	06/19/2020
RED ROCK	01/25/2022	08/21/2020
RED ROCK	10/23/2025	07/20/2020
RED ROCK	08/17/2022	09/03/2020
RED ROCK	03/14/2022	08/26/2020
RED ROCK	12/17/2021	08/19/2020
RED ROCK	07/12/2026	09/19/2019
RED ROCK	01/20/2028	10/31/2019
RED ROCK	05/12/2032	04/28/2020
RED ROCK	11/24/2027	10/18/2019
RED ROCK	01/12/2026	10/31/2019
RED ROCK	03/05/2026	11/13/2020
RED ROCK	12/09/2025	11/06/2019
RED ROCK	09/21/2022	11/15/2019
RED ROCK	02/28/2022	01/16/2020
RED ROCK	10/30/2027	06/01/2020
RED ROCK	08/05/2022	09/02/2020
RED ROCK	10/20/2021	08/17/2020
RED ROCK	09/14/2023	06/12/2020
RED ROCK	12/25/2030	11/20/2020
RED ROCK	11/02/2021	08/18/2020
RED ROCK	11/16/2026	10/27/2020
RED ROCK	11/21/2023	09/15/2020
RED ROCK	06/30/2022	10/26/2020
RED ROCK	08/22/2025	11/16/2020
RED ROCK	07/16/2032	02/03/2021
RED ROCK	03/01/2024	03/03/2021
RED ROCK	03/03/2022	03/10/2021
RED ROCK	11/30/2030	03/05/2021
RED ROCK	05/27/2026	03/05/2021

RED ROCK	07/26/2022	04/02/2021
SAFFORD TONTO	.	04/16/1996
SAFFORD TONTO	.	07/01/1988
SAFFORD TONTO	09/25/2076	02/07/2001
SAFFORD GRAHAM	09/07/2021	02/06/2019
SAFFORD TONTO	04/13/2029	03/15/2004
SAFFORD GRAHAM	11/14/2023	03/25/1998
SAFFORD TONTO	.	07/22/1998
SAFFORD GRAHAM	07/01/2022	06/25/2020
SAFFORD TONTO	07/26/2030	12/29/1998
SAFFORD TONTO	.	05/25/1999
SAFFORD FT. GRAN	07/23/2023	10/30/2019
SAFFORD GRAHAM	12/01/2023	09/20/2018
SAFFORD FT. GRAN	06/22/2021	05/10/2005
SAFFORD TONTO	12/11/2030	06/19/2012
SAFFORD GRAHAM	03/08/2022	05/20/2019
SAFFORD GRAHAM	09/19/2021	05/28/2020
SAFFORD TONTO	11/17/2022	02/12/2008
SAFFORD FT. GRAN	07/20/2023	01/24/2019
SAFFORD GRAHAM	01/08/2022	08/10/2020
SAFFORD FT. GRAN	07/13/2021	12/16/2019
SAFFORD FT. GRAN	04/18/2022	08/04/2009
SAFFORD FT. GRAN	03/30/2022	08/22/2017
SAFFORD TONTO	07/28/2030	06/25/2010
SAFFORD FT. GRAN	07/02/2022	04/21/2020
SAFFORD GRAHAM	05/12/2022	05/04/2020
SAFFORD TONTO	03/23/2029	05/16/2012
SAFFORD FT. GRAN	05/28/2021	09/19/2012
SAFFORD FT. GRAN	07/13/2021	08/19/2020
SAFFORD FT. GRAN	12/15/2021	02/12/2021
SAFFORD GRAHAM	03/29/2024	05/31/2013
SAFFORD FT. GRAN	08/20/2021	10/19/2020
SAFFORD GRAHAM	04/20/2022	01/29/2021
SAFFORD GRAHAM	07/30/2021	04/20/2020

SAFFORD TONTO	10/20/2021	01/15/2014
SAFFORD FT. GRAN	06/24/2021	11/05/2020
SAFFORD GRAHAM	03/20/2022	10/16/2018
SAFFORD FT. GRAN	11/10/2021	09/02/2020
SAFFORD GRAHAM	08/13/2021	09/25/2014
SAFFORD GRAHAM	11/11/2024	10/07/2020
SAFFORD FT. GRAN	05/16/2022	09/11/2020
SAFFORD GRAHAM	12/08/2021	07/13/2016
SAFFORD FT. GRAN	03/23/2022	09/14/2016
SAFFORD FT. GRAN	08/23/2021	11/23/2016
SAFFORD FT. GRAN	11/02/2021	02/08/2017
SAFFORD GRAHAM	10/06/2021	04/07/2017
SAFFORD GRAHAM	05/05/2023	05/22/2018
SAFFORD GRAHAM	06/19/2023	05/03/2017
SAFFORD FT. GRAN	05/01/2023	06/20/2017
SAFFORD TONTO	05/11/2023	10/05/2020
SAFFORD FT. GRAN	11/10/2022	05/16/2017
SAFFORD TONTO	04/28/2025	07/19/2017
SAFFORD FT. GRAN	08/23/2021	12/15/2020
SAFFORD FT. GRAN	02/16/2022	08/04/2017
SAFFORD GRAHAM	01/19/2023	04/13/2021
SAFFORD FT. GRAN	04/05/2022	08/24/2017
SAFFORD FT. GRAN	11/30/2023	10/06/2017
SAFFORD GRAHAM	05/29/2023	03/22/2018
SAFFORD FT. GRAN	05/30/2022	11/02/2017
SAFFORD GRAHAM	04/08/2022	06/22/2020
SAFFORD GRAHAM	06/28/2022	12/18/2017
SAFFORD FT. GRAN	05/20/2023	02/14/2018
SAFFORD FT. GRAN	01/06/2022	02/12/2018
SAFFORD FT. GRAN	09/16/2021	03/07/2018
SAFFORD FT. GRAN	01/20/2022	04/24/2018
SAFFORD GRAHAM	01/12/2024	05/17/2018
SAFFORD GRAHAM	05/17/2021	05/25/2018
SAFFORD GRAHAM	05/11/2022	06/20/2018

SAFFORD GRAHAM	09/13/2021	06/07/2018
SAFFORD FT. GRAN	10/30/2023	06/20/2018
SAFFORD FT. GRAN	06/29/2021	07/02/2018
SAFFORD GRAHAM	02/18/2022	07/26/2018
SAFFORD GRAHAM	05/09/2022	07/26/2018
SAFFORD GRAHAM	08/21/2021	09/24/2018
SAFFORD GRAHAM	06/10/2022	09/27/2018
SAFFORD FT. GRAN	06/22/2022	10/25/2018
SAFFORD GRAHAM	01/02/2023	11/28/2018
SAFFORD GRAHAM	10/03/2022	12/11/2018
SAFFORD GRAHAM	01/10/2023	12/06/2018
SAFFORD GRAHAM	11/10/2021	12/19/2018
SAFFORD GRAHAM	09/12/2022	01/10/2019
SAFFORD FT. GRAN	11/12/2021	03/29/2019
SAFFORD GRAHAM	02/22/2022	04/03/2019
SAFFORD FT. GRAN	09/22/2023	04/18/2019
SAFFORD FT. GRAN	10/20/2024	05/14/2019
SAFFORD FT. GRAN	05/13/2024	09/19/2019
SAFFORD FT. GRAN	05/03/2021	09/25/2019
SAFFORD TONTO	12/16/2021	12/22/2020
SAFFORD GRAHAM	09/12/2022	09/21/2020
SAFFORD FT. GRAN	08/25/2024	10/15/2019
SAFFORD FT. GRAN	08/09/2021	10/24/2019
SAFFORD FT. GRAN	12/08/2023	10/16/2020
SAFFORD GRAHAM	09/30/2022	11/21/2019
SAFFORD FT. GRAN	04/12/2022	09/09/2020
SAFFORD FT. GRAN	06/02/2023	12/09/2019
SAFFORD GRAHAM	02/28/2022	12/23/2019
SAFFORD FT. GRAN	05/14/2021	03/09/2020
SAFFORD GRAHAM	05/07/2021	07/30/2020
SAFFORD GRAHAM	07/07/2022	03/18/2020
SAFFORD GRAHAM	02/14/2023	09/30/2020
SAFFORD GRAHAM	09/26/2024	03/12/2021
SAFFORD FT. GRAN	09/10/2021	08/21/2020

SAFFORD FT. GRAN	05/21/2021	04/16/2020
SAFFORD GRAHAM	05/21/2021	04/14/2020
SAFFORD FT. GRAN	06/10/2022	04/16/2020
SAFFORD FT. GRAN	05/21/2021	04/14/2020
SAFFORD GRAHAM	12/12/2023	04/16/2020
SAFFORD FT. GRAN	06/27/2022	04/16/2020
SAFFORD GRAHAM	07/23/2021	07/31/2020
SAFFORD GRAHAM	04/22/2022	09/10/2020
SAFFORD GRAHAM	12/31/2021	06/23/2020
SAFFORD GRAHAM	12/03/2021	06/22/2020
SAFFORD GRAHAM	04/06/2025	08/12/2020
SAFFORD FT. GRAN	07/27/2023	08/19/2020
SAFFORD GRAHAM	05/19/2021	08/19/2020
SAFFORD GRAHAM	08/09/2025	08/21/2020
SAFFORD FT. GRAN	12/03/2021	08/21/2020
SAFFORD GRAHAM	08/23/2022	09/02/2020
SAFFORD GRAHAM	12/09/2021	09/21/2020
SAFFORD FT. GRAN	07/28/2023	10/19/2020
SAFFORD FT. GRAN	02/28/2022	11/16/2020
SAFFORD FT. GRAN	09/22/2022	12/31/2020
SAFFORD GRAHAM	02/24/2023	02/08/2021
TUCSON RINCON	.	08/25/1994
TUCSON WINCHESTE	12/10/2025	03/04/2016
TUCSON RINCON	.	03/17/1986
TUCSON WHETSTONE	07/28/2021	03/18/2013
TUCSON WHETSTONE	08/09/2021	04/07/2017
TUCSON WINCHESTE	.	08/09/1990
TUCSON WHETSTONE	09/24/2021	04/07/2016
TUCSON CIMARRON	.	01/15/1997
TUCSON RINCON	12/30/2027	12/16/2016
TUCSON WINCHESTE	06/18/2032	08/04/1993
TUCSON RINCON	06/17/2055	09/30/2019
TUCSON SANTA RIT	.	12/29/1994
TUCSON WHETSTONE	08/09/2021	07/20/2011

TUCSON WHETSTONE	12/02/2022	07/29/2014
TUCSON WHETSTONE	09/13/2022	07/14/2020
TUCSON CIMARRON	09/22/2092	04/15/1999
TUCSON MANZANITA	06/25/2027	03/22/2005
TUCSON MANZANITA	09/12/2023	11/06/2009
TUCSON RINCON	12/12/2030	05/27/1997
TUCSON RINCON	.	10/02/1997
TUCSON MANZANITA	10/31/2025	09/20/2017
TUCSON WINCHESTE	01/06/2023	04/12/2010
TUCSON WINCHESTE	.	09/11/1998
TUCSON WHETSTONE	08/31/2022	12/29/1998
TUCSON SANTA RIT	06/11/2027	05/25/1999
TUCSON MANZANITA	.	09/13/1999
TUCSON WHETSTONE	06/01/2021	09/09/2009
TUCSON WINCHESTE	04/01/2039	06/12/2008
TUCSON WINCHESTE	07/31/2021	10/19/2000
TUCSON SANTA RIT	10/24/2022	10/23/2000
TUCSON WHETSTONE	01/22/2024	01/10/2001
TUCSON CATALINA	10/05/2022	05/21/2018
TUCSON SANTA RIT	.	07/23/2003
TUCSON RINCON	.	04/06/2001
TUCSON WHETSTONE	12/22/2021	01/13/2009
TUCSON WINCHESTE	.	03/11/2002
TUCSON CIMARRON	.	09/04/2002
TUCSON RINCON	01/29/2026	08/29/2002
TUCSON WHETSTONE	10/05/2021	01/24/2021
TUCSON RINCON	11/15/2021	11/28/2005
TUCSON WHETSTONE	05/13/2024	06/15/2018
TUCSON CIMARRON	01/25/2022	11/07/2013
TUCSON WINCHESTE	07/07/2029	01/27/2011
TUCSON WINCHESTE	10/11/2102	04/08/2003
TUCSON MANZANITA	01/26/2028	09/25/2013
TUCSON WINCHESTE	.	08/20/2003
TUCSON MANZANITA	01/06/2025	08/17/2005

TUCSON CIMARRON	.	11/17/2003
TUCSON WINCHESTE	11/03/2054	05/03/2019
TUCSON RINCON	03/16/2022	05/20/2014
TUCSON SANTA RIT	10/18/2024	02/23/2005
TUCSON MANZANITA	12/03/2027	03/21/2005
TUCSON RINCON	05/11/2026	04/21/2014
TUCSON RINCON	10/13/2029	08/12/2005
TUCSON SANTA RIT	.	12/27/2010
TUCSON WINCHESTE	.	05/01/2006
TUCSON MANZANITA	09/25/2025	03/22/2019
TUCSON WHETSTONE	08/09/2024	04/21/2016
TUCSON WINCHESTE	10/15/2021	09/03/2020
TUCSON RINCON	12/24/2040	07/20/2017
TUCSON RINCON	11/07/2023	11/25/2019
TUCSON CIMARRON	.	05/14/2007
TUCSON CIMARRON	08/17/2021	04/13/2021
TUCSON RINCON	11/23/2026	07/10/2007
TUCSON MANZANITA	03/08/2034	08/08/2007
TUCSON CIMARRON	11/09/2021	12/28/2011
TUCSON WINCHESTE	10/01/2021	07/30/2020
TUCSON WINCHESTE	05/15/2023	11/08/2007
TUCSON SANTA RIT	06/21/2023	01/10/2008
TUCSON WHETSTONE	06/19/2021	06/17/2020
TUCSON WHETSTONE	02/16/2022	01/07/2016
TUCSON CIMARRON	01/23/2022	04/26/2018
TUCSON MANZANITA	05/06/2025	04/02/2008
TUCSON WINCHESTE	10/27/2033	08/24/2009
TUCSON MANZANITA	05/21/2038	06/05/2008
TUCSON RINCON	07/29/2028	10/04/2013
TUCSON WHETSTONE	02/04/2023	07/19/2013
TUCSON WHETSTONE	08/17/2023	09/03/2009
TUCSON WINCHESTE	02/06/2029	11/16/2011
TUCSON WHETSTONE	08/14/2021	11/15/2019
TUCSON WINCHESTE	01/10/2022	11/02/2017

TUCSON SANTA RIT	02/15/2027	02/10/2009
TUCSON MANZANITA	05/16/2043	01/12/2021
TUCSON WHETSTONE	01/06/2023	03/26/2009
TUCSON RINCON	.	04/21/2009
TUCSON CATALINA	09/18/2021	04/15/2019
TUCSON MANZANITA	04/19/2027	06/16/2009
TUCSON WHETSTONE	12/06/2024	09/18/2020
TUCSON WHETSTONE	07/14/2022	07/08/2009
TUCSON RINCON	01/25/2022	10/16/2009
TUCSON WHETSTONE	10/10/2021	10/22/2009
TUCSON WHETSTONE	07/09/2021	02/03/2016
TUCSON SANTA RIT	01/06/2022	07/20/2011
TUCSON WHETSTONE	05/11/2021	08/15/2011
TUCSON RINCON	10/20/2026	08/03/2011
TUCSON CIMARRON	09/06/2030	06/10/2010
TUCSON WHETSTONE	09/23/2022	08/03/2011
TUCSON WINCHESTE	11/24/2021	08/17/2010
TUCSON CIMARRON	08/15/2025	09/29/2017
TUCSON SANTA RIT	03/09/2023	09/13/2010
TUCSON CIMARRON	03/22/2022	04/06/2017
TUCSON CIMARRON	04/26/2023	10/26/2010
TUCSON CATALINA	12/18/2022	12/09/2010
TUCSON SANTA RIT	.	12/16/2010
TUCSON CIMARRON	11/29/2029	01/13/2011
TUCSON CIMARRON	03/20/2038	09/26/2014
TUCSON WINCHESTE	01/08/2027	02/02/2011
TUCSON WINCHESTE	01/18/2025	05/13/2019
TUCSON CIMARRON	10/30/2035	05/10/2011
TUCSON RINCON	09/14/2021	04/01/2021
TUCSON RINCON	07/02/2031	01/15/2015
TUCSON SANTA RIT	08/23/2030	10/07/2011
TUCSON CIMARRON	09/13/2021	10/22/2015
TUCSON SANTA RIT	11/13/2026	04/30/2012
TUCSON WINCHESTE	09/17/2021	06/14/2018

TUCSON WHETSTONE	07/25/2023	02/12/2015
TUCSON CIMARRON	07/13/2029	04/22/2020
TUCSON CATALINA	10/13/2023	06/18/2012
TUCSON WHETSTONE	02/05/2024	12/31/2020
TUCSON WHETSTONE	07/07/2023	07/23/2012
TUCSON WINCHESTE	06/28/2021	01/13/2020
TUCSON WHETSTONE	06/28/2024	12/14/2012
TUCSON RINCON	05/27/2036	02/07/2013
TUCSON CIMARRON	10/23/2031	03/25/2013
TUCSON WHETSTONE	02/13/2025	05/10/2013
TUCSON WHETSTONE	10/07/2024	05/23/2013
TUCSON MANZANITA	12/12/2025	05/17/2013
TUCSON SANTA RIT	04/18/2024	06/05/2013
TUCSON CIMARRON	02/03/2023	01/31/2016
TUCSON WINCHESTE	09/22/2027	08/08/2013
TUCSON CIMARRON	05/20/2022	01/31/2014
TUCSON SANTA RIT	10/24/2025	09/10/2013
TUCSON MANZANITA	11/03/2021	04/25/2016
TUCSON SANTA RIT	.	10/08/2013
TUCSON WHETSTONE	02/18/2022	11/27/2019
TUCSON WHETSTONE	09/24/2024	10/11/2013
TUCSON WINCHESTE	12/18/2033	11/14/2013
TUCSON SANTA RIT	08/14/2023	12/26/2013
TUCSON CIMARRON	07/08/2022	11/22/2019
TUCSON SANTA RIT	11/18/2021	04/22/2014
TUCSON SANTA RIT	07/17/2022	05/20/2014
TUCSON SANTA RIT	01/19/2022	06/16/2014
TUCSON RINCON	09/07/2027	07/16/2015
TUCSON WINCHESTE	07/25/2021	08/27/2020
TUCSON MANZANITA	02/06/2024	10/15/2014
TUCSON WHETSTONE	11/24/2021	12/02/2014
TUCSON RINCON	05/24/2022	12/16/2014
TUCSON WHETSTONE	06/22/2021	03/29/2021
TUCSON WHETSTONE	01/06/2022	02/27/2015

TUCSON SANTA RIT	08/14/2029	11/10/2015
TUCSON WINCHESTE	12/25/2022	02/17/2017
TUCSON RINCON	12/28/2022	10/31/2019
TUCSON WINCHESTE	10/01/2035	06/18/2015
TUCSON WINCHESTE	06/04/2021	07/06/2015
TUCSON MANZANITA	06/07/2030	06/29/2015
TUCSON WINCHESTE	10/27/2025	08/04/2015
TUCSON CIMARRON	07/30/2021	08/23/2019
TUCSON RINCON	03/11/2035	10/06/2015
TUCSON WHETSTONE	05/05/2023	07/16/2019
TUCSON CIMARRON	11/24/2021	10/13/2015
TUCSON RINCON	01/02/2023	02/18/2016
TUCSON WHETSTONE	04/02/2022	09/09/2020
TUCSON CATALINA	04/18/2022	06/06/2016
TUCSON MANZANITA	09/12/2023	04/27/2016
TUCSON CIMARRON	11/04/2021	03/28/2019
TUCSON MANZANITA	01/08/2023	07/19/2016
TUCSON SANTA RIT	12/08/2025	07/27/2017
TUCSON CIMARRON	10/07/2022	09/22/2020
TUCSON WHETSTONE	03/27/2022	09/16/2016
TUCSON WINCHESTE	01/19/2022	03/13/2018
TUCSON WHETSTONE	06/21/2024	10/14/2016
TUCSON WHETSTONE	02/08/2023	10/14/2016
TUCSON WHETSTONE	10/17/2021	11/14/2016
TUCSON MANZANITA	12/21/2022	12/21/2016
TUCSON SANTA RIT	09/06/2022	09/21/2020
TUCSON SANTA RIT	05/07/2021	03/08/2017
TUCSON WHETSTONE	11/05/2022	02/13/2017
TUCSON CIMARRON	04/20/2022	05/16/2017
TUCSON WINCHESTE	06/16/2023	04/04/2018
TUCSON WHETSTONE	09/20/2021	04/13/2017
TUCSON WINCHESTE	05/14/2021	04/25/2017
TUCSON RINCON	07/29/2021	05/11/2017
TUCSON WHETSTONE	12/18/2021	06/19/2017

TUCSON SANTA RIT	05/13/2024	06/21/2017
TUCSON WINCHESTE	12/13/2021	11/14/2017
TUCSON CIMARRON	03/28/2022	07/21/2017
TUCSON MANZANITA	03/27/2022	09/01/2017
TUCSON WINCHESTE	06/03/2021	10/18/2017
TUCSON WHETSTONE	12/06/2021	05/14/2019
TUCSON RINCON	05/19/2021	10/02/2017
TUCSON SANTA RIT	11/06/2026	03/06/2018
TUCSON CIMARRON	09/01/2022	09/03/2020
TUCSON WHETSTONE	06/14/2021	12/12/2017
TUCSON WHETSTONE	06/06/2022	12/12/2017
TUCSON CIMARRON	06/11/2034	12/05/2017
TUCSON SANTA RIT	07/27/2021	12/08/2017
TUCSON WHETSTONE	05/04/2023	12/06/2017
TUCSON WHETSTONE	08/27/2021	03/29/2019
TUCSON WHETSTONE	01/26/2022	12/12/2017
TUCSON SANTA RIT	12/10/2021	08/31/2020
TUCSON WINCHESTE	07/30/2029	12/19/2017
TUCSON WINCHESTE	11/09/2032	01/09/2018
TUCSON SANTA RIT	10/27/2023	03/08/2018
TUCSON CATALINA	07/28/2023	03/20/2018
TUCSON RINCON	05/16/2024	11/27/2018
TUCSON WHETSTONE	12/15/2022	05/23/2018
TUCSON SANTA RIT	10/30/2021	05/10/2018
TUCSON RINCON	10/01/2024	07/31/2018
TUCSON WINCHESTE	10/07/2027	07/19/2018
TUCSON SANTA RIT	11/21/2025	09/14/2018
TUCSON RINCON	03/28/2024	04/26/2019
TUCSON WHETSTONE	01/11/2022	09/04/2018
TUCSON WINCHESTE	05/06/2022	03/30/2020
TUCSON WHETSTONE	12/06/2021	10/18/2018
TUCSON RINCON	06/26/2039	11/09/2018
TUCSON RINCON	05/17/2028	01/31/2019
TUCSON WHETSTONE	05/25/2023	01/10/2019

TUCSON WINCHESTE	06/22/2040	02/01/2019
TUCSON WINCHESTE	06/09/2028	12/10/2020
TUCSON WINCHESTE	09/09/2044	03/04/2019
TUCSON CIMARRON	03/07/2026	03/28/2019
TUCSON WHETSTONE	01/24/2022	04/03/2019
TUCSON MANZANITA	09/16/2022	05/08/2019
TUCSON WHETSTONE	09/20/2024	04/24/2019
TUCSON SANTA RIT	09/09/2022	09/23/2020
TUCSON WHETSTONE	07/07/2023	05/09/2019
TUCSON WHETSTONE	09/20/2023	05/22/2019
TUCSON CIMARRON	03/14/2022	05/31/2019
TUCSON WHETSTONE	12/10/2021	06/07/2019
TUCSON WHETSTONE	04/02/2024	06/06/2019
TUCSON SANTA RIT	05/11/2023	07/15/2019
TUCSON WHETSTONE	11/16/2025	06/20/2019
TUCSON WHETSTONE	04/30/2021	08/13/2019
TUCSON SANTA RIT	11/18/2025	03/16/2021
TUCSON WINCHESTE	07/31/2023	11/01/2019
TUCSON WHETSTONE	10/22/2021	08/29/2019
TUCSON WHETSTONE	05/02/2022	09/24/2019
TUCSON MANZANITA	05/30/2023	10/02/2019
TUCSON CIMARRON	04/22/2025	10/10/2019
TUCSON WHETSTONE	02/07/2023	10/24/2019
TUCSON WHETSTONE	06/12/2023	12/06/2019
TUCSON SANTA RIT	04/30/2021	12/18/2019
TUCSON WHETSTONE	04/09/2025	12/16/2019
TUCSON RINCON	02/27/2027	12/24/2019
TUCSON WHETSTONE	07/03/2023	02/07/2020
TUCSON SANTA RIT	12/05/2033	01/04/2021
TUCSON CIMARRON	08/04/2038	03/10/2020
TUCSON WHETSTONE	05/04/2021	11/18/2020
TUCSON MANZANITA	03/16/2022	04/21/2020
TUCSON WHETSTONE	03/22/2023	05/04/2020
TUCSON WHETSTONE	04/05/2025	05/13/2020

TUCSON WHETSTONE	07/16/2021	02/19/2021
TUCSON WINCHESTE	12/09/2022	08/27/2020
TUCSON MANZANITA	08/06/2021	03/18/2021
TUCSON CIMARRON	04/18/2036	08/31/2020
TUCSON SANTA RIT	05/10/2022	09/23/2020
TUCSON WHETSTONE	09/27/2022	10/29/2020
TUCSON WHETSTONE	06/24/2022	11/06/2020
TUCSON WHETSTONE	09/07/2022	04/05/2021
TUCSON WHETSTONE	08/25/2023	11/13/2020
TUCSON WHETSTONE	02/04/2022	01/12/2021
TUCSON WHETSTONE	03/30/2022	02/22/2021
TUCSON RINCON	01/02/2040	12/08/2020
TUCSON WHETSTONE	08/16/2021	12/11/2020
TUCSON WINCHESTE	09/01/2023	12/29/2020
TUCSON WHETSTONE	04/15/2022	12/30/2020
TUCSON WHETSTONE	09/06/2023	01/13/2021
TUCSON RINCON	10/26/2021	04/12/2021
TUCSON CIMARRON	07/20/2043	02/12/2021
TUCSON WHETSTONE	05/21/2021	03/24/2021
WINSLOW KAIBAB	11/26/2022	05/14/2007
WINSLOW CORONADO	05/02/2023	12/12/1995
WINSLOW KAIBAB	09/02/2021	08/21/2020
WINSLOW CORONADO	03/15/2023	09/09/2020
WINSLOW KAIBAB	.	09/01/1998
WINSLOW KAIBAB	09/23/2021	12/18/2007
WINSLOW APACHE	02/07/2023	09/04/2007
WINSLOW KAIBAB	12/27/2023	04/17/2007
WINSLOW KAIBAB	07/26/2021	07/31/2013
WINSLOW KAIBAB	.	09/30/2002
WINSLOW KAIBAB	04/19/2022	09/30/2013
WINSLOW KAIBAB	01/20/2023	05/06/2009
WINSLOW KAIBAB	.	01/05/2006
WINSLOW KAIBAB	12/06/2023	03/06/2013
WINSLOW CORONADO	02/03/2023	02/21/2007

WINSLOW KAIBAB	.	09/15/2015
WINSLOW KAIBAB	.	05/23/2007
WINSLOW KAIBAB	11/07/2023	08/08/2008
WINSLOW KAIBAB	.	11/16/2007
WINSLOW KAIBAB	02/25/2029	03/18/2008
WINSLOW APACHE	08/02/2023	07/21/2008
WINSLOW KAIBAB	03/28/2025	08/28/2008
WINSLOW APACHE	02/03/2023	11/24/2008
WINSLOW KAIBAB	11/20/2025	07/02/2020
WINSLOW KAIBAB	12/23/2022	06/03/2015
WINSLOW KAIBAB	04/18/2029	01/09/2009
WINSLOW KAIBAB	11/16/2035	02/25/2009
WINSLOW KAIBAB	02/24/2232	06/11/2013
WINSLOW APACHE	12/28/2023	06/24/2009
WINSLOW KAIBAB	08/17/2026	07/28/2009
WINSLOW KAIBAB	05/24/2120	12/18/2020
WINSLOW KAIBAB	01/11/2022	03/28/2012
WINSLOW APACHE	11/08/2024	10/09/2009
WINSLOW APACHE	08/09/2023	11/20/2009
WINSLOW APACHE	01/31/2022	11/12/2009
WINSLOW KAIBAB	09/14/2023	12/30/2009
WINSLOW CORONADO	01/03/2023	02/26/2020
WINSLOW KAIBAB	05/05/2022	09/14/2018
WINSLOW KAIBAB	10/20/2023	10/13/2015
WINSLOW KAIBAB	04/01/2027	04/16/2010
WINSLOW APACHE	08/09/2023	09/28/2011
WINSLOW KAIBAB	12/10/2077	06/07/2010
WINSLOW KAIBAB	.	07/15/2010
WINSLOW APACHE	09/14/2023	05/02/2019
WINSLOW KAIBAB	07/27/2023	08/15/2011
WINSLOW KAIBAB	04/23/2027	01/27/2011
WINSLOW KAIBAB	03/02/2023	01/23/2015
WINSLOW KAIBAB	09/08/2022	04/02/2012
WINSLOW KAIBAB	09/15/2032	01/21/2014

WINSLOW KAIBAB	02/01/2034	10/19/2011
WINSLOW KAIBAB	11/18/2052	02/20/2013
WINSLOW KAIBAB	08/10/2029	06/22/2012
WINSLOW KAIBAB	01/21/2022	04/16/2020
WINSLOW KAIBAB	.	08/21/2012
WINSLOW KAIBAB	07/08/2022	01/07/2016
WINSLOW KAIBAB	05/24/2023	07/01/2013
WINSLOW KAIBAB	.	07/01/2013
WINSLOW APACHE	09/24/2024	10/04/2010
WINSLOW KAIBAB	02/03/2022	11/20/2013
WINSLOW KAIBAB	06/22/2025	01/09/2014
WINSLOW KAIBAB	12/22/2023	03/11/2016
WINSLOW APACHE	03/28/2022	05/05/2014
WINSLOW APACHE	06/01/2023	02/22/2021
WINSLOW KAIBAB	01/18/2022	09/19/2014
WINSLOW KAIBAB	10/04/2039	12/16/2014
WINSLOW KAIBAB	08/03/2028	12/15/2014
WINSLOW KAIBAB	07/26/2028	12/16/2014
WINSLOW KAIBAB	10/18/2029	08/13/2015
WINSLOW KAIBAB	09/03/2021	04/12/2017
WINSLOW APACHE	02/16/2024	04/29/2020
WINSLOW APACHE	06/09/2021	08/07/2015
WINSLOW APACHE	07/21/2024	09/06/2018
WINSLOW KAIBAB	08/16/2021	02/26/2016
WINSLOW KAIBAB	11/14/2030	02/26/2016
WINSLOW KAIBAB	03/31/2023	04/27/2016
WINSLOW KAIBAB	04/03/2040	05/04/2016
WINSLOW APACHE	02/19/2024	05/10/2017
WINSLOW KAIBAB	08/30/2024	09/15/2017
WINSLOW KAIBAB	01/06/2023	04/26/2019
WINSLOW KAIBAB	01/07/2022	03/07/2018
WINSLOW APACHE	08/14/2023	01/25/2017
WINSLOW APACHE	05/31/2023	03/30/2017
WINSLOW APACHE	10/20/2024	07/14/2017

WINSLOW APACHE	05/29/2025	05/30/2017
WINSLOW KAIBAB	07/06/2022	09/02/2020
WINSLOW KAIBAB	02/25/2022	07/20/2017
WINSLOW CORONADO	10/11/2023	09/14/2020
WINSLOW APACHE	10/02/2023	04/03/2018
WINSLOW KAIBAB	02/02/2038	11/17/2017
WINSLOW KAIBAB	.	01/29/2018
WINSLOW KAIBAB	.	01/23/2018
WINSLOW KAIBAB	.	02/28/2018
WINSLOW APACHE	11/23/2025	04/06/2018
WINSLOW KAIBAB	06/17/2032	12/23/2020
WINSLOW APACHE	07/08/2022	01/10/2049
WINSLOW KAIBAB	.	07/23/2018
WINSLOW KAIBAB	09/21/2021	03/05/2019
WINSLOW APACHE	05/14/2021	03/22/2019
WINSLOW APACHE	07/02/2021	04/03/2019
WINSLOW APACHE	04/30/2021	03/21/2019
WINSLOW CORONADO	01/27/2023	03/22/2019
WINSLOW KAIBAB	08/23/2058	08/14/2019
WINSLOW APACHE	10/28/2023	11/12/2019
WINSLOW KAIBAB	07/20/2022	09/24/2020
WINSLOW CORONADO	07/16/2021	03/13/2020
WINSLOW KAIBAB	02/09/2022	03/06/2020
WINSLOW CORONADO	05/07/2021	03/11/2020
WINSLOW CORONADO	01/27/2022	03/24/2020
WINSLOW CORONADO	09/23/2022	12/16/2020
WINSLOW CORONADO	10/27/2023	12/18/2020
YUMA DAKOTA	.	10/19/2018
YUMA CHEYENNE	08/09/2052	01/28/1994
YUMA CIBOLA	10/06/2023	10/01/2019
YUMA CIBOLA	02/03/2027	01/28/2020
YUMA LAPAZ	07/16/2021	10/18/2019
YUMA CIBOLA	03/18/2027	02/10/2020
YUMA CIBOLA	.	02/03/1994

YUMA CIBOLA	.	08/21/1995
YUMA CIBOLA	.	05/17/1996
YUMA CHEYENNE	.	09/06/1996
YUMA CIBOLA	02/09/2034	04/20/1999
YUMA DAKOTA	09/11/2027	02/15/2007
YUMA DAKOTA	04/30/2024	08/11/2010
YUMA CIBOLA	10/03/2025	06/01/2017
YUMA CIBOLA	.	03/07/2001
YUMA CIBOLA	11/13/2076	03/27/2001
YUMA CIBOLA	08/28/2025	05/07/2019
YUMA CIBOLA	07/10/2026	04/22/2014
YUMA CIBOLA	06/20/2022	02/07/2018
YUMA CHEYENNE	12/18/2024	11/08/2017
YUMA COCOPAH	10/23/2025	12/20/2018
YUMA CIBOLA	12/30/2024	06/07/2011
YUMA CHEYENNE	.	10/01/2004
YUMA DAKOTA	.	02/09/2012
YUMA CIBOLA	10/22/2021	12/14/2017
YUMA CIBOLA	02/16/2181	10/08/2020
YUMA CHEYENNE	07/09/2028	09/24/2007
YUMA CIBOLA	05/18/2021	08/22/2017
YUMA CIBOLA	02/15/2024	07/22/2020
YUMA DAKOTA	04/01/2022	02/22/2018
YUMA CHEYENNE	12/16/2022	09/22/2017
YUMA CHEYENNE	.	11/20/2008
YUMA CHEYENNE	12/07/2027	11/26/2008
YUMA LAPAZ	05/08/2021	07/03/2019
YUMA DAKOTA	02/26/2025	01/26/2009
YUMA CIBOLA	02/22/2030	02/04/2009
YUMA DAKOTA	05/31/2024	01/29/2009
YUMA CHEYENNE	07/02/2041	03/11/2009
YUMA CIBOLA	11/20/2021	05/16/2013
YUMA CIBOLA	02/15/2039	04/06/2009
YUMA DAKOTA	06/11/2026	07/07/2009

YUMA CHEYENNE	01/14/2028	07/17/2009
YUMA CHEYENNE	05/26/2023	08/19/2009
YUMA DAKOTA	08/04/2022	08/26/2009
YUMA CIBOLA	10/03/2028	09/23/2009
YUMA CHEYENNE	01/26/2024	06/26/2019
YUMA DAKOTA	04/08/2022	09/03/2013
YUMA CIBOLA	08/25/2026	05/27/2010
YUMA CHEYENNE	01/14/2027	07/14/2010
YUMA DAKOTA	07/23/2021	04/05/2019
YUMA CHEYENNE	10/12/2023	10/04/2010
YUMA CIBOLA	09/03/2027	10/27/2010
YUMA CIBOLA	08/16/2025	05/20/2011
YUMA LAPAZ	05/19/2022	10/21/2020
YUMA DAKOTA	01/25/2023	02/04/2011
YUMA CHEYENNE	06/30/2023	04/05/2011
YUMA CIBOLA	08/22/2022	08/29/2019
YUMA CHEYENNE	08/05/2022	04/29/2011
YUMA DAKOTA	05/26/2022	07/08/2011
YUMA CHEYENNE	09/14/2023	05/02/2012
YUMA CHEYENNE	04/05/2047	02/03/2012
YUMA CIBOLA	09/27/2021	02/09/2012
YUMA CIBOLA	08/05/2026	06/17/2019
YUMA DAKOTA	.	06/19/2012
YUMA CHEYENNE	12/21/2029	08/14/2012
YUMA CIBOLA	05/06/2022	09/21/2012
YUMA COCOPAH	10/25/2025	01/24/2013
YUMA CIBOLA	08/02/2029	02/11/2015
YUMA CHEYENNE	08/27/2021	06/06/2013
YUMA CIBOLA	03/28/2023	08/30/2019
YUMA CIBOLA	04/08/2027	02/03/2020
YUMA CHEYENNE	08/10/2021	03/23/2021
YUMA DAKOTA	07/15/2025	03/21/2014
YUMA DAKOTA	08/01/2023	06/03/2014
YUMA CIBOLA	05/13/2026	08/07/2014

YUMA CHEYENNE	.	10/10/2014
YUMA COCOPAH	09/23/2022	09/13/2017
YUMA CHEYENNE	08/04/2028	12/12/2014
YUMA DAKOTA	12/13/2022	03/11/2016
YUMA CHEYENNE	10/26/2033	02/12/2015
YUMA CHEYENNE	07/15/2021	04/16/2021
YUMA CIBOLA	06/11/2026	05/04/2015
YUMA CHEYENNE	10/18/2021	06/23/2015
YUMA CHEYENNE	08/23/2021	08/21/2020
YUMA CHEYENNE	05/21/2021	11/28/2017
YUMA CIBOLA	10/11/2021	05/15/2020
YUMA DAKOTA	04/26/2031	12/16/2015
YUMA DAKOTA	03/23/2022	12/24/2015
YUMA DAKOTA	.	10/11/2018
YUMA DAKOTA	11/24/2025	11/03/2016
YUMA CHEYENNE	12/15/2022	03/10/2016
YUMA DAKOTA	10/24/2027	04/01/2019
YUMA CHEYENNE	09/02/2025	08/21/2017
YUMA CHEYENNE	10/21/2022	08/24/2017
YUMA CHEYENNE	05/07/2021	08/04/2016
YUMA CIBOLA	07/20/2029	09/13/2016
YUMA LAPAZ	06/02/2021	08/11/2020
YUMA LAPAZ	04/27/2023	03/27/2017
YUMA LAPAZ	05/21/2021	05/29/2019
YUMA CHEYENNE	04/21/2079	06/02/2017
YUMA CIBOLA	07/03/2029	07/24/2017
YUMA LAPAZ	12/22/2022	08/02/2017
YUMA CHEYENNE	05/02/2022	08/10/2017
YUMA LAPAZ	05/12/2022	11/13/2019
YUMA CIBOLA	03/17/2022	09/14/2017
YUMA CHEYENNE	06/11/2041	01/23/2018
YUMA CHEYENNE	04/27/2035	02/15/2018
YUMA CHEYENNE	09/01/2028	03/29/2018
YUMA LAPAZ	09/19/2022	04/05/2018

YUMA CHEYENNE	08/17/2021	07/23/2020
YUMA LAPAZ	05/17/2022	02/21/2019
YUMA LAPAZ	08/11/2021	06/20/2018
YUMA LAPAZ	05/18/2021	06/06/2019
YUMA DAKOTA	03/04/2023	07/09/2018
YUMA CHEYENNE	11/11/2041	07/18/2018
YUMA CHEYENNE	07/16/2026	09/17/2018
YUMA CHEYENNE	10/08/2027	08/02/2018
YUMA DAKOTA	02/25/2022	08/09/2018
YUMA DAKOTA	01/26/2024	08/23/2018
YUMA CHEYENNE	04/14/2045	01/21/2021
YUMA LAPAZ	07/13/2021	01/16/2019
YUMA CHEYENNE	03/18/2040	01/17/2019
YUMA CIBOLA	10/07/2021	02/07/2019
YUMA LAPAZ	10/15/2021	03/01/2019
YUMA CIBOLA	06/03/2022	04/10/2019
YUMA CHEYENNE	11/08/2028	07/02/2019
YUMA CHEYENNE	07/21/2026	07/15/2019
YUMA CIBOLA	12/17/2028	10/23/2019
YUMA LAPAZ	11/06/2023	08/12/2019
YUMA CIBOLA	09/05/2025	07/23/2019
YUMA LAPAZ	02/16/2022	08/07/2019
YUMA LAPAZ	06/11/2021	08/01/2019
YUMA CIBOLA	03/19/2024	08/01/2019
YUMA LAPAZ	11/04/2021	08/21/2019
YUMA CHEYENNE	08/27/2025	09/04/2019
YUMA LAPAZ	07/14/2021	09/06/2019
YUMA CIBOLA	08/13/2021	02/12/2020
YUMA LAPAZ	07/14/2021	09/13/2019
YUMA CHEYENNE	07/21/2021	03/31/2020
YUMA LAPAZ	12/23/2021	10/11/2019
YUMA CHEYENNE	12/03/2027	10/17/2019
YUMA CHEYENNE	01/14/2025	01/02/2020
YUMA COCOPAH	06/02/2022	12/18/2019

YUMA CHEYENNE	01/25/2024	12/17/2019
YUMA CIBOLA	11/28/2025	01/02/2020
YUMA CIBOLA	08/05/2022	01/21/2020
YUMA CIBOLA	02/09/2023	01/16/2020
YUMA COCOPAH	08/25/2021	01/28/2020
YUMA CIBOLA	01/17/2023	02/26/2020
YUMA CHEYENNE	06/10/2021	07/31/2020
YUMA CHEYENNE	06/16/2023	04/15/2020
YUMA DAKOTA	01/10/2023	05/22/2020
YUMA CIBOLA	03/03/2023	06/12/2020
YUMA DAKOTA	05/12/2023	09/30/2020
YUMA CIBOLA	09/06/2022	09/30/2020
YUMA DAKOTA	07/10/2037	01/13/2021
YUMA LAPAZ	08/02/2022	10/16/2020
YUMA CIBOLA	10/19/2021	10/26/2020
YUMA CIBOLA	08/29/2022	11/05/2020
YUMA CIBOLA	06/07/2021	03/15/2021
YUMA DAKOTA	11/24/2021	11/13/2020
YUMA CHEYENNE	04/01/2026	12/01/2020
YUMA DAKOTA	03/29/2028	02/10/2021
YUMA DAKOTA	11/10/2022	03/03/2021

DETAINER_TYP1	DETAINER_DT2	DETAINER_TYP2	DETAINER_DT3
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/01/1990	ICE: Immigration Cus	.
Notification Request	12/08/2016	Notification Request	12/07/2016
Notification Request	03/07/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/03/1998	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/29/1998	ICE: Immigration Cus	.
Notification Request	09/30/1998	ICE: Immigration Cus	.
Notification Request	06/30/1999	ICE: Immigration Cus	.
Notification Request	10/04/2013	ICE: Immigration Cus	.
Notification Request	01/28/2000	ICE: Immigration Cus	.
Notification Request	02/13/2013	Notification Request	07/03/2001
Notification Request	07/12/2001	ICE: Immigration Cus	.
Notification Request	05/29/2002	Notification Request	02/12/2002
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/21/2002	ICE: Immigration Cus	.
Notification Request	05/15/2003	ICE: Immigration Cus	.
Notification Request	07/29/2003	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/05/2004	ICE: Immigration Cus	.
Notification Request	04/05/2004	ICE: Immigration Cus	.
Notification Request	03/01/2013	ICE: Immigration Cus	02/25/2013
Notification Request	11/03/2005	ICE: Immigration Cus	.
Notification Request	12/12/2005	ICE: Immigration Cus	.
Notification Request	05/23/2006	Notification Request	05/01/2006
Notification Request	09/24/2008	ICE: Immigration Cus	.
Notification Request	07/21/2006	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/16/2007	ICE: Immigration Cus	.
Notification Request	09/27/2007	ICE: Immigration Cus	.

Notification Request	05/21/2015	ICE: Immigration Cus	.
Notification Request	02/07/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/11/2008	ICE: Immigration Cus	.
Notification Request	07/23/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/21/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/28/2009	Notification Request	10/19/2009
Notification Request	12/23/2009	Notification Request	11/23/2009
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/19/2010	ICE: Immigration Cus	01/11/2010
Notification Request	03/16/2010	ICE: Immigration Cus	.
Notification Request	05/25/2010	ICE: Immigration Cus	.
Notification Request	07/08/2010	Notification Request	06/22/2010
Notification Request	02/22/2011	ICE: Immigration Cus	.
Notification Request	05/12/2011	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	05/24/2011	Notification Request	05/24/2011
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/08/2011	ICE: Immigration Cus	07/01/2011
Notification Request	08/15/2011	ICE: Immigration Cus	.
Misdemeanor	11/13/2012	Notification Request	02/28/2012
Notification Request	12/21/2011	ICE: Immigration Cus	12/16/2011
Notification Request	07/03/2012	Notification Request	04/16/2012
Notification Request	05/15/2012	ICE: Immigration Cus	.
Notification Request	06/13/2012	Notification Request	06/07/2012
Notification Request	08/28/2012	Notification Request	06/29/2012
Notification Request	08/10/2012	Notification Request	08/06/2012
Notification Request	09/10/2012	ICE: Immigration Cus	.
Notification Request	10/22/2012	Notification Request	10/04/2012
Notification Request	11/21/2012	Notification Request	11/06/2012

Notification Request	01/22/2013	ICE: Immigration Cus	.
Notification Request	01/30/2013	ICE: Immigration Cus	01/25/2013
Notification Request	02/20/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	06/28/2013	Notification Request	.
Notification Request	08/01/2013	Notification Request	08/01/2013
Notification Request	09/17/2013	Notification Request	09/09/2013
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/17/2017	ICE: Immigration Cus	09/13/2013
Notification Request	10/16/2013	ICE: Immigration Cus	.
Notification Request	10/21/2013	Notification Request	10/11/2013
Notification Request	10/28/2013	Notification Request	10/17/2013
Notification Request	11/07/2013	ICE: Immigration Cus	10/29/2013
Notification Request	11/20/2013	ICE: Immigration Cus	01/08/2013
Notification Request	12/27/2013	ICE: Immigration Cus	.
Notification Request	03/07/2014	ICE: Immigration Cus	03/03/2014
Notification Request	03/10/2014	ICE: Immigration Cus	.
Notification Request	03/24/2014	ICE: Immigration Cus	.
Notification Request	05/23/2014	Notification Request	04/01/2014
Notification Request	04/02/2014	ICE: Immigration Cus	.
Notification Request	05/06/2014	ICE: Immigration Cus	.
Notification Request	05/22/2014	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	07/29/2014	Notification Request	.
Notification Request	03/30/2017	ICE: Immigration Cus	06/23/2014
Notification Request	08/26/2014	ICE: Immigration Cus	.
Notification Request	09/24/2014	ICE: Immigration Cus	.
Notification Request	10/06/2014	ICE: Immigration Cus	.
Misdemeanor	11/04/2014	ICE: Immigration Cus	.
Notification Request	11/19/2014	ICE: Immigration Cus	.
Notification Request	02/12/2015	Notification Request	02/11/2015
Notification Request	03/10/2015	ICE: Immigration Cus	.
Felony Hold	09/23/2015	Notification Request	04/01/2015
Notification Request	04/22/2015	Notification Request	04/10/2015
Notification Request	06/24/2015	Notification Request	05/20/2015

Notification Request	07/13/2015	Notification Request	07/09/2015
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/07/2015	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	08/06/2015	Felony Hold	.
Notification Request	08/26/2015	ICE: Immigration Cus	.
Notification Request	09/03/2015	Notification Request	09/03/2015
Notification Request	09/25/2015	ICE: Immigration Cus	.
Notification Request	10/06/2015	ICE: Immigration Cus	.
Notification Request	10/20/2015	ICE: Immigration Cus	.
Notification Request	10/21/2015	ICE: Immigration Cus	.
Notification Request	11/02/2015	ICE: Immigration Cus	.
Notification Request	11/12/2015	ICE: Immigration Cus	.
Notification Request	11/17/2015	ICE: Immigration Cus	.
Notification Request	01/19/2016	ICE: Immigration Cus	.
Notification Request	02/12/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/02/2015	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/20/2016	ICE: Immigration Cus	.
Notification Request	07/07/2016	Notification Request	07/01/2016
Notification Request	07/12/2016	ICE: Immigration Cus	.
Notification Request	08/09/2016	Notification Request	08/01/2016
Notification Request	09/02/2016	Notification Request	08/31/2016
Notification Request	09/28/2016	Notification Request	09/23/2016
Notification Request	10/10/2016	Notification Request	10/06/2016
Notification Request	10/13/2016	Notification Request	10/07/2016
Notification Request	11/09/2016	Notification Request	11/04/2016
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/05/2016	ICE: Immigration Cus	.
Notification Request	02/24/2017	Notification Request	02/21/2017
Notification Request	03/13/2017	Notification Request	03/06/2017
Notification Request	04/28/2017	ICE: Immigration Cus	.
Notification Request	05/08/2017	ICE: Immigration Cus	.

Notification Request	05/25/2017	ICE: Immigration Cus	.
Notification Request	08/25/2017	Notification Request	07/03/2017
Notification Request	10/05/2017	Notification Request	08/31/2017
Notification Request	10/06/2017	Notification Request	09/01/2017
Notification Request	08/31/2017	ICE: Immigration Cus	.
Notification Request	09/20/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/28/2017	ICE: Immigration Cus	.
Notification Request	10/31/2017	ICE: Immigration Cus	.
Notification Request	08/31/2020	Notification Request	11/03/2017
Felony Hold	12/12/2017	Notification Request	12/12/2017
ICE: Immigration Customs Enforcement	12/21/2017	Notification Request	.
Notification Request	01/10/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/27/2018	ICE: Immigration Cus	.
Notification Request	03/08/2018	ICE: Immigration Cus	.
Notification Request	06/13/2018	Notification Request	06/11/2018
Notification Request	10/26/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/26/2018	Notification Request	.
Notification Request	11/28/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/03/2018	ICE: Immigration Cus	.
Notification Request	12/05/2018	ICE: Immigration Cus	.
Notification Request	01/18/2019	ICE: Immigration Cus	.
Notification Request	03/12/2019	ICE: Immigration Cus	.
Notification Request	04/26/2019	ICE: Immigration Cus	04/26/2019
ICE: Immigration Customs Enforcement	05/29/2019	Notification Request	.
ICE: Immigration Customs Enforcement	05/29/2019	Notification Request	.
ICE: Immigration Customs Enforcement	06/04/2019	Notification Request	06/04/2019
Notification Request	07/02/2019	ICE: Immigration Cus	.
Notification Request	07/26/2019	ICE: Immigration Cus	.
Notification Request	08/22/2019	ICE: Immigration Cus	.
Notification Request	09/04/2019	ICE: Immigration Cus	.
Notification Request	09/10/2019	ICE: Immigration Cus	.

Notification Request	10/09/2019	ICE: Immigration Cus	.
Notification Request	11/14/2019	ICE: Immigration Cus	.
Notification Request	01/14/2020	Notification Request	12/07/2019
Notification Request	12/26/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	01/07/2020	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	02/13/2020	Notification Request	.
Notification Request	02/26/2020	Notification Request	02/26/2020
Notification Request	02/28/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	03/06/2020	Notification Request	.
Notification Request	06/12/2020	Notification Request	05/11/2020
Notification Request	05/14/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	05/29/2020	Notification Request	.
Notification Request	09/25/2020	Notification Request	09/24/2020
ICE: Immigration Customs Enforcement	11/03/2020	Notification Request	11/03/2020
ICE: Immigration Customs Enforcement	12/24/2020	Notification Request	12/24/2020
ICE: Immigration Customs Enforcement	03/17/2021	Notification Request	03/16/2021
ICE: Immigration Customs Enforcement	04/01/2021	Notification Request	.
ICE: Immigration Customs Enforcement	04/08/2021	Notification Request	04/08/2021
Notification Request	04/04/1984	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/13/2018	Notification Request	08/08/2007
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/19/2007	ICE: Immigration Cus	.
Notification Request	03/14/2011	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/28/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/26/2010	Notification Request	05/25/2010
Notification Request	04/21/2011	Notification Request	08/26/2010
Notification Request	03/12/2012	Notification Request	12/14/2010
Notification Request	06/07/2011	Notification Request	05/03/2011
Notification Request	11/10/2011	Notification Request	11/01/2011

Notification Request	10/23/2012	Notification Request	10/23/2012
Notification Request	05/07/2013	Notification Request	05/06/2013
Notification Request	05/21/2015	Notification Request	10/28/2013
Notification Request	11/07/2013	ICE: Immigration Cus	11/01/2013
Notification Request	04/01/2014	Notification Request	03/25/2014
Notification Request	06/06/2014	Notification Request	05/23/2014
Notification Request	07/16/2014	ICE: Immigration Cus	07/03/2014
Notification Request	11/03/2014	ICE: Immigration Cus	.
Notification Request	01/12/2015	ICE: Immigration Cus	.
Notification Request	03/14/2016	ICE: Immigration Cus	03/10/2016
Notification Request	02/22/2018	ICE: Immigration Cus	.
Notification Request	09/23/2020	ICE: Immigration Cus	.
Notification Request	10/29/2020	ICE: Immigration Cus	.
Tried	08/21/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/22/2015	Notification Request	10/22/2015
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/21/2019	ICE: Immigration Cus	.
Notification Request	06/04/2011	Notification Request	04/23/2010
ICE: Immigration Customs Enforcement	07/29/2009	Notification Request	07/29/2009
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	01/21/2021	Notification Request	08/30/2012
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/07/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/04/2007	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/07/2019	ICE: Immigration Cus	06/19/2007
Notification Request	02/19/2015	Notification Request	02/18/2015
Notification Request	11/04/2020	ICE: Immigration Cus	03/12/2014
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/06/2012	Notification Request	02/01/2010
ICE: Immigration Customs Enforcement	.		.

ICE: Immigration Customs Enforcement	.		.
Notification Request	11/04/2008	ICE: Immigration Cus	.
Notification Request	01/01/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/26/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/04/2015	ICE: Immigration Cus	.
Notification Request	05/09/2011	ICE: Immigration Cus	.
Notification Request	11/19/2020	Untried	11/19/2020
Notification Request	12/29/2011	ICE: Immigration Cus	.
Notification Request	05/30/2012	Notification Request	05/30/2012
Notification Request	01/09/2020	ICE: Immigration Cus	09/14/2012
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/17/2014	ICE: Immigration Cus	.
Notification Request	06/02/2014	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/06/2017	Notification Request	11/10/2014
Notification Request	09/09/2019	Notification Request	09/03/2019
ICE: Immigration Customs Enforcement	04/24/2015	Notification Request	.
Notification Request	12/29/2020	ICE: Immigration Cus	10/09/2015
Notification Request	07/06/2020	Notification Request	01/27/2016
Notification Request	02/09/2018	ICE: Immigration Cus	.
Notification Request	07/11/2016	ICE: Immigration Cus	07/06/2016
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/18/2019	ICE: Immigration Cus	12/22/2016
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/05/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/28/2017	Notification Request	.
ICE: Immigration Customs Enforcement	12/28/2017	Notification Request	12/13/2017
Notification Request	02/15/2018	Notification Request	01/12/2018
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/18/2020	Notification Request	01/31/2018
Notification Request	07/03/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.

Notification Request	07/09/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Tried	11/28/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/26/2019	ICE: Immigration Cus	.
Notification Request	04/10/2019	Notification Request	04/10/2019
Felony Hold	04/10/2019	Notification Request	04/10/2019
Notification Request	06/20/2019	Notification Request	05/16/2019
Notification Request	07/18/2019	ICE: Immigration Cus	.
Notification Request	07/25/2019	ICE: Immigration Cus	.
Notification Request	07/31/2019	ICE: Immigration Cus	.
Notification Request	08/05/2019	Notification Request	08/02/2019
Notification Request	08/23/2019	Notification Request	08/16/2019
Notification Request	10/21/2019	Untried	10/11/2019
Notification Request	10/18/2019	ICE: Immigration Cus	.
Notification Request	10/24/2019	ICE: Immigration Cus	.
Notification Request	11/04/2019	ICE: Immigration Cus	10/30/2019
Notification Request	11/08/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/27/2021	Notification Request	12/20/2019
ICE: Immigration Customs Enforcement	01/08/2020	Notification Request	.
Notification Request	01/17/2020	ICE: Immigration Cus	.
Notification Request	02/28/2020	ICE: Immigration Cus	.
Notification Request	03/05/2020	ICE: Immigration Cus	.
Notification Request	03/11/2020	Notification Request	03/11/2020
Notification Request	04/10/2020	Notification Request	03/18/2020
Notification Request	03/18/2020	ICE: Immigration Cus	03/18/2020
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/27/2020	Notification Request	04/15/2020
Notification Request	04/27/2020	Notification Request	04/15/2020
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/08/2020	ICE: Immigration Cus	.

Tried	08/14/2020	ICE: Immigration Cus	08/13/2020
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/02/2020	ICE: Immigration Cus	.
Notification Request	09/24/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/29/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/17/2020	Notification Request	.
Notification Request	01/19/2021	Notification Request	12/31/2020
ICE: Immigration Customs Enforcement	03/16/2021	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
Untried	03/20/2009	ICE: Immigration Cus	.
Notification Request	02/13/1995	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	05/19/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	04/06/1993	Tried	.
ICE: Immigration Customs Enforcement	12/28/2018	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/17/2002	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	12/23/1996	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/22/2005	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/08/2020	ICE: Immigration Cus	01/25/1995
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/25/2021	Notification Request	06/13/2016
Notification Request	04/26/2016	Notification Request	03/30/2016

ICE: Immigration Customs Enforcement	.		.
Notification Request	11/15/2010	Notification Request	11/05/2010
Notification Request	11/07/2002	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/29/2008	ICE: Immigration Cus	.
Notification Request	09/22/1998	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	01/23/2014	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/25/2016	ICE: Immigration Cus	.
Notification Request	05/27/2014	Notification Request	05/21/2014
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/28/2010	Notification Request	08/31/2010
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/23/2010	ICE: Immigration Cus	.
Notification Request	09/10/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/15/2015	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Tried	11/23/2016	ICE: Immigration Cus	.
Notification Request	11/08/2001	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	11/30/2020	Notification Request	07/17/2002
Notification Request	02/10/2011	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Tried	03/25/2015	ICE: Immigration Cus	03/25/2015
Notification Request	12/05/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/07/2013	Notification Request	08/30/2011
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/20/2003	Notification Request	03/03/2003

Notification Request	05/15/2003	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/16/2003	ICE: Immigration Cus	.
Tried	07/11/2005	Notification Request	08/08/2003
Notification Request	01/05/2004	ICE: Immigration Cus	.
Notification Request	05/04/2005	Notification Request	01/21/2004
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/12/2018	ICE: Immigration Cus	.
Notification Request	05/15/2017	Notification Request	03/30/2017
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/31/2005	Notification Request	11/30/2004
Notification Request	10/29/2004	ICE: Immigration Cus	.
Tried	05/19/2015	ICE: Immigration Cus	.
Notification Request	01/19/2005	ICE: Immigration Cus	.
Notification Request	03/14/2005	ICE: Immigration Cus	.
Notification Request	03/24/2005	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/11/2005	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/29/2005	ICE: Immigration Cus	.
Notification Request	10/04/2005	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/02/2006	ICE: Immigration Cus	.
Notification Request	03/07/2006	Notification Request	03/03/2006
Notification Request	03/27/2006	Notification Request	03/21/2006
ICE: Immigration Customs Enforcement	.		.
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Notification Request	05/11/2006	ICE: Immigration Cus	.
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Notification Request	06/09/2006	ICE: Immigration Cus	.
Notification Request	08/23/2019	Notification Request	06/14/2006
Felony Hold	09/25/2013	Notification Request	09/25/2013
Notification Request	09/05/2006	ICE: Immigration Cus	.

Notification Request	08/23/2006	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	10/30/2006	ICE: Immigration Cus	.
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Notification Request	02/20/2007	Notification Request	01/04/2007
Notification Request	01/19/2007	ICE: Immigration Cus	.
Notification Request	02/11/2021	Notification Request	05/23/2014
Notification Request	05/16/2007	ICE: Immigration Cus	.
Notification Request	04/22/2020	Notification Request	06/07/2007
Notification Request	05/28/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	08/13/2007	ICE: Immigration Cus	.
Notification Request	09/24/2007	Notification Request	08/30/2007
Notification Request	10/31/2007	ICE: Immigration Cus	.
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Notification Request	01/03/2008	ICE: Immigration Cus	.
Notification Request	10/27/2016	ICE: Immigration Cus	07/15/2014
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Notification Request	08/18/2008	Notification Request	08/05/2008
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ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
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Notification Request	03/03/2009	ICE: Immigration Cus	.
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Notification Request	06/02/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	05/15/2009	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	08/19/2009	ICE: Immigration Cus	.
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Notification Request	09/10/2009	ICE: Immigration Cus	.
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Notification Request	10/21/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	01/14/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	10/15/2010	Notification Request	04/09/2010
Notification Request	04/14/2010	ICE: Immigration Cus	.
Notification Request	08/30/2012	Notification Request	08/30/2012
Notification Request	05/18/2010	Notification Request	04/29/2010
Notification Request	06/14/2010	Notification Request	05/06/2010
Notification Request	03/24/2014	ICE: Immigration Cus	06/23/2010
Notification Request	07/29/2010	Notification Request	06/29/2010
Notification Request	02/11/2013	Notification Request	07/27/2010
Notification Request	09/23/2010	Notification Request	09/20/2010

Notification Request	09/30/2010	ICE: Immigration Cus	.
Notification Request	11/05/2010	Notification Request	10/19/2010
Notification Request	11/30/2010	ICE: Immigration Cus	.
Notification Request	01/18/2011	ICE: Immigration Cus	.
Notification Request	01/20/2011	ICE: Immigration Cus	.
Notification Request	01/19/2011	ICE: Immigration Cus	.
Notification Request	02/21/2013	Notification Request	02/21/2013
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/24/2011	ICE: Immigration Cus	.
Notification Request	04/06/2011	ICE: Immigration Cus	.
Notification Request	08/14/2015	Notification Request	05/03/2013
Notification Request	04/19/2011	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/02/2011	ICE: Immigration Cus	.
Notification Request	07/13/2011	Notification Request	06/10/2011
Notification Request	06/20/2011	Notification Request	06/20/2011
ICE: Immigration Customs Enforcement	09/08/2011	Notification Request	.
Notification Request	09/28/2011	Notification Request	08/24/2011
ICE: Immigration Customs Enforcement	08/31/2020	Notification Request	08/17/2020
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	02/06/2018	Notification Request	11/23/2011
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Notification Request	01/04/2012	Notification Request	12/12/2011
Notification Request	02/15/2012	Notification Request	01/24/2012
Notification Request	07/09/2012	Notification Request	01/24/2012
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ICE: Immigration Customs Enforcement	.		.
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Notification Request	05/07/2012	ICE: Immigration Cus	.
Notification Request	05/11/2012	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/14/2012	Notification Request	05/22/2012
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Notification Request	07/25/2012	Notification Request	06/04/2012
Notification Request	12/27/2016	ICE: Immigration Cus	.
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Notification Request	05/29/2018	ICE: Immigration Cus	08/16/2012
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/10/2012	ICE: Immigration Cus	.
Notification Request	11/02/2012	Notification Request	10/16/2012
Notification Request	01/11/2013	ICE: Immigration Cus	.
Notification Request	04/01/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	05/02/2013	Notification Request	.
ICE: Immigration Customs Enforcement	04/30/2013	Notification Request	04/30/2013
Notification Request	01/15/2016	Notification Request	08/07/2013
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ICE: Immigration Customs Enforcement	06/04/2013	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	08/23/2013	Notification Request	08/14/2013
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Notification Request	10/09/2013	Notification Request	10/02/2013
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ICE: Immigration Customs Enforcement	.		.
Notification Request	04/24/2018	Notification Request	04/13/2018
Notification Request	11/13/2013	Notification Request	11/06/2013
ICE: Immigration Customs Enforcement	12/09/2013	Notification Request	12/09/2013
Notification Request	12/17/2013	ICE: Immigration Cus	.

Notification Request	01/24/2014	ICE: Immigration Cus	.
Notification Request	01/29/2014	Notification Request	01/29/2014
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/24/2014	Notification Request	04/18/2014
ICE: Immigration Customs Enforcement	05/13/2014	Notification Request	05/13/2014
Notification Request	05/16/2014	Notification Request	05/12/2014
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Notification Request	06/16/2014	Notification Request	05/23/2014
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/09/2014	ICE: Immigration Cus	.
Notification Request	10/26/2014	ICE: Immigration Cus	.
Notification Request	10/28/2014	Notification Request	10/15/2014
Notification Request	10/29/2014	Notification Request	10/22/2014
Notification Request	11/14/2014	Notification Request	10/29/2014
Notification Request	11/14/2014	Notification Request	11/06/2014
Notification Request	01/05/2015	Notification Request	12/18/2014
Notification Request	01/07/2015	Notification Request	12/19/2014
Notification Request	01/07/2015	Notification Request	12/30/2014
ICE: Immigration Customs Enforcement	01/12/2015	Notification Request	01/12/2015
ICE: Immigration Customs Enforcement	02/09/2015	Notification Request	02/09/2015
Notification Request	02/03/2015	ICE: Immigration Cus	01/26/2015
Notification Request	03/23/2015	Notification Request	03/23/2015
Notification Request	03/23/2015	Notification Request	03/06/2015
ICE: Immigration Customs Enforcement	03/11/2015	Notification Request	03/11/2015
Notification Request	04/02/2015	ICE: Immigration Cus	.
Notification Request	04/07/2015	ICE: Immigration Cus	.
Notification Request	05/15/2017	Notification Request	05/15/2017
Notification Request	05/08/2019	ICE: Immigration Cus	06/08/2015
Notification Request	06/08/2015	ICE: Immigration Cus	.
Notification Request	06/08/2015	ICE: Immigration Cus	.
Notification Request	06/25/2015	ICE: Immigration Cus	.
Notification Request	08/18/2015	Notification Request	08/12/2015
Notification Request	08/31/2015	Notification Request	08/13/2015
Notification Request	08/28/2015	Notification Request	08/17/2015

Notification Request	08/31/2015	Notification Request	08/17/2015
Notification Request	10/20/2015	Notification Request	09/30/2015
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/15/2015	ICE: Immigration Cus	.
Notification Request	01/04/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Felony Hold	01/19/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/30/2016	Notification Request	03/15/2016
Notification Request	04/15/2016	Notification Request	03/21/2016
Notification Request	04/15/2016	Notification Request	03/24/2016
Notification Request	04/18/2016	Notification Request	04/18/2016
Notification Request	05/03/2016	Notification Request	04/05/2016
Notification Request	04/08/2016	ICE: Immigration Cus	.
Notification Request	10/19/2018	Notification Request	04/13/2016
Notification Request	04/27/2016	Notification Request	04/27/2016
Notification Request	04/25/2016	Notification Request	04/25/2016
Notification Request	04/29/2016	Notification Request	04/29/2016
Notification Request	05/12/2016	Notification Request	04/22/2016
ICE: Immigration Customs Enforcement	05/12/2016	Notification Request	05/12/2016
Notification Request	05/25/2018	Notification Request	12/29/2017
Notification Request	06/15/2016	Notification Request	05/20/2016
Notification Request	06/01/2016	ICE: Immigration Cus	.
Notification Request	06/15/2016	ICE: Immigration Cus	.
Notification Request	06/15/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/25/2016	ICE: Immigration Cus	.
Notification Request	08/12/2016	Notification Request	08/01/2016
Notification Request	08/26/2016	ICE: Immigration Cus	.
Notification Request	02/07/2017	ICE: Immigration Cus	10/26/2016
Notification Request	10/07/2016	Notification Request	10/07/2016
Notification Request	11/02/2016	Notification Request	10/13/2016
Notification Request	11/25/2016	Notification Request	11/25/2016
Notification Request	06/16/2020	Notification Request	06/16/2020

ICE: Immigration Customs Enforcement	.		.
Notification Request	12/27/2016	Notification Request	12/27/2016
Notification Request	08/22/2017	ICE: Immigration Cus	02/08/2017
Notification Request	01/10/2017	ICE: Immigration Cus	.
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Notification Request	02/08/2017	Notification Request	02/08/2017
Notification Request	02/21/2017	Notification Request	02/21/2017
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/05/2017	Notification Request	03/24/2017
Notification Request	04/26/2017	Notification Request	04/17/2017
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ICE: Immigration Customs Enforcement	.		.
Notification Request	06/12/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/30/2017	Notification Request	06/21/2017
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/23/2017	ICE: Immigration Cus	.
Notification Request	07/14/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/21/2017	ICE: Immigration Cus	.
Notification Request	12/09/2019	ICE: Immigration Cus	02/05/2018
Notification Request	11/12/2020	Notification Request	07/24/2017
Notification Request	08/16/2017	ICE: Immigration Cus	.
Notification Request	04/04/2018	ICE: Immigration Cus	10/19/2017
Notification Request	02/14/2019	Notification Request	02/14/2019
Notification Request	09/01/2017	Notification Request	08/21/2017
ICE: Immigration Customs Enforcement	.		.
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Notification Request	09/29/2017	Notification Request	09/29/2017
Notification Request	10/27/2017	ICE: Immigration Cus	.
Notification Request	10/30/2017	ICE: Immigration Cus	.
Notification Request	11/03/2017	ICE: Immigration Cus	.

Notification Request	11/13/2017	Notification Request	11/13/2017
Notification Request	11/20/2017	ICE: Immigration Cus	.
Notification Request	02/05/2018	Notification Request	12/19/2017
Notification Request	12/07/2017	ICE: Immigration Cus	.
Notification Request	12/11/2017	Notification Request	12/08/2017
Notification Request	12/11/2017	ICE: Immigration Cus	.
Notification Request	01/12/2018	Notification Request	01/11/2018
Notification Request	01/17/2018	ICE: Immigration Cus	.
Notification Request	01/31/2018	ICE: Immigration Cus	.
Notification Request	06/21/2019	Notification Request	02/05/2018
Misdemeanor	05/26/2020	Felony Hold	04/27/2018
Notification Request	03/09/2018	Notification Request	03/08/2018
Notification Request	03/14/2018	Notification Request	03/09/2018
Notification Request	03/21/2018	Notification Request	03/21/2018
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Notification Request	03/22/2018	ICE: Immigration Cus	.
Notification Request	04/11/2018	ICE: Immigration Cus	.
Notification Request	04/17/2018	ICE: Immigration Cus	.
Notification Request	05/01/2018	Notification Request	04/26/2018
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/11/2018	ICE: Immigration Cus	.
Notification Request	06/20/2018	Notification Request	05/18/2018
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	06/19/2018	Notification Request	.
Notification Request	07/11/2018	ICE: Immigration Cus	07/11/2018
Notification Request	07/17/2018	Notification Request	07/17/2018
Notification Request	07/19/2018	Notification Request	07/17/2018
Notification Request	07/31/2018	Notification Request	07/31/2018
Notification Request	08/02/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	07/27/2018	Notification Request	07/27/2018
Notification Request	07/31/2018	Notification Request	07/31/2018
Notification Request	09/10/2018	Notification Request	08/28/2018
Notification Request	09/19/2018	ICE: Immigration Cus	.

Notification Request	09/27/2018	Notification Request	09/19/2018
Notification Request	10/10/2018	Notification Request	10/01/2018
Notification Request	10/10/2018	Notification Request	10/02/2018
Notification Request	10/15/2018	Notification Request	10/10/2018
Notification Request	10/18/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	10/25/2018	Notification Request	.
Notification Request	10/26/2018	ICE: Immigration Cus	.
Notification Request	11/20/2018	Notification Request	11/20/2018
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ICE: Immigration Customs Enforcement	12/26/2018	Notification Request	12/26/2018
Notification Request	01/17/2019	Notification Request	01/17/2019
Notification Request	01/29/2019	ICE: Immigration Cus	.
Notification Request	02/12/2019	Notification Request	01/29/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/12/2019	Notification Request	02/12/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/17/2019	Notification Request	04/05/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/16/2019	Notification Request	04/16/2019
ICE: Immigration Customs Enforcement	04/26/2019	Notification Request	.
Notification Request	06/19/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	07/17/2019	Notification Request	.
ICE: Immigration Customs Enforcement	07/26/2019	Notification Request	07/26/2019
Notification Request	08/19/2019	Notification Request	08/16/2019
Notification Request	08/20/2019	Notification Request	08/20/2019
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Notification Request	07/27/2020	Notification Request	07/27/2020
Notification Request	09/18/2019	Notification Request	09/18/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/16/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.

Notification Request	10/21/2019	Notification Request	10/21/2019
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Notification Request	11/25/2019	ICE: Immigration Cus	.
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Notification Request	12/18/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	01/14/2020	ICE: Immigration Cus	01/14/2020
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/13/2020	Notification Request	10/13/2020
Notification Request	02/13/2020	ICE: Immigration Cus	02/13/2020
ICE: Immigration Customs Enforcement	02/24/2020	Notification Request	.
Notification Request	04/27/2020	Notification Request	04/14/2020
Notification Request	04/27/2020	Notification Request	04/14/2020
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Notification Request	06/16/2020	Notification Request	06/02/2020
ICE: Immigration Customs Enforcement	06/19/2020	Notification Request	.
ICE: Immigration Customs Enforcement	06/26/2020	Notification Request	.
ICE: Immigration Customs Enforcement	10/15/2020	Notification Request	.
ICE: Immigration Customs Enforcement	12/15/2020	Notification Request	12/15/2020
Notification Request	02/10/2021	Notification Request	01/29/2021
ICE: Immigration Customs Enforcement	02/11/2021	Notification Request	02/11/2021
Notification Request	02/26/2021	ICE: Immigration Cus	02/25/2021
ICE: Immigration Customs Enforcement	03/16/2021	Notification Request	.
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Notification Request	01/26/2010	ICE: Immigration Cus	.
Notification Request	12/19/2006	Notification Request	06/17/1994
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
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Notification Request	06/14/2004	Notification Request	10/06/1998
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Notification Request	11/07/2013	ICE: Immigration Cus	.
Notification Request	02/01/2007	ICE: Immigration Cus	.
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Notification Request	06/06/2003	ICE: Immigration Cus	.
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Notification Request	08/18/2005	ICE: Immigration Cus	.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	02/09/2017	ICE: Immigration Cus	.
Notification Request	05/01/2006	ICE: Immigration Cus	.

Notification Request	10/19/2011	ICE: Immigration Cus	.
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Notification Request	12/18/2006	ICE: Immigration Cus	.
Notification Request	03/06/2007	Notification Request	02/13/2007
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Notification Request	04/10/2007	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Tried	01/07/2008	ICE: Immigration Cus	.
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Notification Request	05/07/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	07/25/2008	ICE: Immigration Cus	.
Notification Request	02/18/2021	Notification Request	10/10/2018
ICE: Immigration Customs Enforcement	.		.
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Notification Request	06/04/2009	Notification Request	05/27/2009
Notification Request	07/02/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	03/03/2017	ICE: Immigration Cus	.
Notification Request	11/18/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	06/14/2010	ICE: Immigration Cus	.
Notification Request	06/23/2010	ICE: Immigration Cus	.
Notification Request	04/28/2015	Notification Request	02/26/2015
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Notification Request	08/16/2013	Notification Request	08/12/2013
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ICE: Immigration Customs Enforcement	11/13/2020	Notification Request	.
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Notification Request	11/21/2011	Notification Request	11/17/2011
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ICE: Immigration Customs Enforcement	.		.
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Notification Request	12/20/2012	Notification Request	08/29/2012
Notification Request	01/28/2013	ICE: Immigration Cus	.

ICE: Immigration Customs Enforcement	.		.
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Notification Request	09/03/2019	Notification Request	07/18/2019
Notification Request	02/19/2015	Notification Request	02/09/2015
Notification Request	05/14/2015	ICE: Immigration Cus	.
Notification Request	12/27/2016	ICE: Immigration Cus	07/23/2015
ICE: Immigration Customs Enforcement	.		.
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Notification Request	12/16/2016	ICE: Immigration Cus	.
Notification Request	07/10/2017	Notification Request	12/21/2016
Notification Request	06/20/2017	ICE: Immigration Cus	.

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Notification Request	08/17/2018	Notification Request	07/31/2018
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ICE: Immigration Customs Enforcement	.		.
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Notification Request	07/22/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	07/18/2019	Notification Request	.
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ICE: Immigration Customs Enforcement	.		.
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Notification Request	02/28/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	11/19/2020	Notification Request	11/19/2020
ICE: Immigration Customs Enforcement	07/25/2019	Notification Request	07/22/2019
Notification Request	12/12/2016	ICE: Immigration Cus	07/13/2011

Notification Request	03/18/2014	ICE: Immigration Cus	.
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ICE: Immigration Customs Enforcement	01/31/2003	Notification Request	.
Notification Request	07/18/2017	ICE: Immigration Cus	.
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Notification Request	04/29/2004	ICE: Immigration Cus	.
Notification Request	06/15/2004	ICE: Immigration Cus	.

Notification Request	08/19/2005	ICE: Immigration Cus	.
Notification Request	08/25/2005	ICE: Immigration Cus	.
Notification Request	09/14/2005	ICE: Immigration Cus	.
Notification Request	10/12/2005	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	03/21/2006	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	09/20/2006	ICE: Immigration Cus	.
Notification Request	12/12/2006	ICE: Immigration Cus	.
Notification Request	12/18/2006	ICE: Immigration Cus	.
Notification Request	05/23/2007	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	11/19/2019	Notification Request	.
Notification Request	09/17/2012	Notification Request	08/31/2012
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	02/06/2008	ICE: Immigration Cus	.
Notification Request	03/13/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/23/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	08/11/2008	ICE: Immigration Cus	.
Notification Request	11/05/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/16/2009	ICE: Immigration Cus	.
Notification Request	03/25/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/15/2009	ICE: Immigration Cus	.

Notification Request	06/19/2009	ICE: Immigration Cus	.
Notification Request	08/26/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	10/23/2009	ICE: Immigration Cus	.
Notification Request	06/30/2020	Notification Request	10/31/2019
Notification Request	01/12/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	05/19/2010	ICE: Immigration Cus	.
Notification Request	06/01/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/23/2010	ICE: Immigration Cus	.
Notification Request	08/10/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/29/2010	Notification Request	09/24/2010
ICE: Immigration Customs Enforcement	.		.
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Notification Request	04/21/2011	ICE: Immigration Cus	.
Notification Request	05/03/2011	ICE: Immigration Cus	.
Notification Request	10/14/2014	Notification Request	05/20/2011
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Notification Request	08/25/2011	Notification Request	07/15/2011
Notification Request	09/28/2011	Notification Request	08/16/2011
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Notification Request	12/02/2011	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	03/13/2012	Notification Request	.
Notification Request	03/13/2012	Notification Request	02/29/2012
Notification Request	04/30/2012	Notification Request	04/30/2012

Notification Request	05/08/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	02/15/2013	Notification Request	12/06/2012
Notification Request	06/01/2012	Notification Request	05/22/2012
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Notification Request	08/24/2012	Notification Request	08/22/2012
Notification Request	10/01/2012	Notification Request	09/26/2012
Notification Request	11/20/2017	ICE: Immigration Cus	03/20/2013
Notification Request	02/25/2013	ICE: Immigration Cus	02/08/2013
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	08/20/2013	Notification Request	.
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Notification Request	01/15/2014	ICE: Immigration Cus	.
Notification Request	01/30/2014	ICE: Immigration Cus	.
Notification Request	02/11/2014	Notification Request	02/06/2014
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Notification Request	07/30/2014	Notification Request	05/05/2014
Notification Request	05/22/2014	ICE: Immigration Cus	.
Notification Request	09/17/2014	ICE: Immigration Cus	.
Notification Request	11/03/2014	ICE: Immigration Cus	.
Notification Request	12/01/2014	Notification Request	11/18/2014
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Notification Request	03/24/2015	Notification Request	03/11/2015
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ICE: Immigration Customs Enforcement	04/17/2015	Notification Request	04/16/2015
Notification Request	04/21/2015	Notification Request	03/30/2015
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Notification Request	04/27/2015	ICE: Immigration Cus	.
Notification Request	04/28/2015	ICE: Immigration Cus	.
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ICE: Immigration Customs Enforcement	03/14/2015	Notification Request	03/14/2015
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Notification Request	07/17/2015	Notification Request	07/17/2015
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Untried	04/15/2016	Notification Request	03/10/2016
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Notification Request	05/13/2016	ICE: Immigration Cus	.
Notification Request	02/22/2018	ICE: Immigration Cus	.
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Notification Request	11/23/2016	ICE: Immigration Cus	.
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Notification Request	06/30/2017	Notification Request	06/23/2017
Notification Request	07/19/2017	Notification Request	07/06/2017
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Notification Request	09/29/2017	Notification Request	09/18/2017
ICE: Immigration Customs Enforcement	.		.

Notification Request	10/25/2017	ICE: Immigration Cus	.
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Notification Request	05/17/2018	Notification Request	05/16/2018
Notification Request	07/11/2018	ICE: Immigration Cus	.
Notification Request	07/26/2018	ICE: Immigration Cus	07/25/2018
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Notification Request	01/17/2019	Notification Request	01/15/2019
Notification Request	05/06/2019	ICE: Immigration Cus	.
Notification Request	02/12/2019	Notification Request	02/12/2019
Notification Request	02/28/2019	ICE: Immigration Cus	.
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Notification Request	03/22/2019	ICE: Immigration Cus	.
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Notification Request	04/10/2019	Notification Request	03/28/2019

Notification Request	04/08/2019	Notification Request	03/29/2019
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Notification Request	06/28/2019	ICE: Immigration Cus	.
Notification Request	07/02/2019	Notification Request	07/02/2019
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Notification Request	07/10/2019	ICE: Immigration Cus	07/10/2019
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Notification Request	11/18/2019	Notification Request	10/15/2019
Notification Request	10/22/2019	Notification Request	10/15/2019

ICE: Immigration Customs Enforcement	.		.
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Notification Request	01/02/2020	Notification Request	12/20/2019
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ICE: Immigration Customs Enforcement	.		.
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Notification Request	11/01/2000	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/14/2020	Notification Request	12/16/2019
Notification Request	10/20/2020	Notification Request	10/20/2020
ICE: Immigration Customs Enforcement	07/02/2018	Notification Request	.
Notification Request	10/28/2015	ICE: Immigration Cus	01/04/2004
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	09/23/2004	Notification Request	09/23/2004
ICE: Immigration Customs Enforcement	.		.
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Notification Request	12/03/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	09/25/2012	Notification Request	09/25/2012
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/14/2008	Notification Request	11/29/2007
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	05/08/2020	Tried	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/16/2010	ICE: Immigration Cus	.
Notification Request	02/26/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/20/2020	Notification Request	06/24/2004
ICE: Immigration Customs Enforcement	.		.
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Notification Request	09/24/2012	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Untried	10/04/2005	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	02/05/2020	Notification Request	01/28/2020
Notification Request	07/31/2010	Notification Request	05/17/2006
Notification Request	07/08/2006	Notification Request	07/08/2006
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	03/21/2007	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/03/2007	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/30/2007	ICE: Immigration Cus	.

ICE: Immigration Customs Enforcement	08/15/2012	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	03/07/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/03/2016	ICE: Immigration Cus	.
Notification Request	06/04/2008	ICE: Immigration Cus	.
Notification Request	06/30/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/05/2008	ICE: Immigration Cus	.
Notification Request	10/07/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/23/2008	ICE: Immigration Cus	.
Notification Request	11/05/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	03/02/2012	Notification Request	01/21/2010
Notification Request	10/13/2017	Untried	09/01/2015
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/26/2017	Notification Request	10/18/2017
Notification Request	03/20/2019	Notification Request	06/03/2009
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/19/2019	ICE: Immigration Cus	01/08/2011
ICE: Immigration Customs Enforcement	07/24/2009	Notification Request	.
Notification Request	10/21/2009	ICE: Immigration Cus	.
Notification Request	10/22/2009	ICE: Immigration Cus	.

ICE: Immigration Customs Enforcement	.		.
Notification Request	12/08/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/28/2010	ICE: Immigration Cus	.
Notification Request	03/24/2010	ICE: Immigration Cus	.
Tried	02/25/2016	Notification Request	02/02/2016
Notification Request	07/29/2010	Notification Request	06/29/2010
Notification Request	07/02/2010	ICE: Immigration Cus	.
Notification Request	09/21/2020	Notification Request	02/23/2018
Notification Request	09/07/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/15/2011	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	11/01/2018	Notification Request	11/01/2018
ICE: Immigration Customs Enforcement	.		.
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Notification Request	06/02/2011	ICE: Immigration Cus	.
Notification Request	11/12/2019	Notification Request	01/10/2018
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	06/13/2012	Notification Request	06/12/2012
Notification Request	08/24/2011	ICE: Immigration Cus	.
Notification Request	02/09/2012	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	02/27/2012	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/14/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/21/2012	ICE: Immigration Cus	.
Notification Request	03/25/2013	Notification Request	02/14/2013
ICE: Immigration Customs Enforcement	.		.

Notification Request	09/06/2013	ICE: Immigration Cus	.
Notification Request	09/12/2013	Notification Request	09/06/2013
ICE: Immigration Customs Enforcement	.		.
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Notification Request	04/28/2016	Notification Request	04/21/2014
Notification Request	01/13/2015	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	04/23/2014	Notification Request	04/16/2014
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	09/22/2014	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/25/2015	ICE: Immigration Cus	.
Notification Request	04/18/2019	Notification Request	12/15/2017
Notification Request	04/10/2015	ICE: Immigration Cus	.
Untried	11/19/2015	Untried	10/14/2015
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ICE: Immigration Customs Enforcement	.		.
Notification Request	01/07/2016	Notification Request	12/02/2015
ICE: Immigration Customs Enforcement	.		.
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Notification Request	02/16/2017	ICE: Immigration Cus	.
Notification Request	09/07/2018	ICE: Immigration Cus	.
Notification Request	07/19/2017	Notification Request	06/12/2017
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/24/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/21/2018	ICE: Immigration Cus	.
Notification Request	06/15/2018	ICE: Immigration Cus	.
Notification Request	06/15/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/20/2018	Notification Request	09/20/2018
Notification Request	08/09/2019	ICE: Immigration Cus	.

Notification Request	11/30/2018	Notification Request	11/15/2018
Notification Request	01/08/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	04/03/2019	Notification Request	.
ICE: Immigration Customs Enforcement	06/12/2019	Notification Request	.
Notification Request	06/28/2019	ICE: Immigration Cus	.
Notification Request	08/26/2019	Notification Request	08/07/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/10/2019	ICE: Immigration Cus	.
Notification Request	11/19/2019	Untried	11/19/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/25/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/30/2020	Notification Request	05/20/2020
Notification Request	09/16/2020	ICE: Immigration Cus	.
Notification Request	09/29/2020	Notification Request	09/18/2020
ICE: Immigration Customs Enforcement	11/19/2020	Notification Request	.
Untried	12/09/2020	ICE: Immigration Cus	12/08/2020
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/03/2021	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	02/04/2021	Notification Request	.
ICE: Immigration Customs Enforcement	04/15/2021	Notification Request	04/15/2021
Notification Request	08/14/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	12/29/2014	Notification Request	.
Notification Request	03/10/2009	ICE: Immigration Cus	.
Notification Request	10/25/2018	ICE: Immigration Cus	03/27/2014
Notification Request	06/22/2010	ICE: Immigration Cus	.
Notification Request	06/27/2015	ICE: Immigration Cus	12/04/2012
ICE: Immigration Customs Enforcement	12/12/2013	Notification Request	.
Notification Request	10/31/2018	ICE: Immigration Cus	04/24/2014
ICE: Immigration Customs Enforcement	05/09/2013	Notification Request	.
Notification Request	06/28/2013	Notification Request	04/25/2013
Notification Request	05/10/2013	ICE: Immigration Cus	.
Notification Request	12/22/2017	Notification Request	12/21/2017

ICE: Immigration Customs Enforcement	11/26/2014	Notification Request	11/18/2013
ICE: Immigration Customs Enforcement	02/13/2015	Notification Request	.
Notification Request	11/01/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/26/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/10/2020	ICE: Immigration Cus	.
Notification Request	12/27/2017	ICE: Immigration Cus	.
Notification Request	06/16/2020	Notification Request	02/14/2018
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/24/2020	Notification Request	08/09/2018
Notification Request	08/09/2018	ICE: Immigration Cus	.
Notification Request	09/05/2018	ICE: Immigration Cus	.
Notification Request	11/08/2018	ICE: Immigration Cus	.
Notification Request	11/14/2018	ICE: Immigration Cus	.
Notification Request	11/08/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/27/2018	Notification Request	12/20/2018
Notification Request	01/16/2018	ICE: Immigration Cus	.
Notification Request	01/16/2019	ICE: Immigration Cus	.
Notification Request	01/25/2019	ICE: Immigration Cus	.
Notification Request	03/11/2019	Notification Request	03/07/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/02/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	06/28/2019	ICE: Immigration Cus	.
Notification Request	07/01/2019	ICE: Immigration Cus	.
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Notification Request	08/08/2019	ICE: Immigration Cus	.
Notification Request	08/21/2019	Notification Request	08/21/2019
Notification Request	08/30/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/05/2019	ICE: Immigration Cus	.
Notification Request	09/06/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/25/2019	ICE: Immigration Cus	.
Notification Request	10/02/2019	ICE: Immigration Cus	.
Notification Request	10/04/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/05/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/07/2019	Notification Request	.
ICE: Immigration Customs Enforcement	11/06/2019	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/21/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/12/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/24/2019	Notification Request	12/18/2019
Notification Request	01/08/2020	ICE: Immigration Cus	.
Notification Request	01/09/2020	ICE: Immigration Cus	.
Notification Request	01/09/2020	ICE: Immigration Cus	.
Notification Request	01/29/2020	ICE: Immigration Cus	.
Notification Request	02/12/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	02/13/2020	Notification Request	.
Notification Request	02/19/2020	ICE: Immigration Cus	.
Notification Request	02/26/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/04/2020	ICE: Immigration Cus	.
Notification Request	03/04/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.

Notification Request	05/20/2020	ICE: Immigration Cus	05/15/2020
Notification Request	06/22/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/17/2020	ICE: Immigration Cus	.
Notification Request	09/30/2020	ICE: Immigration Cus	.
Notification Request	10/02/2020	ICE: Immigration Cus	.
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Notification Request	11/18/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/24/2020	Notification Request	11/24/2020
Notification Request	12/02/2020	Notification Request	12/02/2020
Notification Request	12/02/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/10/2020	Notification Request	.
ICE: Immigration Customs Enforcement	12/28/2020	Notification Request	.
Notification Request	12/29/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/29/2020	Notification Request	.
ICE: Immigration Customs Enforcement	12/29/2020	Notification Request	.
ICE: Immigration Customs Enforcement	01/14/2021	Notification Request	01/14/2021
Notification Request	01/29/2021	ICE: Immigration Cus	.
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ICE: Immigration Customs Enforcement	04/16/2015	Notification Request	.
Notification Request	08/22/2007	Notification Request	07/24/2007
Notification Request	12/07/2010	ICE: Immigration Cus	.

ICE: Immigration Customs Enforcement	01/11/2011	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/14/2015	ICE: Immigration Cus	08/10/2015
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	02/28/2014	Notification Request	.
Notification Request	07/24/2014	ICE: Immigration Cus	05/21/2014
ICE: Immigration Customs Enforcement	07/18/2014	Notification Request	07/14/2014
Notification Request	05/12/2015	Notification Request	05/08/2015
Untried	06/22/2015	ICE: Immigration Cus	06/08/2015
Notification Request	08/08/2016	ICE: Immigration Cus	08/01/2016
ICE: Immigration Customs Enforcement	08/19/2016	Notification Request	.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	10/30/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/15/2017	Notification Request	.
Notification Request	12/08/2017	ICE: Immigration Cus	11/22/2017
Notification Request	01/22/2018	ICE: Immigration Cus	01/22/2018
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Notification Request	09/27/2018	ICE: Immigration Cus	09/25/2018
ICE: Immigration Customs Enforcement	09/21/2018	Notification Request	09/21/2018
Notification Request	10/11/2018	ICE: Immigration Cus	09/24/2018
ICE: Immigration Customs Enforcement	11/28/2018	Notification Request	.
ICE: Immigration Customs Enforcement	12/24/2018	Notification Request	12/24/2018
Notification Request	02/04/2019	ICE: Immigration Cus	.
Notification Request	04/11/2019	ICE: Immigration Cus	.
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Notification Request	10/23/2019	ICE: Immigration Cus	10/16/2019
ICE: Immigration Customs Enforcement	10/29/2019	Notification Request	.
Notification Request	11/04/2019	ICE: Immigration Cus	10/30/2019
ICE: Immigration Customs Enforcement	11/13/2019	Notification Request	11/13/2019
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Notification Request	01/06/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	01/06/2020	ICE: Immigration Cus	01/03/2020
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ICE: Immigration Customs Enforcement	02/13/2020	Notification Request	02/13/2020
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Notification Request	03/12/2020	ICE: Immigration Cus	03/11/2020
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ICE: Immigration Customs Enforcement	04/28/2020	Notification Request	04/28/2020
ICE: Immigration Customs Enforcement	06/25/2020	Notification Request	.
ICE: Immigration Customs Enforcement	07/14/2020	Notification Request	.
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ICE: Immigration Customs Enforcement	09/15/2020	Notification Request	.
ICE: Immigration Customs Enforcement	11/17/2020	Notification Request	.
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ICE: Immigration Customs Enforcement	01/26/2021	Notification Request	.
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ICE: Immigration Customs Enforcement	03/02/2021	Notification Request	.
ICE: Immigration Customs Enforcement	04/01/2021	Notification Request	04/01/2021

ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	07/30/2012	Notification Request	.
ICE: Immigration Customs Enforcement	04/22/2021	Notification Request	04/22/2021
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ICE: Immigration Customs Enforcement	04/20/2021	Notification Request	04/20/2021
ICE: Immigration Customs Enforcement	04/20/2021	Notification Request	04/20/2021
ICE: Immigration Customs Enforcement	04/22/2021	Notification Request	04/22/2021
Notification Request	04/28/2021	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	04/27/2021	Notification Request	04/27/2021
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Notification Request	03/20/2014	ICE: Immigration Cus	.
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Notification Request	03/06/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/10/2020	ICE: Immigration Cus	03/29/2012
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	04/23/2014	Notification Request	05/30/2013
Notification Request	02/08/2017	Notification Request	01/10/2017
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Notification Request	05/20/2020	Notification Request	05/20/2020
Notification Request	06/19/2019	ICE: Immigration Cus	.
Notification Request	12/11/2019	ICE: Immigration Cus	.
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ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	03/16/2021	Notification Request	.
Notification Request	03/19/2021	ICE: Immigration Cus	.
Notification Request	01/24/2018	ICE: Immigration Cus	07/20/2017
Notification Request	07/29/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	07/23/2013	Notification Request	07/23/2013
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/27/2018	Tried	12/23/2016
Notification Request	10/23/2000	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/29/2020	Notification Request	12/29/2020
Notification Request	05/14/2002	ICE: Immigration Cus	.
Tried	01/03/2017	ICE: Immigration Cus	.
Notification Request	09/26/2018	ICE: Immigration Cus	.
Notification Request	03/01/2005	ICE: Immigration Cus	.
Tried	05/02/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/21/2006	ICE: Immigration Cus	.
Notification Request	10/28/2020	Notification Request	05/14/2007
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ICE: Immigration Customs Enforcement	.		.
Notification Request	12/04/2007	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/16/2008	ICE: Immigration Cus	.
Notification Request	05/17/2019	Tried	07/19/2017
Notification Request	01/21/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/12/2009	ICE: Immigration Cus	.
Notification Request	08/26/2020	Notification Request	08/26/2020
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	09/14/2020	Notification Request	.
Notification Request	05/13/2016	Notification Request	04/12/2016
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/28/2011	ICE: Immigration Cus	.

Tried	10/13/2017	ICE: Immigration Cus	11/18/2011
Notification Request	11/01/2016	ICE: Immigration Cus	.
Notification Request	10/20/2011	ICE: Immigration Cus	.
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ICE: Immigration Customs Enforcement	.		.
Notification Request	12/04/2012	Notification Request	12/04/2012
ICE: Immigration Customs Enforcement	04/05/2013	Notification Request	.
Tried	06/12/2017	Notification Request	03/14/2017
Notification Request	12/16/2020	Notification Request	12/16/2020
Untried	03/10/2021	ICE: Immigration Cus	06/03/2015
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/16/2018	Notification Request	10/06/2017
Untried	10/05/2020	Tried	10/01/2020
Notification Request	09/29/2020	Notification Request	09/29/2020
ICE: Immigration Customs Enforcement	08/23/2018	Notification Request	.
Notification Request	08/24/2020	Notification Request	08/23/2019
Notification Request	06/05/2017	ICE: Immigration Cus	.
Notification Request	06/21/2017	Notification Request	05/16/2017
Notification Request	10/23/2018	ICE: Immigration Cus	.
Notification Request	09/02/2020	Notification Request	12/19/2019
Notification Request	10/05/2017	ICE: Immigration Cus	.
Notification Request	11/03/2017	ICE: Immigration Cus	.
Notification Request	12/21/2017	Notification Request	11/07/2017
Notification Request	09/23/2020	Notification Request	01/25/2018
Notification Request	09/16/2020	ICE: Immigration Cus	.
Untried	05/08/2018	Notification Request	05/07/2018
Notification Request	06/07/2018	ICE: Immigration Cus	.
Tried	06/08/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/07/2019	Notification Request	01/07/2019
Notification Request	01/28/2019	Tried	01/22/2019
Notification Request	03/03/2020	Notification Request	03/20/2019
Notification Request	03/26/2019	ICE: Immigration Cus	.
Notification Request	04/01/2019	Notification Request	03/26/2019

Notification Request	04/04/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	04/19/2019	Notification Request	04/19/2019
Tried	11/21/2019	ICE: Immigration Cus	05/03/2019
Notification Request	06/13/2019	Felony Hold	06/07/2019
Notification Request	06/19/2020	Notification Request	06/19/2020
Notification Request	07/08/2019	ICE: Immigration Cus	.
Notification Request	08/12/2019	ICE: Immigration Cus	08/09/2019
Notification Request	11/19/2019	Notification Request	08/21/2019
Notification Request	08/28/2019	ICE: Immigration Cus	.
Notification Request	11/21/2019	ICE: Immigration Cus	09/05/2019
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	09/24/2019	Notification Request	.
ICE: Immigration Customs Enforcement	03/16/2020	Tried	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	02/18/2020	Notification Request	11/06/2019
ICE: Immigration Customs Enforcement	11/06/2019	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Untried	04/16/2020	ICE: Immigration Cus	04/10/2020
Notification Request	02/05/2020	Tried	02/05/2020
Notification Request	02/27/2020	Notification Request	02/27/2020
Notification Request	04/15/2020	ICE: Immigration Cus	03/31/2020
Notification Request	04/16/2020	ICE: Immigration Cus	.
Notification Request	05/04/2020	ICE: Immigration Cus	05/01/2020
Notification Request	05/14/2020	ICE: Immigration Cus	.
Notification Request	05/20/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	10/23/2020	Notification Request	.
ICE: Immigration Customs Enforcement	11/10/2020	Notification Request	11/10/2020
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	03/01/2021	Notification Request	03/01/2021
ICE: Immigration Customs Enforcement	03/04/2021	Notification Request	.
ICE: Immigration Customs Enforcement	03/04/2021	Notification Request	.

Notification Request	04/02/2021	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/15/1998	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/25/2020	Notification Request	02/28/2019
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/20/2019	Notification Request	09/11/2019
Misdemeanor	09/19/2018	ICE: Immigration Cus	.
Notification Request	04/25/2005	ICE: Immigration Cus	.
Felony Hold	04/19/2007	Tried	03/13/2007
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	05/13/2010	Notification Request	.
ICE: Immigration Customs Enforcement	06/23/2010	Notification Request	05/22/2009
Notification Request	07/28/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	06/29/2017	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	08/29/2012	Notification Request	.
ICE: Immigration Customs Enforcement	12/19/2012	Notification Request	.
Notification Request	04/05/2012	ICE: Immigration Cus	04/05/2012
Notification Request	09/10/2012	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/27/2012	Notification Request	12/27/2012
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/29/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	07/30/2013	Notification Request	.
ICE: Immigration Customs Enforcement	07/30/2013	Notification Request	.
ICE: Immigration Customs Enforcement	12/13/2013	Notification Request	.

ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	07/03/2018	Notification Request	07/03/2018
ICE: Immigration Customs Enforcement	09/15/2014	Notification Request	.
ICE: Immigration Customs Enforcement	09/22/2014	Notification Request	.
Notification Request	02/26/2015	ICE: Immigration Cus	.
Notification Request	07/17/2018	ICE: Immigration Cus	04/01/2015
Notification Request	06/20/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	05/04/2017	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/10/2017	ICE: Immigration Cus	.
Notification Request	06/09/2017	Notification Request	05/15/2017
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/07/2017	ICE: Immigration Cus	.
Untried	07/17/2017	Misdemeanor	06/21/2017
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/08/2017	Notification Request	08/16/2017
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/06/2017	Notification Request	10/02/2017
Notification Request	10/04/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/13/2017	ICE: Immigration Cus	.
Notification Request	01/31/2018	Notification Request	12/14/2017
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/17/2018	ICE: Immigration Cus	.
Notification Request	05/21/2018	ICE: Immigration Cus	.
Notification Request	06/04/2018	Notification Request	05/29/2018

Notification Request	05/30/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/22/2018	ICE: Immigration Cus	.
Notification Request	07/20/2018	ICE: Immigration Cus	.
Notification Request	07/23/2018	ICE: Immigration Cus	07/23/2018
Notification Request	09/24/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/21/2018	Notification Request	11/21/2018
Notification Request	12/03/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/10/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/03/2019	Notification Request	04/02/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/09/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/26/2019	ICE: Immigration Cus	.
Notification Request	10/02/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/19/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/02/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/06/2020	ICE: Immigration Cus	.
Notification Request	03/26/2020	ICE: Immigration Cus	03/11/2020
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/18/2020	ICE: Immigration Cus	03/18/2020
Notification Request	03/19/2020	ICE: Immigration Cus	.
Notification Request	08/21/2020	Notification Request	04/15/2020

ICE: Immigration Customs Enforcement	.		.
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Notification Request	04/17/2020	ICE: Immigration Cus	.
Notification Request	06/23/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	08/17/2020	Notification Request	.
Notification Request	08/19/2020	Notification Request	08/19/2020
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	08/31/2020	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/19/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/13/2020	Notification Request	.
ICE: Immigration Customs Enforcement	12/09/2020	Notification Request	.
ICE: Immigration Customs Enforcement	01/27/2021	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/04/2016	Notification Request	02/29/2016
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	03/12/2013	Notification Request	03/12/2013
ICE: Immigration Customs Enforcement	05/20/2011	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/17/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/20/1993	Notification Request	.
Notification Request	07/20/2011	Notification Request	07/27/2010

ICE: Immigration Customs Enforcement	.		.
Notification Request	06/22/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/20/2017	ICE: Immigration Cus	02/24/2015
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	04/13/2018	ICE: Immigration Cus	07/21/2014
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	09/05/2002	ICE: Immigration Cus	.
Notification Request	09/06/2002	ICE: Immigration Cus	.
Notification Request	06/13/2018	ICE: Immigration Cus	.
Notification Request	11/07/2013	Notification Request	02/06/2003
ICE: Immigration Customs Enforcement	01/21/2011	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/20/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/29/2005	ICE: Immigration Cus	.

ICE: Immigration Customs Enforcement	.		.
Notification Request	11/14/2018	ICE: Immigration Cus	.
Notification Request	02/03/2014	ICE: Immigration Cus	.
Notification Request	11/04/2004	ICE: Immigration Cus	.
Notification Request	03/07/2005	ICE: Immigration Cus	.
Notification Request	06/30/2005	ICE: Immigration Cus	.
Notification Request	08/12/2005	Notification Request	07/14/2005
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/22/2019	Notification Request	03/22/2019
ICE: Immigration Customs Enforcement	09/22/2011	Notification Request	09/22/2011
ICE: Immigration Customs Enforcement	02/14/2018	Notification Request	.
Notification Request	05/28/2015	ICE: Immigration Cus	.
Notification Request	07/20/2016	ICE: Immigration Cus	02/04/2014
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/12/2007	ICE: Immigration Cus	.
Notification Request	07/19/2007	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/07/2016	Notification Request	03/30/2015
Untried	04/25/2018	ICE: Immigration Cus	06/11/2013
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/17/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/21/2008	Untried	07/17/2008
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/02/2008	Notification Request	09/25/2008
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	12/31/2008	Notification Request	.
ICE: Immigration Customs Enforcement	.		.

ICE: Immigration Customs Enforcement	.		.
Notification Request	01/12/2021	Notification Request	03/13/2009
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/19/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	09/15/2020	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	10/08/2009	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/03/2016	Notification Request	12/02/2009
Notification Request	07/20/2011	Notification Request	01/15/2010
Notification Request	04/29/2010	ICE: Immigration Cus	.
Notification Request	05/25/2010	Notification Request	05/12/2010
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/23/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/30/2011	Tried	08/24/2010
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/30/2017	Notification Request	03/28/2017
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/27/2011	Felony Hold	01/24/2011
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/28/2011	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/14/2011	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/20/2015	ICE: Immigration Cus	01/13/2012
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	06/12/2018	Notification Request	06/26/2012

ICE: Immigration Customs Enforcement	06/22/2012	Notification Request	06/22/2012
Notification Request	06/16/2016	ICE: Immigration Cus	06/19/2012
Notification Request	06/15/2012	ICE: Immigration Cus	06/15/2012
ICE: Immigration Customs Enforcement	12/30/2020	Notification Request	12/30/2020
Notification Request	07/13/2012	ICE: Immigration Cus	.
Notification Request	11/21/2019	Notification Request	11/04/2019
Notification Request	12/11/2012	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	03/08/2013	Notification Request	.
Notification Request	05/06/2013	ICE: Immigration Cus	.
Notification Request	05/16/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/09/2015	ICE: Immigration Cus	06/07/2013
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/29/2013	ICE: Immigration Cus	.
Notification Request	09/06/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	10/08/2013	Notification Request	.
Notification Request	11/01/2019	Notification Request	10/25/2019
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/14/2014	ICE: Immigration Cus	.
Notification Request	01/27/2014	ICE: Immigration Cus	01/27/2014
Notification Request	02/07/2014	Notification Request	02/05/2014
Notification Request	04/16/2014	ICE: Immigration Cus	.
Tried	07/17/2014	ICE: Immigration Cus	06/30/2014
ICE: Immigration Customs Enforcement	02/03/2015	Felony Hold	07/31/2014
Notification Request	10/09/2014	ICE: Immigration Cus	.
Notification Request	11/04/2014	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	10/05/2015	Notification Request	03/02/2015
ICE: Immigration Customs Enforcement	.		.

Notification Request	04/27/2015	Notification Request	04/06/2015
Tried	03/30/2015	ICE: Immigration Cus	.
Notification Request	06/29/2015	Notification Request	04/24/2015
Notification Request	06/03/2015	ICE: Immigration Cus	.
Notification Request	06/24/2015	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/23/2015	Notification Request	07/16/2015
Felony Hold	07/27/2015	Notification Request	07/27/2015
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/16/2019	Notification Request	07/10/2019
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	01/15/2016	Notification Request	12/23/2015
Notification Request	01/13/2016	Notification Request	01/13/2016
Notification Request	04/25/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/20/2019	ICE: Immigration Cus	05/18/2016
Notification Request	07/19/2016	Notification Request	07/19/2016
ICE: Immigration Customs Enforcement	08/15/2016	Notification Request	.
Notification Request	09/22/2020	Notification Request	07/22/2019
ICE: Immigration Customs Enforcement	09/13/2016	Notification Request	.
Tried	04/25/2017	Notification Request	11/15/2016
Notification Request	10/13/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/02/2016	ICE: Immigration Cus	.
Notification Request	02/09/2017	Notification Request	01/09/2017
ICE: Immigration Customs Enforcement	01/20/2014	Notification Request	.
Notification Request	01/24/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	04/18/2017	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/19/2017	Notification Request	06/09/2017

ICE: Immigration Customs Enforcement	.		.
Notification Request	07/12/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/22/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	08/30/2017	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	10/19/2017	Felony Hold	10/19/2017
Notification Request	11/01/2017	Notification Request	11/01/2017
Notification Request	12/12/2017	Notification Request	11/16/2017
Notification Request	12/12/2017	Notification Request	11/17/2017
ICE: Immigration Customs Enforcement	.		.
Untried	12/06/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/11/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/14/2017	ICE: Immigration Cus	12/14/2017
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	11/27/2018	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	06/18/2018	Notification Request	05/24/2018
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/14/2018	Notification Request	08/03/2018
Notification Request	10/23/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Tried	09/27/2018	ICE: Immigration Cus	.
Notification Request	10/04/2018	Notification Request	10/01/2018
Notification Request	11/09/2018	Notification Request	11/06/2018
Notification Request	01/11/2019	Notification Request	01/04/2019
ICE: Immigration Customs Enforcement	.		.

ICE: Immigration Customs Enforcement	.		.
Notification Request	02/08/2019	Untried	02/07/2019
Notification Request	02/26/2019	ICE: Immigration Cus	.
Notification Request	03/05/2019	ICE: Immigration Cus	.
Notification Request	03/28/2019	Notification Request	03/11/2019
ICE: Immigration Customs Enforcement	04/11/2019	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/23/2020	Notification Request	05/09/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/20/2019	Notification Request	05/20/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/03/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/13/2019	Felony Hold	06/13/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/09/2019	ICE: Immigration Cus	.
Tried	09/13/2019	Notification Request	08/23/2019
Untried	08/28/2019	ICE: Immigration Cus	.
Notification Request	08/29/2019	ICE: Immigration Cus	.
Notification Request	09/18/2019	ICE: Immigration Cus	.
Notification Request	09/26/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/29/2019	ICE: Immigration Cus	.
Notification Request	12/09/2019	ICE: Immigration Cus	.
Notification Request	12/10/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/03/2020	ICE: Immigration Cus	.
Tried	05/01/2020	Untried	02/21/2020
ICE: Immigration Customs Enforcement	03/06/2020	Notification Request	03/06/2020
ICE: Immigration Customs Enforcement	11/16/2020	Notification Request	.
ICE: Immigration Customs Enforcement	04/20/2020	Tried	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.

Notification Request	06/15/2020	ICE: Immigration Cus	.
Notification Request	08/12/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/28/2020	Notification Request	10/15/2020
ICE: Immigration Customs Enforcement	11/05/2020	Notification Request	11/05/2020
ICE: Immigration Customs Enforcement	11/25/2020	Notification Request	.
Notification Request	11/12/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/17/2020	Notification Request	11/13/2020
Notification Request	12/17/2020	ICE: Immigration Cus	11/19/2020
ICE: Immigration Customs Enforcement	12/04/2020	Notification Request	12/01/2020
Notification Request	12/11/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	12/28/2020	Notification Request	.
ICE: Immigration Customs Enforcement	12/29/2020	Notification Request	.
ICE: Immigration Customs Enforcement	01/12/2021	Notification Request	.
Tried	01/13/2021	ICE: Immigration Cus	01/12/2021
ICE: Immigration Customs Enforcement	02/11/2021	Notification Request	.
Notification Request	03/24/2021	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/19/2018	ICE: Immigration Cus	09/11/2015
Notification Request	09/09/2020	Notification Request	10/24/2019
ICE: Immigration Customs Enforcement	08/28/1998	Tried	.
Notification Request	11/15/2007	ICE: Immigration Cus	.
Notification Request	10/11/2001	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/26/2011	Notification Request	03/14/2011
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/25/2005	ICE: Immigration Cus	.
Notification Request	01/17/2013	Notification Request	01/10/2013
ICE: Immigration Customs Enforcement	.		.

Notification Request	04/20/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	11/24/2008	ICE: Immigration Cus	.
Notification Request	12/16/2008	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/04/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	09/10/2020	Notification Request	09/10/2020
Notification Request	11/17/2009	Notification Request	08/31/2009
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Notification Request	10/27/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/11/2009	ICE: Immigration Cus	.
Notification Request	01/02/2019	ICE: Immigration Cus	12/30/2009
Notification Request	06/26/2018	Notification Request	01/13/2010
Notification Request	10/13/2015	Notification Request	05/10/2013
ICE: Immigration Customs Enforcement	04/13/2010	Notification Request	.
Notification Request	05/05/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/29/2019	ICE: Immigration Cus	12/14/2010
Notification Request	08/15/2011	Notification Request	12/13/2010
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	12/10/2013	Notification Request	09/14/2011
Notification Request	05/02/2011	Notification Request	04/14/2011
Notification Request	08/24/2012	Notification Request	06/29/2011

Notification Request	07/15/2011	ICE: Immigration Cus	.
Notification Request	04/13/2012	ICE: Immigration Cus	.
Notification Request	04/30/2012	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/21/2015	ICE: Immigration Cus	.
Notification Request	06/26/2013	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	06/21/2013	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	12/04/2013	Notification Request	12/04/2013
Notification Request	03/25/2014	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/11/2020	Notification Request	07/25/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/12/2014	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	12/15/2014	ICE: Immigration Cus	.
Notification Request	05/21/2015	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	07/07/2015	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/30/2018	ICE: Immigration Cus	01/20/2016
Notification Request	02/19/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/12/2016	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/27/2016	Notification Request	05/16/2016
Untried	08/05/2016	ICE: Immigration Cus	.
Untried	01/31/2019	ICE: Immigration Cus	.
Notification Request	09/01/2017	Notification Request	01/05/2017
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/27/2017	ICE: Immigration Cus	.

Notification Request	05/30/2017	Notification Request	05/30/2017
Notification Request	09/02/2020	Notification Request	05/24/2017
ICE: Immigration Customs Enforcement	.		.
Notification Request	10/06/2017	ICE: Immigration Cus	.
Notification Request	10/13/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/17/2017	Notification Request	.
Notification Request	01/29/2018	Notification Request	12/19/2017
Notification Request	01/19/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	03/05/2018	Notification Request	.
Notification Request	12/23/2020	Notification Request	12/23/2020
Notification Request	07/02/2018	ICE: Immigration Cus	.
Notification Request	07/17/2018	ICE: Immigration Cus	.
Notification Request	02/21/2019	ICE: Immigration Cus	.
Notification Request	03/22/2019	Notification Request	03/15/2019
Notification Request	03/29/2019	Notification Request	03/20/2019
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Notification Request	10/30/2019	ICE: Immigration Cus	.
Notification Request	02/18/2020	Notification Request	12/16/2019
ICE: Immigration Customs Enforcement	01/17/2020	Notification Request	.
ICE: Immigration Customs Enforcement	03/05/2020	Notification Request	.
Notification Request	03/11/2020	ICE: Immigration Cus	02/28/2020
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	12/15/2020	Notification Request	.
ICE: Immigration Customs Enforcement	12/17/2020	Notification Request	.
Notification Request	10/19/2018	Notification Request	01/23/2008
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/25/2019	ICE: Immigration Cus	11/13/2015
ICE: Immigration Customs Enforcement	.		.
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ICE: Immigration Customs Enforcement	12/24/2019	Notification Request	.
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Notification Request	05/22/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/07/2019	Notification Request	05/01/2019
Notification Request	03/17/2014	ICE: Immigration Cus	.
Untried	01/10/2017	Notification Request	01/05/2017
Notification Request	10/24/2017	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/14/2004	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	12/07/2017	ICE: Immigration Cus	12/07/2017
Notification Request	03/16/2016	ICE: Immigration Cus	12/18/2006
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/25/2017	ICE: Immigration Cus	07/24/2017
Notification Request	10/23/2017	Notification Request	02/26/2008
Notification Request	06/03/2008	ICE: Immigration Cus	05/23/2008
Notification Request	09/16/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	01/28/2009	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
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Notification Request	03/13/2013	ICE: Immigration Cus	02/25/2013
ICE: Immigration Customs Enforcement	.		.
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Notification Request	06/10/2019	Untried	06/07/2019
ICE: Immigration Customs Enforcement	09/02/2011	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/21/2010	ICE: Immigration Cus	.
Notification Request	05/22/2017	Notification Request	05/18/2017
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	11/08/2010	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	07/09/2011	Notification Request	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	03/03/2011	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	05/10/2012	Notification Request	05/10/2012
ICE: Immigration Customs Enforcement	.		.
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Notification Request	01/20/2011	ICE: Immigration Cus	.
Notification Request	01/25/2012	ICE: Immigration Cus	.
Notification Request	02/09/2012	Notification Request	01/31/2012
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/19/2012	ICE: Immigration Cus	.
Tried	07/10/2012	ICE: Immigration Cus	.
Notification Request	09/21/2012	Notification Request	09/14/2012
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/25/2013	ICE: Immigration Cus	.
Notification Request	06/04/2013	ICE: Immigration Cus	.
Notification Request	08/26/2019	Notification Request	08/26/2019
Notification Request	01/29/2020	ICE: Immigration Cus	09/06/2013
Untried	01/04/2021	Notification Request	03/04/2016
ICE: Immigration Customs Enforcement	.		.
Notification Request	05/21/2014	ICE: Immigration Cus	.
Notification Request	08/07/2014	Notification Request	07/08/2014

ICE: Immigration Customs Enforcement	09/23/2014	Notification Request	09/23/2014
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	.		.
Notification Request	02/03/2015	ICE: Immigration Cus	01/27/2015
Notification Request	02/11/2015	ICE: Immigration Cus	.
Notification Request	10/12/2018	Notification Request	10/12/2018
ICE: Immigration Customs Enforcement	.		.
Notification Request	06/23/2015	Notification Request	06/15/2015
Notification Request	10/05/2015	Notification Request	09/03/2015
Notification Request	10/21/2015	ICE: Immigration Cus	10/19/2015
Notification Request	04/17/2020	ICE: Immigration Cus	11/30/2015
Notification Request	12/10/2015	ICE: Immigration Cus	.
Notification Request	12/24/2015	Notification Request	12/10/2015
Tried	02/08/2018	Tried	02/24/2016
Notification Request	03/24/2016	Notification Request	03/07/2016
ICE: Immigration Customs Enforcement	.		.
Notification Request	09/12/2016	Untried	06/06/2016
Notification Request	08/19/2016	Notification Request	08/03/2016
Tried	08/15/2016	Notification Request	08/03/2016
ICE: Immigration Customs Enforcement	.		.
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Notification Request	01/11/2017	ICE: Immigration Cus	.
Notification Request	02/24/2017	ICE: Immigration Cus	.
Notification Request	06/30/2017	Notification Request	05/26/2017
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/14/2017	ICE: Immigration Cus	.
Notification Request	07/19/2017	ICE: Immigration Cus	.
Notification Request	08/10/2017	Notification Request	08/07/2017
Notification Request	08/31/2017	ICE: Immigration Cus	.
Notification Request	09/14/2017	Notification Request	09/05/2017
ICE: Immigration Customs Enforcement	.		.
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Notification Request	06/04/2018	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	06/26/2018	Notification Request	.
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Notification Request	07/06/2018	ICE: Immigration Cus	.
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Notification Request	12/04/2018	ICE: Immigration Cus	.
Notification Request	12/20/2018	Notification Request	12/14/2018
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/18/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	04/10/2019	ICE: Immigration Cus	.
Notification Request	05/16/2019	ICE: Immigration Cus	05/15/2019
Notification Request	06/17/2019	ICE: Immigration Cus	.
Notification Request	07/18/2019	ICE: Immigration Cus	.
Notification Request	07/22/2019	Notification Request	07/19/2019
ICE: Immigration Customs Enforcement	.		.
Notification Request	07/24/2019	ICE: Immigration Cus	.
Notification Request	07/26/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	08/21/2019	Notification Request	08/21/2019
Notification Request	08/29/2019	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Tried	10/02/2019	Notification Request	09/23/2019
ICE: Immigration Customs Enforcement	.		.
Tried	10/03/2019	Notification Request	09/27/2019
ICE: Immigration Customs Enforcement	.		.
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Notification Request	12/16/2019	ICE: Immigration Cus	.
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Notification Request	01/10/2020	Notification Request	01/10/2020
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/23/2020	ICE: Immigration Cus	.
Notification Request	02/20/2020	ICE: Immigration Cus	.
Notification Request	03/06/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	03/26/2020	Notification Request	.
Notification Request	04/14/2020	ICE: Immigration Cus	04/14/2020
Notification Request	06/02/2020	ICE: Immigration Cus	.
Notification Request	09/16/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	.		.
Notification Request	01/13/2021	Notification Request	10/15/2020
ICE: Immigration Customs Enforcement	.		.
ICE: Immigration Customs Enforcement	10/23/2020	Notification Request	10/23/2020
ICE: Immigration Customs Enforcement	10/29/2020	Notification Request	.
Notification Request	11/06/2020	ICE: Immigration Cus	11/05/2020
Notification Request	11/12/2020	ICE: Immigration Cus	.
ICE: Immigration Customs Enforcement	11/25/2020	Notification Request	11/25/2020
ICE: Immigration Customs Enforcement	02/09/2021	Notification Request	.
ICE: Immigration Customs Enforcement	03/02/2021	Notification Request	.

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Notification Request	07/03/2001	Notification Request	01/05/2001
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Notification Request	08/17/2015	ICE: Immigration Cus	06/04/2008
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ICE: Immigration Cus	07/25/2005	Notification Request	.
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ICE: Immigration Cus	08/29/2011	Notification Request	.
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Notification Request	04/16/2012	ICE: Immigration Cus	.
Notification Request	08/24/2012	Notification Request	.
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Notification Request	03/08/2019	ICE: Immigration Cus	.
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ICE: Immigration Cus	11/06/2013	Notification Request	.
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Notification Request	11/30/2004	Notification Request	10/27/2004
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Notification Request	08/29/2012	ICE: Immigration Cus	11/23/2010
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Notification Request	05/04/2011	Notification Request	01/26/2011
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Notification Request	05/04/2011	Notification Request	04/12/2011
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Notification Request	06/16/2011	ICE: Immigration Cus	.
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Notification Request	11/29/2011	Notification Request	10/19/2011
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Notification Request	02/23/2015	ICE: Immigration Cus	.
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Notification Request	04/19/2016	ICE: Immigration Cus	.
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Notification Request	09/29/2016	ICE: Immigration Cus	.
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Notification Request	10/27/2016	ICE: Immigration Cus	.
Notification Request	06/03/2020	ICE: Immigration Cus	.

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Notification Request	12/06/2016	ICE: Immigration Cus	.
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Notification Request	02/02/2017	ICE: Immigration Cus	.
Notification Request	02/16/2017	ICE: Immigration Cus	.
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Notification Request	08/09/2017	Notification Request	.
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Notification Request	01/30/2019	ICE: Immigration Cus	08/17/2017
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Notification Request	09/19/2017	ICE: Immigration Cus	.
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Notification Request	12/19/2017	Notification Request	12/05/2017
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Notification Request	07/25/2018	ICE: Immigration Cus	.
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Notification Request	02/10/2020	Notification Request	01/31/2020
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Notification Request	10/31/2017	ICE: Immigration Cus	.
Notification Request	12/06/2017	ICE: Immigration Cus	.
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Notification Request	04/20/2021	Notification Request	.
Notification Request	08/23/2018	Notification Request	07/24/2018
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Notification Request	07/27/2018	ICE: Immigration Cus	.
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Notification Request	11/18/2010	Notification Request	.
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Notification Request	06/21/2012	Notification Request	.
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Notification Request	02/28/2018	ICE: Immigration Cus	.
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Notification Request	04/21/2016	ICE: Immigration Cus	.
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Notification Request	07/21/2016	Notification Request	.
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Notification Request	09/26/2016	ICE: Immigration Cus	.
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Notification Request	08/09/2018	ICE: Immigration Cus	.
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Notification Request	08/13/2020	Notification Request	11/26/2018
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ICE: Immigration Cus	12/13/2019	Untried	.
Notification Request	10/08/2020	ICE: Immigration Cus	03/19/2014
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Notification Request	07/06/2006	Notification Request	06/09/2006
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Notification Request	07/07/2009	Notification Request	.
Notification Request	08/03/2015	ICE: Immigration Cus	.
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ICE: Immigration Cus	11/03/2011	Notification Request	06/11/2009
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Notification Request	02/02/2018	ICE: Immigration Cus	04/09/2012
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Notification Request	03/22/2011	Notification Request	02/10/2011
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Untried	04/29/2015	Notification Request	03/20/2015
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Notification Request	10/09/2015	ICE: Immigration Cus	.
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Notification Request	04/15/2021	Notification Request	04/15/2021
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Notification Request	01/21/2014	Notification Request	.
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ICE: Immigration Cus	07/06/2018	Notification Request	.
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Notification Request	08/18/2010	ICE: Immigration Cus	.
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Felony Hold	03/27/2017	ICE: Immigration Cus	09/01/2015
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Exhibit 6

Napolitano Declaration

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF ARIZONA, By and through its Attorney General, MARK BRNOVICH, THE STATE OF LOUISIANA, By and through its Attorney General, JEFF LANDRY, THE STATE OF MISSOURI, By and through its Attorney General, ERIC S. SCHMITT, et al.; PLAINTIFFS, v. CENTERS FOR DISEASE CONTROL & PREVENTION; et al., DEFENDANTS.	CIVIL ACTION NO. _____

DECLARATION OF SHAKA OKOUGBO

I, Shaka Okougbo, declare as follows:

1. I am over 18 years of age and am fully competent to make this declaration.

2. Attached hereto as Exhibit SO-1 is a true and correct copy of the Declaration of Shaka Okougbo ("Declaration") I previously prepared and signed, which was submitted to the District of Arizona.

3. I reaffirm the statements made in that Declaration.

4. Similar costs and other impacts as set out in that Declaration are ongoing and continue today. The exact amounts of these costs and other impacts may fluctuate with time and changes in circumstances from those listed, but the Declaration provides a reasonable representation of the ongoing costs and impacts currently experienced by the State of Arizona.

Shaka Okougbo
DC Operations Manager

Exhibit SO-1

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 185 of 272

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

State of Arizona; State of Montana; and Mark Brnovich, in his official capacity as Attorney General of Arizona, Plaintiffs, v. United States Department of Homeland Security; United States of America; Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security; Troy Miller, in his official capacity as Acting Commissioner of United States Customs and Border Protection; Tae Johnson, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; and Tracy Renaud, in her official capacity as Acting Director of U.S. Citizenship and Immigration Services, Defendants.	No. 2:21-cv-00186-SRB

DECLARATION OF _____

I, _SHAKA OKOUGBO____, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am employed at the Arizona Department of Corrections, Rehabilitation, and Reentry ("ADCRR") as a _DC OPERATIONS MANAGER_.

2. In my position, I am generally familiar with the costs to ADCRR and the State of Arizona from persons being placed in community supervision.

3. The cost to ADCRR and the State of Arizona from persons being placed in

(Page 808 of Total)

community supervision in total is _$22,966,393_ per year. (2019)

4. The cost to ADCRR and the State of Arizona from persons being placed in community supervision per person is _$4,163.60_ per year. (2019)

Executed this 4th day of May 2021, in Maricopa County.

GWENDOLYN B. COWARD
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires May 19, 2022

Gwendolyn B. Coward

State of Arizona
County of Maricopa

Subscribed and sworn before me this 4th day of May, 2021
by Shaka Okoughbo

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 186 of 272

(Page 809 of Total)

Exhibit 7

Napolitano Declaration

AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY AND THE ARIZONA ATTORNEY GENERAL'S OFFICE AND THE ARIZONA DEPARTMENT OF LAW

The parties to this Sanctuary for Americans First Enactment (SAFE) Agreement (Agreement) are on the one hand:

(1) The Department of Homeland Security,
(2) U.S. Customs and Border Protection (CBP),
(3) U.S. Immigration and Customs Enforcement (ICE), and
(4) U.S. Citizenship and Immigration Services (USCIS);[1]

and on the other hand:

(5) the Arizona Attorney General's Office and the Arizona Department of Law (Agency).

I. AUTHORITY

The authorities governing this Agreement include, but are not limited to:

(1) Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended.
(2) Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended.
(3) Privacy Act, 5 U.S.C. Section 552a, as amended.
(4) The Inter-Governmental Cooperation Act, 31 U.S.C. Section 6501, *et. seq.* as amended.
(5) Homeland Security Act of 2002, 116 Stat. 2135, 6 U.S.C. Section 101, *et seq.* as amended.
(6) Immigration and Nationality Act, 8 U.S.C. Section 1101, *et seq.* as amended.

II. PURPOSE AND COMMITMENT

DHS recognizes that Agency, like other state agencies and municipalities, is directly and concretely affected by changes to DHS rules and policies that have the effect of easing, relaxing, or limiting immigration enforcement. Such changes can negatively impact Agency's law enforcement needs and budgets, as well as its other important health, safety, and pecuniary interests of the State of Arizona. The harm to Agency is particularly acute where Agency's

[1] The Department of Homeland Security, CBP, ICE, and USCIS are collectively referred to in this Agreement as "DHS." The Department of Homeland Security, CBP, ICE, and USCIS enter into this Agreement individually and collectively, such that termination or removal of one or more of those parties (whether by law or contract) (including the Department of Homeland Security) does not terminate this Agreement as to any other parties.

budget has been set months or years in advance and it has no time to adjust its budget to respond to DHS policy changes. Specifically, DHS recognizes that the following actions result in direct and concrete injuries to Agency, including increasing the rate of crime, consumption of public benefits and services, strain upon the healthcare system, and harm to the environment, as well as increased economic competition with the State of Arizona's current residents for, among other things, employment, housing, goods and services:

(1) a decrease of any immigration enforcement priorities;
(2) a voluntary reduction in the number of DHS agents performing immigration enforcement functions;
(3) a decrease or pause on returns or removals of removable or inadmissible aliens;
(4) a decrease or pause on apprehensions or administrative arrests;
(5) relaxation of the standards for granting relief from return or removal, such as asylum;
(6) an increase in releases from detention;
(7) a relaxation of the standards for granting release from detention;
(8) changes to immigration benefits or eligibility, including work authorization, discretionary actions, or discretionary decisions; and
(9) rules, policies, procedures, and decisions that could result in significant increases to the number of people residing in a community.

At the same time, Agency recognizes that DHS relies on cooperation with Agency and information shared by Agency to carry out DHS's functions, including but not limited to combating financial crimes, internet crimes against children, and human trafficking, as well as immigration enforcement. Any decrease in a State's or municipality's cooperation or information sharing with DHS can result in a decrease in these law enforcement priorities.

To that end, this Agreement establishes a binding and enforceable commitment between DHS and Agency, in which Agency will provide information and assistance to help DHS perform its border security, legal immigration, immigration enforcement, national security, and other law enforcement missions in exchange for DHS's commitment to consult Agency and consider its views before taking any action, adopting or modifying a policy or procedure, or making any decision that could:

(1) reduce, redirect, reprioritize, relax, or in any way modify immigration enforcement;
(2) decrease the number of ICE agents performing immigration enforcement duties;
(3) pause or decrease the number of returns or removals of removable or inadmissible aliens from the country;
(4) increase or decline to decrease the number of lawful, removable, or inadmissible aliens;
(5) increase or decline to decrease the number of releases from detention;
(6) relax the standards for granting relief from return or removal, such as asylum;

(7) relax the standards for granting release from detention;
(8) relax the standards for, or otherwise decrease the number of, apprehensions or administrative arrests;
(9) increase, expand, extend, or in any other way change the quantity and quality of immigration benefits or eligibility for other discretionary actions for aliens; or
(10) otherwise negatively impact Agency.

In case of doubt, DHS will err on the side of consulting with Agency.

III. RESPONSIBILITIES

A. DHS agrees to:

(1) Utilize its immigration authorities, to the maximum extent possible, to prioritize the protection of the United States and its existing communities. This includes:

a. enforcing the immigration laws of the United States to prohibit the entry into, and promote the return or removal from, the United States of inadmissible and removable aliens;
b. enforcing the immigration laws of the United States to prioritize detention over release of inadmissible and removable aliens;
c. enforcing the immigration laws of the United States to apprehend and administratively arrest inadmissible and removable aliens;
d. eliminating incentives and so-called "pull factors" for illegal immigration;
e. limiting eligibility for asylum and other relief from detention, return, or removal to the statutory criteria; and
f. refusing asylum and other relief from detention, return, or removal for those aliens who pose a danger to the United States, whether due to prior criminal history, the security of the United States, health, or some other bar.

(2) Consult with Agency before taking any action or making any decision that could reduce immigration enforcement, increase the number of illegal aliens in the United States, or increase immigration benefits or eligibility for benefits for removable or inadmissible aliens. This includes policies, practices, or procedures which have as their purpose or effect:

a. reducing, redirecting, reprioritizing, relaxing, lessening, eliminating, or in any way modifying immigration enforcement;
b. decreasing the number of ICE agents within Agency's territorial jurisdiction performing immigration enforcement duties;
c. pausing or decreasing the number of returns or removals of removable or inadmissible aliens from the country;
d. decreasing the number of or criteria for detention of removable or inadmissible aliens from the country;
e. decreasing or pausing apprehensions or administrative arrests;

f. increasing or declining to decrease the number of lawful, removable, or inadmissible aliens residing in the United States;

g. increasing, expanding, extending, or in any way changing the quantity or quality of immigration benefits or eligibility for these benefits or other discretionary actions for aliens; or

h. otherwise negatively impacting Agency.

(3) Provide Agency with 180 days' written notice (in the manner provided for in Sections IV of this Agreement) of the proposed action and an opportunity to consult and comment on the proposed action, before taking any such action listed above.

(4) Consider Agency's input and provide a detailed written explanation of the reasoning behind any decision to reject Agency's input before taking any action listed in Section III.A.2.

(5) Err on the side of consulting with Agency in case of doubt as to whether DHS's action is implicated by this provision.

B. Agency agrees to:

(1) Provide the support, cooperation, assistance, and information that is reasonably necessary for DHS to perform its missions.

(2) To the extent permitted by Agency's budget and resources in the good-faith determination of the Arizona Attorney General, continue participating in law enforcement task forces, including working with Homeland Security Investigations as part of the Financial Crimes Task Force, Internet Crimes Against Children (ICAC) Task Force, and any applicable anti-human trafficking task force(s), as well as any future task forces on these subjects. DHS and Agency understand and agree that the specifics of cooperation for any particular task force may be governed by a separate agreement regarding the particular task force.

(3) Honor and assist DHS, to the extent consistent with applicable state and federal law and when covered under Agency's jurisdiction, with (1) ICE or CBP "detainer requests" or "requests to hold" issued to Agency and (2) DHS requests for records or information from Agency.

IV. NOTICES

All notices required hereunder shall be given by certified United States mail, postage prepaid return receipt requested, and addressed to the respective parties at their addresses set forth below,

or at such other address as any party shall hereafter inform the other party by written notice. All written notices so given shall be deemed effective upon receipt.

Department of Homeland Security
Secretary of Homeland Security
Washington, DC 20528

U.S. Customs and Border Protection
Office of the Commissioner
1300 Pennsylvania Ave. NW
Washington, D.C. 20229

U.S. Immigration and Customs Enforcement
Office of the Director
500 12th Street SW
Washington, D.C. 20536

U.S. Citizenship and Immigration Services
Office of the Director
5900 Capital Gateway Drive
Suitland, MD 20746

Arizona Attorney General's Office
Attn: Chief Deputy Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004

V. PENALTIES

Agency acknowledges the information it receives from DHS pursuant to this Agreement is governed by the Privacy Act, 5 U.S.C. section 552a(i)(1), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this Agreement, or otherwise permitted by another agreement with DHS or applicable law, may be subject to civil or criminal penalties.

VI. INJUNCTIVE RELIEF

It is hereby agreed and acknowledged that it will be impossible to measure in money the damage that would be suffered if the parties fail to comply with any of the obligations herein imposed on them and that in the event of any such failure, an aggrieved party will be irreparably damaged and will not have an adequate remedy at law. Any such party shall, therefore, be entitled to injunctive relief (in addition to any other remedy to which it may be entitled in law or in equity), including specific performance, to enforce such obligations. If any action should be brought in

equity to enforce any of the provisions of this Agreement, none of the parties hereto shall raise the defense that there is an adequate remedy at law.

VII. THIRD PARTY LIABILITY

Each party to this Agreement shall be solely responsible for its own defense against any claim or action by third parties arising out of or related to the execution or performance of this Agreement, whether civil or criminal, and retains responsibility for the payment of any corresponding liability.

Nothing in this Agreement is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any non-party to this Agreement against any party, its agencies, officers, or employees.

VIII. DISPUTE RESOLUTION

DHS and Agency will endeavor to the best of their ability to resolve their disputes informally and through consultation and communication. Disagreements on the interpretation of the provisions of this Agreement that cannot be resolved between the parties should be provided in writing to the heads of all parties for resolution. If settlement cannot be reached at this level, the disagreement may be adjudicated by invoking the judicial or alternative dispute resolution process.

IX. CONFLICTS

This Agreement constitutes the full agreement on this subject between DHS and Agency. Any inconsistency or conflict between or among the provisions of this Agreement will be resolved in the following order of precedence: (1) this Agreement and (2) other documents incorporated by reference in this Agreement.

X. SEVERABILITY

The Parties agree that if a binding determination is made that any term of this Agreement is unenforceable, such unenforceability shall not affect any other provision of this Agreement, and the remaining terms of this Agreement shall, unless prohibited by law, remain effective as if such unenforceable provision was never contained in this Agreement.

The parties additionally agree that if this Agreement is found to be unenforceable as to one or more of the parties comprising DHS, including the Department of Homeland Security, such unenforceability shall not affect the validity of this Agreement as to the remaining parties and this Agreement shall remain effective as if such party was never a party to this Agreement.

XI. ASSIGNMENT

Agency may not assign this Agreement, nor may it assign any of its rights or obligations under this Agreement. To the greatest extent possible, this Agreement shall inure to the benefit of, and be binding upon, any successors to DHS and Agency without restriction.

XII. WAIVER

No waiver by any party of any breach of any provision of this Agreement shall constitute a waiver of any other breach. Failure of any party to enforce at any time, or from time to time, any provision of this Agreement shall not be construed to be a waiver thereof.

XIII. EFFECTIVE DATE

This Agreement shall be effective immediately when both the DHS authorized officials and the Agency authorized official have signed this Agreement. This Agreement shall continue in effect unless modified or terminated in accordance with the provisions of this Agreement.

XIV. MODIFICATION

This Agreement is subject to periodic review by DHS, its authorized agents or designees, and, if necessary, periodic modification or renewal, consistent with this Agreement's terms, to assure compliance with current law, policy, and standard operating procedures. This Agreement constitutes the complete Agreement between the parties for its stated purpose, and no modification or addition will be valid unless entered into by mutual consent of all parties evidenced in writing and signed by all parties.

Any party may accomplish a unilateral administrative modification to change POC information. A written bilateral modification (*i.e.*, agreed to and signed by authorized officials of all parties) is required to change any other term of this Agreement.

XV. TERMINATION

Any party may terminate its involvement in this Agreement by submitting a request in writing to the other parties and providing 180 days' notice of intent to terminate its involvement in this Agreement. The termination will be effective 180 days after the written termination request was submitted or upon a date agreed upon by all parties, whichever is earlier. Termination by one party of its involvement in this Agreement shall not terminate the Agreement as to the remaining parties.

XVI. STATUS

The foregoing constitutes the full agreement on this subject between DHS and Agency.

Nothing in this Agreement may be construed to (1) negate any right of action for a State, local government, other person, or other entity affected by this Agreement; or (2) alter the laws of the United States.

XVII. KNOWING AND VOLUNTARY ACKNOWLEDGMENT

The parties enter into this Agreement voluntarily, without coercion or duress, and fully understand its terms. The parties acknowledge they had an opportunity to review and reflect on this Agreement and have discussed its provisions with their respective counsel, if any. The parties attest they understand the effect of each of the provisions in this Agreement and that it is binding on all parties.

XVIII. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one agreement.

XIX. FORMALIZATION

The undersigned represent that they are authorized to execute this Agreement on behalf of CBP, ICE, USCIS, and Agency, respectively.

Furthermore, the undersigned execute this Agreement on behalf of CBP, ICE, USCIS, Agency, respectively.

[Signatures on the following pages]

Signature for the Department of Homeland Security

DEPARTMENT OF HOMELAND SECURITY

1/8/2021

Kenneth T. Cuccinelli II Date
Senior Official Performing the Duties of the Deputy Secretary
Signed individually and collectively[2]

[2] "Signed individually and collectively" as used here indicates that the agency is entering into this Agreement both (1) for itself, independently, and (2) along with the other entities that comprise DHS, collectively. Should one agency, for whatever reason, cease to be a party to this Agreement, this Agreement shall still survive for all other parties and be read and interpreted as if the removed party had never been a party to this Agreement.

Signature for the Arizona Attorney General's Office and the Arizona Department of Law

THE ARIZONA ATTORNEY GENERAL'S OFFICE AND THE ARIZONA DEPARTMENT OF LAW

Mark Brnovich — 29Dec20

Mark Brnovich — Date
Attorney General

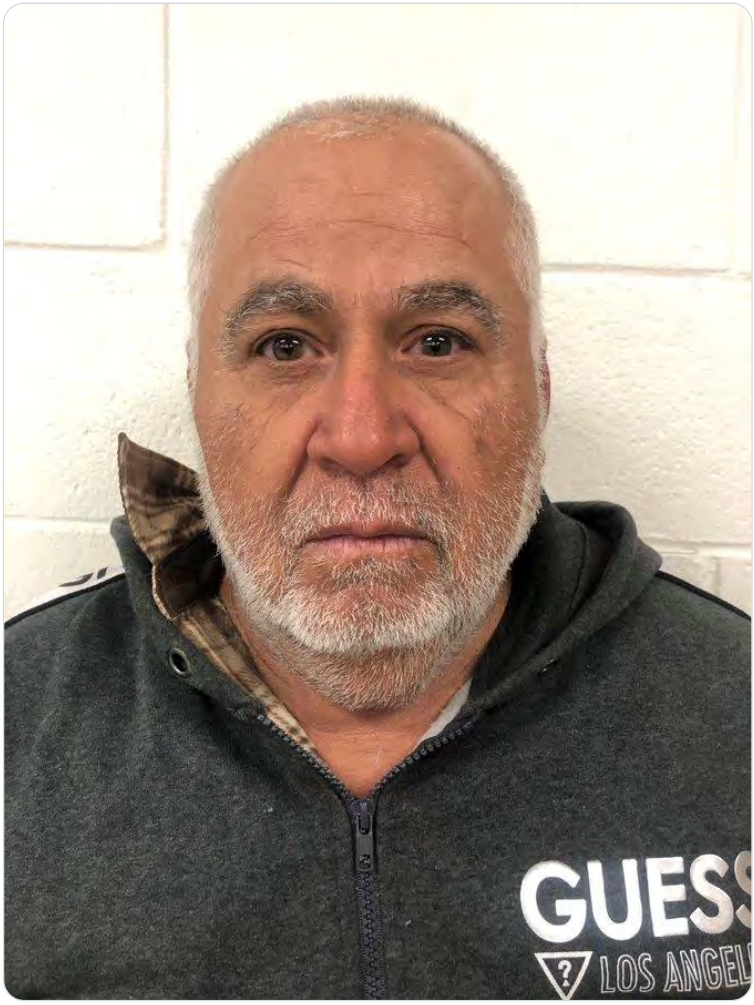
Exhibit 8

Napolitano Declaration

Tweet

Chief Patrol Agent Chris T. Clem
@USBPChiefYUM

Wellton agents recently arrested a migrant with multiple felony convictions for drug possession, assault and robbery, for which he served extensive prison time. Rosario Lugo-Parra, a 62-year-old migrant from Mexico, will be prosecuted for re-entry of a removed alien.



WDLA-PI-0599

7:56 PM · Dec 21, 2021 · Twitter for iPhone

4 Retweets **1** Quote Tweet **28** Likes

Chief Patrol Agent Chris T. Clem
@USBPChiefRGV

-5325 Document #1977146 Filed: 12/09/2022

Wellton agents nabbed two felons Monday. Joel Campos-Velis, a 31-yr-old migrant from El Salvador, is a suspected MS-13 gang member with an assault conviction; and Gabriel Hernandez-Perez, a 31-yr-old from Mexico, was convicted of attempted aggravated sexual battery.



7:09 AM · Dec 15, 2021 · Twitter for iPhone

93 Retweets **14** Quote Tweets **175** Likes

← Tweet

Chief Patrol Agent Chris T. Clem
@USBPChiefYUM

YumaSector agents apprehended a convicted felon and Sureños gang member Thursday night. Jose Jesus Villanueva-Canchola, a migrant from Mexico was convicted of conspiracy to distribute a controlled substance in San Francisco in 2014 and sentenced to 97 months in prison @CBP



WDLA-PI-0601

8:01 AM · Dec 8, 2021 · Twitter for iPhone

Chief Patrol Agent Chris T. Clem
@USBPChiefYUM

wo convicted felons were caught within 15 minutes of each other by #USBP #YumaSector Border Patrol agents Wednesday night. Convictions for the two Mexican nationals included a drive-by shooting, theft, transporting and selling narcotics, and bank robbery.



12:17 PM · Dec 3, 2021 · Twitter for iPhone

70 Retweets **8** Quote Tweets **123** Likes

Tweet

Chief Patrol Agent Chris T. Clem
@USBPChiefYUM

USBP #YumaSector agents arrested a migrant convicted of voluntary manslaughter Thursday night. Jose Reynaldo Argueta-Ventura, a 41-year-old from El Salvador, was sentenced to 11 years in prison. He now faces additional prison time for re-entry of a removed alien.



WDLA-PI-0603

12:14 PM · Dec 3, 2021 · Twitter for iPhone

← Tweet

Chief Patrol Agent Chris T. Clem
@USBPChiefYUM

YumaSector agents arrested Elvis Guzman-Rodriguez, a 21-year-old Mex national, after he illegally entered the U.S. last night. Guzman-Rodriguez has two felony convictions for robbery and assault on a fellow inmate. He will be prosecuted for re-entry of a removed alien.



← Tweet

Chief Patrol Agent Chris T. Clem
@USBPChiefYUM

USBP #YumaSector Blythe agents arrested a convicted felon Tuesday night during a vehicle stop. Guadalupe Salamanca-Sedano, a 46-year-old Mexican national, was convicted in CA in 2000 and 2010 for possession of narcotics. #BorderSecurity is #NationalSecurity



WDLA-PI-0605

Chief Patrol Agent Chris T. Clem
@USBPChiefYUM

YumaSector agents attempted a vehicle stop near the Andrade POE Saturday, but the driver fled and a pursuit involving multiple agencies ensued. The driver was stopped in San Luis, AZ, and had meth, fentanyl, cocaine, heroin and $10K. Details: bit.ly/3pbZyQU



WDLA-PI-0606

7:46 AM · Dec 2, 2021 · Twitter for iPhone

Exhibit 9

Napolitano Declaration

John R. Modlin
@USBPChiefTCA

In a joint effort, Tucson Sector agents and @ForestServiceSW officers seized over 50 pounds of meth from a pickup truck.
After encountering the driver in a rural area south of Arivaca, AZ, a USBP #K9 alerted to the spare tire. The driver, a Mexican citizen, will be prosecuted.



11:39 AM · Dec 31, 2021 · Sprout Social

14 Retweets **3** Quote Tweets **46** Likes

WDLA-PI-0608

John R. Modlin
@USBPChiefTCA

Three migrants, to include a minor dangerously concealed in the trunk, were apprehended at the I-19 #USBP Checkpoint by Nogales Station agents.

The driver, a previously removed Mexican citizen, was carrying a loaded firearm. He faces prosecution.

Outstanding work!



10:20 AM · Dec 27, 2021 · Sprout Social

15 Retweets **2** Quote Tweets **31** Likes

John R. Modlin
@USBPChiefTCA

Nogales Station agents arrested Jose Toxqui-Milhultecalt, a previously removed Mexican citizen, felon, and registered sex offender. In 2011, he plead guilty to 2nd Degree Rape with a person under 15 years old in Kings County, #NYC. He will be prosecuted. #GreatJob!



11:25 AM · Dec 24, 2021 · Sprout Social

5 Retweets **2** Quote Tweets **18** Likes

Tweet

John R. Modlin ✓
@USBPChiefTCA

West of Naco, AZ, Brian A. Terry Station agents arrested Orlando Alvarado-Avila after he crossed the border illegally. Records revealed the Guatemalan citizen was convicted of felony Kidnapping in #NewJersey, and received an 11 year prison sentence. #BorderSecurity



2:59 PM · Dec 18, 2021 · Sprout Social

19 Retweets **1** Quote Tweet **49** Likes

ICan'tEnforce @ICantEnforce · Dec 18, 2021

Tweet

John R. Modlin
@USBPChiefTCA

Vincente Lopez-Jacinto was arrested west of Douglas, AZ, after crossing the border illegally. The Mexican citizen is a felon, convicted of unlawful sexual intercourse with a minor under 16 in #FresnoCounty, CA. Excellent work from our Douglas Station #BorderPatrol agents.



6:28 AM · Dec 14, 2021 · Sprout Social

5 Retweets **21** Likes

← Tweet

John R. Modlin
@USBPChiefTCA

South of Why, AZ, Ajo Station agents arrested Eduardo Zaldaña-Calderon, a citizen of El Salvador and registered sex offender. In 2015, he was convicted of Sexual Assault of a Child in #Houston, TX. Tucson Sector agents continue to encounter migrants convicted of dangerous crimes.



4:52 PM · Dec 12, 2021 · Sprout Social

15 Retweets **3** Quote Tweets **38** Likes

Ashleyyyyy @ash_leyyy32 · Dec 12, 2021

Tweet

John R. Modlin
@USBPChiefTCA

Tucson Sector agents assisted @Arizona_DPS with a vehicle stop near Eloy, AZ. They determined eight migrants were being smuggled, including Victor Renteria, a Mexican citizen. Renteria was convicted of felony Endangering the Welfare of a Child, Sexual Conduct, in #NewJersey.



2:58 PM · Dec 11, 2021 · Sprout Social

2 Retweets **2** Quote Tweets **19** Likes

John R. Modlin @USBPChiefTCA

Tucson Sector agents arrested Lazaro Lopez-Gomez near Douglas, AZ. Records revealed the Mexican citizen is a felon, convicted of Taking Indecent Liberties With a Child Under 15 in #Virginia.

Arresting convicted criminals is a vital part of #BorderSecurity. Excellent work.



4:33 PM · Dec 9, 2021 · Sprout Social

WDLA-PI-0615

5 Retweets **1** Quote Tweet **16** Likes



John R. Modlin 
@USBPChiefTCA

Tucson Sector agents arrested a significant felon in Naco, AZ.
In 2000, Juan Montes, a Mexican citizen, was convicted of Participating in a Criminal Street Gang, Assault w/ a Deadly Weapon, Conspiracy Assault w/ a Firearm, and Attempted Murder in #OrangeCounty, CA.
#HonorFirst



1:58 PM · Dec 8, 2021 · Sprout Social

WDLA-PI-0616

8 Retweets **1** Quote Tweet **22** Likes

John R. Modlin
@USBPChiefRGV

Over 55 pounds of cocaine, methamphetamine, and fentanyl were seized from an abandoned tire near the border in Newfield, AZ.

Two suspected migrants were observed hiding the tire before absconding to Mexico. Tucson Sector agents made the seizure with #K9 assistance. #GoodWork



5:30 PM · Dec 6, 2021 · Sprout Social

WDLA-PI-0617

18 Retweets **44** Likes

John R. Modlin
@USBPChiefTCA

Miguel Vasquez-Hernandez, a Guatemalan citizen, was apprehended by Douglas Station #USBP agents after they observed him crossing the border illegally. Records revealed the migrant was convicted of lewd or lascivious acts with a child, a felony, in #LosAngeles, CA. #GreatWork!



4:52 PM · Dec 5, 2021 · Sprout Social

WDLA-PI-0618

22 Retweets **2** Quote Tweets **53** Likes

John R. Modlin @USBPChiefTCA

Three Points Station #USBP agents arrested Erick Elias-Ramirez, a Guatemalan citizen and registered sex offender, after he crossed the border illegally. Records revealed a felony conviction of attempted 1st Degree Rape with a child under 13 in #SuffolkCounty, NY. #BorderSecurity



3:12 PM · Dec 4, 2021 · Sprout Social

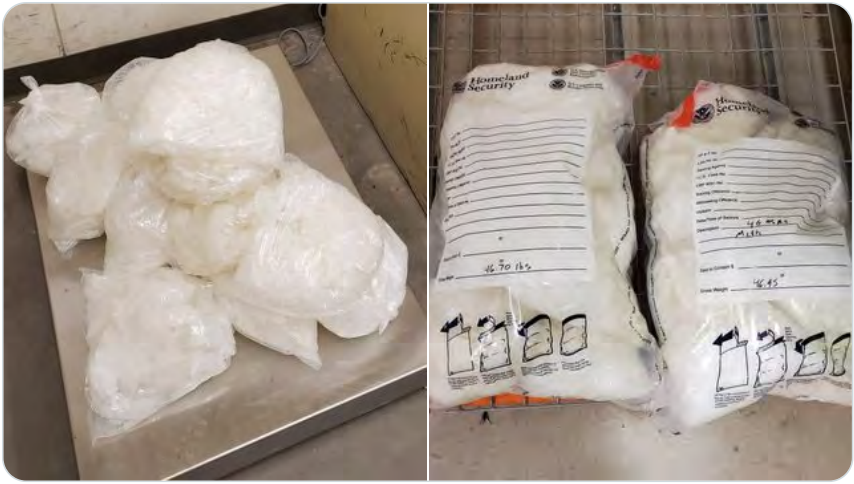
WDLA-PI-0619

21 Retweets **2** Quote Tweets **66** Likes

#22-5325 Document #1977146 Filed: 12/09/2022 Page

John R. Modlin ✓
@USBPChiefTCA

Using #technology and a #K9, Ajo Station #BorderPatrol agents arrested two migrants east of Lukeville, AZ. They were carrying large packs containing methamphetamine. The combined weight exceeded 93 pounds. The case was turned over to @HSIPhoenix. Outstanding seizure!



9:30 AM · Dec 2, 2021 · Sprout Social

WDLA-PI-0620

10 Retweets **20** Likes

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

THE STATE OF LOUISIANA, By and through its Attorney General, JEFF LANDRY, THE STATE OF MONTANA, By and through its Attorney General, AUSTIN KNUDSEN, THE STATE OF ARIZONA, By and through its Attorney General, Mark Brnovich, et al., PLAINTIFFS, v. XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services; et al., DEFENDANTS.	NO. 6:22-CV-885

DECLARATION OF TOMMY ROMERO

I, Tommy Romero, declare as follows:

1. I am over 18 years of age and am competent to make this declaration. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction. This declaration is based on my personal and professional knowledge, law enforcement expertise, and the information available to me in my positions in public service.

2. I began my law enforcement career with the Iberia Parish Sheriff's Department in 1978, rising to Shift Lieutenant. From 1983 until 2016, I served with the Louisiana State Police. From 2016 until 2018, I served in the Louisiana Attorney General's Office. I have served on special assignments with the FBI's Anti-Terrorism Task Force and with the U.S. Customs Service.

3. In 2019, I was elected Sheriff of Iberia Parish.

4. Migrants coming from the border are sometimes transporting drugs into or across Louisiana, including in or through Iberia Parish. In the past 24 months, the Iberia Parish Sheriff's Office has confiscated drugs suspected to have been moved from the border into Louisiana, including but not limited to marijuana, fentanyl, methamphetamine, and heroin. This criminal activity requires substantial law enforcement resources to apprehend, detain, prosecute, and incarcerate the individuals involved. To state the obvious, the Iberia Parish Sheriff's Office is adversely affected by having to devote resources to respond to this criminal activity. Those resources are necessarily diverted from other public safety activities.

5. In my professional opinion, a pause or significant decrease in ICE removals will incentivize undocumented immigration. This will most certainly encourage an increase in the number of migrants who attempt to illegally cross the border into the United States and, in turn, into Louisiana.

6. Further declarant sayeth naught.

I declare under penalty of perjury under the laws of the United States and the State of Louisiana that the foregoing is true and correct to the best of my knowledge.

Executed April 11, 2022, in New Iberia, Louisiana.

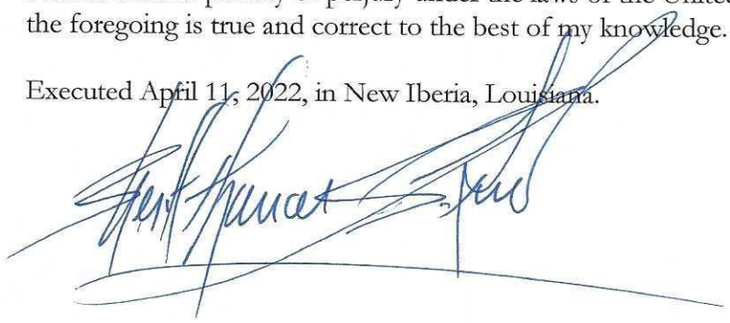


Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

THE STATE OF LOUISIANA,
By and through its Attorney General,
JEFF LANDRY,

THE STATE OF ARIZONA,
By and through its Attorney General,
MARK BRNOVICH,

THE STATE OF MISSOURI,
By and through its Attorney General,
ERIC S. SCHMITT,

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services; et al.,

DEFENDANTS.

CIVIL ACTION NO. _____

Declaration of Maddie M. Green

1. My name is Maddie M. Green. I am an Assistant Attorney General for Special Litigation in the Office of the Missouri Attorney General. I am over 21 years of age and competent to testify to the matters asserted herein.

2. The Biden administration is reportedly anticipating a "mass migration event" along the Southwest Border once Title 42 officially ends. Muzaffar Chishti and Jessica Bolter, *Controversial U.S. Title 42 Expulsions Policy is Coming to an End, Bringing New Border Challenges,* Migration Policy Institute (Mar. 31, 2022) https://www.migrationpolicy.org/article/title-42-expulsions-policy.

3. On March 29, 2022, Department of Homeland Security ("DHS") officials said that a decision to lift Title 42 "will likely cause a significant increase in arrivals" along the Southwest Border. Joel Rose, *DHS officials brace for a new surge at the border if pandemic restrictions are lifted*, NPR (Mar. 29, 2022), https://www.npr.org/2022/03/29/1089551424/dhs-officials-brace-for-a-new-surge-at-the-border-if-pandemic-restrictions-are-l. DHS officials are preparing for the possibility of 18,000 border apprehensions per day – more than twice the average number of daily apprehensions last summer. *Id*.
4. On March 30, 2022, the DHS released their strategy to address an "increase in the number of border encounters" once Title 42 is no longer in place. Department of Homeland Security, *FACT SHEET: DHS Preparations for a Potential Increase in Migration* (March 30, 2022), https://www.dhs.gov/news/2022/03/30/fact-sheet-dhs-preparations-potential-increase-migration.
5. In a letter to DHS Secretary Alejandro Mayorkas and Department of Health and Human Services ("HHS") Secretary Xavier Becerra, the Texas Congressional Delegation warned that ending Title 42 would produce "catastrophic results" at the Southwest Border. https://www.cornyn.senate.gov/sites/default/files/Texas%20Delegation%20Letter%20to%20DHS%20and%20HHS%20on%20Title%2042%20Cancellation.pdf.

6. Reportedly, U.S. intelligence officials are bracing for an influx of more than 170,000 migrants at the Mexico border if Title 42 is lifted. Jonathan Swan & Stef W. Kight, *Scoop: Biden officials fear "mass migration event" if COVID policies end*, Axios (Mar. 17, 2022), https://www.axios.com/biden-border-mexico-migrants-title-42-a91b6441-2197-463f-ab1f-2435824a9566.html. DHS estimates 25,000 migrants are waiting in shelters just south of the border for Title 42 to end. *Id.*

7. The National Border Council has warned that "illegal immigration is going to explode even more if Title 42 goes away." Callie Patteson, *Biden administration to scrap Title 42 border policy by May 23 despite warning: reports*, NY Post (Mar. 30, 2022), https://nypost.com/2022/03/30/white-house-to-scrap-title-42-by-may-23-despite-border-democrat-warnings/.

8. Missouri spent an average of $10,654 per student in school year 2019-2020 regardless of immigration status. Missouri Department of Elementary and Secondary Education, State Report Card – 2020 Data, https://apps.dese.mo.gov/MCDS/Reports/SSRS_Print.aspx?Reportid=84d85ca8-c722-4f9b-9935-70d36a53cf54. A true and correct copy of this publication is attached hereto as Exhibit A.

9. A 2018 study shows that an estimated 3,000 illegal alien school-aged children were enrolled in Missouri schools. Migration Policy Institute, Profile of the Unauthorized Population: Missouri, https://www.migrationpolicy.org/data/unauthorized-immigrant-

population/state/MO. A true and correct copy of this publication is attached hereto as Exhibit B.

10. Statistically, for every 1,000 aliens who remain unlawfully in the United States, 56 end up residing in Missouri. Pew Research Center, *U.S. unauthorized immigrant population estimates by state, 2016* (Feb. 5, 2019), https://www.pewresearch.org/hispanic/interactives/u-s-unauthorized-immigrants-by-state/. A true and correct copy of this publication is attached hereto as Exhibit C.

11. According to records of Missouri's Department of Social Services, Missouri expended $361,702 in emergency medical care costs for treatment of ineligible aliens during Fiscal Year 2020.

12. Missouri's Department of Revenue ("DOR") uses the Systemic Alien Verification of Entitlements ("SAVE") system to verify unlawful individuals' lawful immigration status at a cost of $0.80 for the initial inquiry and $0.50 for any additional inquiries. In state fiscal year 2020, DOR paid $30,114.11 for SAVE inquiries.

13. While applicants for drivers' licenses are charged a fee, no part of that fee is specifically designated for SAVE costs and DOR must annually request appropriations from the state legislature to cover the costs of SAVE inquiries.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: April 11, 2022

Maddie M. Green

Maddie M. Green

EXHIBIT A

Green Declaration

State Report Card - UPDATED! 2020 Data

School Year 2020 View Report

1 of 1 Find | Next

Document Map

- State Report Card
  - (1) Preschool Enrollment
  - (2) K-12 Enrollment
  - (3) Proportional Attendance Rate
  - (4) Students Eligible for Free or Reduced-Price Lunch
  - (5) Graduation Rate
  - (6) Dropout Rate
  - (7) Where Our Graduates Go
  - (9) Staffing Ratios
  - (10) Years of Experience of Professional Staff
  - (11) Disproportionate Rates of Access to Educators
  - (12) Professional Staff with Advanced Degrees
  - (13) Average Teacher Salaries
  - (14) Average Administrator Salaries
  - (15) Current Expenditures per Pupil - Building Level
  - (16) Adjusted Tax Rate of the District
  - (17) Assessed Valuation of the District
  - (18) Sources of Revenue
  - (19) Missouri Assessment Program (MAP) Results
  - (20) Missouri Performance on National Assessment of Educatic
  - (21) ACT Results
  - (22) Disciplinary Actions
  - (24) How Do Student Groups Perform?
  - (25) Students in Gifted Education Program
  - (26) English Learner Proficiency Status
  - (27) Comprehensive and Targeted Status
  - (28) CRDC Information

(15) Current Expenditures per Pupil - State Level

(Data as of 1/25/2021)

Missouri	2020
A. Membership *	875,043.19
State Level Per-Pupil Expenditures	
B. Federal	$782
C. State/Local	$10,654
D. State Level Per-Pupil Total (Sum of B+C)	$11,436

(Excluded expenditures include capital outlay, debt service, community services, non-instruction/support, adult education, and Title I expenditures. Impact aid is considered local expenditures.)

Definition

(16) Average Tax Rate Per District

(Data as of 11/17/2020)

MISSOURI	2020
Incidental	$3.4392
Teachers	$0.1214
Debt Service	$0.4951
Capital Projects	$0.0890

Definition

(17) Assessed Valuation

(Data as of 11/17/2020)

MISSOURI	2020
Total	$110,589,446,990

Definition

(18) Sources of Revenue

(Data as of 11/17/2020)

MISSOURI	2020
Local	48.19%
State	40.74%
Federal	11.07%

Definition

(19) Missouri Assessment Program (MAP) Results

On March 19, 2020, in response to the COVID-19 pandemic, the Department of Elementary and Secondary Education (DESE (MAP) assessments would not be administered, including Grade-Level (GLA), End-of-Course (EOC) and Missouri Assessment available for the 2020 school year.

WDLA-PI-0631

EXHIBIT B

Green Declaration

MENU

Profile of the Unauthorized Population: Missouri

Demographics	Estimate	% of Total
Unauthorized Population	54,000	100%
Top Countries of Birth		
Mexico	22,000	41%
China/Hong Kong	4,000	7%
Guatemala	4,000	7%
-	-	-
-	-	-
Regions of Birth		
Mexico and Central America	30,000	55%
Caribbean	-	-
South America	-	-
Europe/Canada/Oceania	6,000	11%
Asia	12,000	23%
Africa	3,000	5%
Years of U.S. Residence		
Less than 5	15,000	27%
5 to 9	12,000	22%
10 to 14	12,000	22%
15 to 19	12,000	22%
20 or more	4,000	8%
Age		
Under 16	3,000	5%
16 to 24	10,000	19%

25 to 34	18,000	33%
35 to 44	15,000	27%
45 to 54	6,000	11%
55 and over	3,000	5%
Gender		
Female	27,000	49%

Family

	Estimate	% of Total
Parental Status		
Population ages 15 and older	52,000	100%
Reside with at least one U.S.-citizen child under 18	21,000	40%
Reside with noncitizen children only under 18	3,000	5%
Reside with no children	29,000	55%
Marital Status		
Population ages 15 and older	52,000	100%
Never married	19,000	37%
Married to a U.S. citizen	11,000	20%
Married to a legal permanent resident (LPR)	3,000	6%
Married to non-U.S. citizen/non-LPR	12,000	24%
Divorced, separated, widowed	7,000	14%

Education and Language

	Estimate	% of Total
School Enrollment of Children and Youth		
Population ages 3 to 17	3,000	100%
Enrolled	3,000	83%
Not enrolled	-	-
Population ages 3 to 12	-	-
Enrolled	-	-
Not enrolled	-	-
Population ages 13 to 17	-	-
Enrolled	-	-
Not enrolled	-	-
Population ages 18 to 24	10,000	100%

Enrolled	5,000	48%
Not enrolled	5,000	52%
Educational Attainment of Adults		
Population ages 25 and older	41,000	100%
0-5 grade	5,000	12%
6-8 grade	5,000	11%
9-12 grade	4,000	11%
High school diploma or equivalent	9,000	22%
Some college or associate's degree	5,000	13%
Bachelor's, graduate, or professional degree	13,000	32%
English Proficiency		
Population ages 5 and older	54,000	100%
Speak only English	7,000	12%
Speak English "very well"	19,000	35%
Speak English "well"	13,000	24%
Speak English "not well"/"not at all"	16,000	29%
Top 5 Languages Spoken at Home		
Population ages 5 and older	54,000	100%
Spanish	30,000	55%
English	7,000	12%
Chinese	4,000	7%
-	-	-
-	-	-

Workforce	Estimate	% of Total
Labor Force Participation		
Civilian population ages 16 and older	51,000	100%
Employed	33,000	64%
Unemployed	2,000	5%
Not in the labor force	16,000	31%
Top Industries of Employment		
Civilian employed population ages 16 and older	33,000	100%
Accommodation and food services, arts, entertainment, and recreation	6,000	19%

WDLA-PI-0635

Construction	5,000	16%
Manufacturing	4,000	14%
Professional, scientific, management, administrative, and waste management services	3,000	10%
Health services and social assistance	3,000	9%

Economics	Estimate	% of Total
Family Income		
Below 50% of the poverty level	9,000	16%
50-99% of the poverty level	7,000	14%
100-149% of the poverty level	8,000	14%
150-199% of the poverty level	6,000	11%
At or above 200% of the poverty level	24,000	45%
Access to Health Insurance		
Uninsured	26,000	48%
Home Ownership*		
Homeowner	19,000	35%

Source: These 2018 data result from Migration Policy Institute (MPI) analysis of U.S. Census Bureau data from the pooled 2014–18 American Community Survey (ACS) and the 2008 Survey of Income and Program Participation (SIPP), weighted to 2018 unauthorized immigrant population estimates provided by Jennifer Van Hook of The Pennsylvania State University.

Note: For U.S., state, and county estimates of the unauthorized population potentially eligible for the Deferred Action for Childhood Arrivals (DACA) program, click here.

Data-related notes
* "Homeowners" are unauthorized immigrants residing in homes that are owned, not rented.

+ Includes the following Colorado counties: Adams, Broomfield, Clear Creek, Douglas, Elbert, Gilpin, and Jefferson, as well as portions of Arapahoe, Boulder, and Weld counties.

++ NECTAs refer to New England City and Town Areas, geographic entities defined by the U.S. Census Bureau for use as alternatives to counties in the six-state New England region.

1. Estimate for China includes Hong Kong but excludes Taiwan; estimate for Korea includes South Korea and North Korea.

WDLA-PI-0636

2. "School Enrollment of Children and Youth" refers to unauthorized immigrants who reported attending school or college at any time in the three months prior to the survey.
3. For languages, "Chinese" includes Mandarin, Cantonese, and other Chinese languages; "English" includes English, Jamaican Creole, Krio, Pidgin Krio, and other English-based Creole languages; "French" includes French, Patois, and Cajun; "Pacific Island languages" includes Ilocano, Samoan, Hawaiian, Sebuano, Chamorro, Guamanian, Marshallese, Trukese, Tongan, and other Austronesian languages, but excludes Tagalog and Filipino, which are reported separately; "Portuguese" includes Portuguese and Cape Verdean Creole; "Sub-Saharan African" includes Swahili or other Bantu languages, Mande, Fulani, Kru, and other unspecified African languages; "Tagalog" includes Tagalog and Filipino.
4. For industries, "Other services" are miscellaneous services, not including the following services listed separately: (1) professional, scientific, management, administrative, and waste management services; (2) educational services; (3) health and social services; and (4) accommodation and food services, arts, entertainment, and recreation.
5. "-" estimates are zero, not applicable, or not displayed due to small sample size.
6. Percentages may not add up to 100 due to rounding.

Methodology in Brief:

MPI's method uses information from the SIPP to assign legal status to noncitizens in the ACS. In the SIPP, noncitizens report whether they currently have lawful permanent resident (LPR) status—i.e., a green card. Those without LPR status may be recent refugees, temporary visitors (e.g., international students or high-skilled H-1B workers), or unauthorized immigrants. Our method maps characteristics such as country of birth, year of U.S. entry, age, gender, and educational attainment between the two surveys, and those noncitizens in the ACS who have characteristics similar to those reporting LPR status in the SIPP are coded as LPRs in the ACS. The remaining noncitizens—who are similar in characteristics to those not reporting LPR status in the SIPP—are classified as either unauthorized or legal temporary migrants, depending on whether they meet the qualifications for H-1B and the other temporary visa classifications. Estimates of unauthorized immigrants are weighted to match control totals (benchmarks) for immigrants from a set of origin countries and world regions. These control totals are calculated by subtracting the number of legal immigrants from the total of all immigrants for each country and region that are captured in the ACS data. The number of legal immigrants is estimated by adding up all legal admissions from each country and region in every year—using Department of Homeland Security administrative data—and then reducing this number to account for deaths and emigration of legal immigrants. Finally, the unauthorized immigrant population estimates are adjusted upward slightly to account for the undercount of this population in the ACS.

MPI's overall method was developed in consultation with James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute. For more detail on the methods, see MPI, "MPI Methodology for Assigning Legal Status to Noncitizen Respondents in U.S. Census Bureau Survey Data." The control totals were developed by Jennifer Van Hook. These estimates have the same sampling and coverage errors as any other survey-based estimates that rely on ACS and other Census Bureau data.

FAMILY

EDUCATION AND LANGUAGE

WORKFORCE

ECONOMICS

MPI
MIGRATION POLICY INSTITUTE

1400 16th St NW, Suite 300, Washington, DC 20036
ph. 202-266-1940 | fax. 202-266-1900

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WDLA-PI-0638

EXHIBIT C

Green Declaration

FEBRUARY 5, 2019

U.S. unauthorized immigrant population estimates by state, 2016

Pew Research Center estimates that 10.7 million unauthorized immigrants, the lowest level in a decade, lived in the U.S. in 2016. Select a measure from the dropdown below to view state by state data on unauthorized immigration.

POPULATION | LABOR FORCE

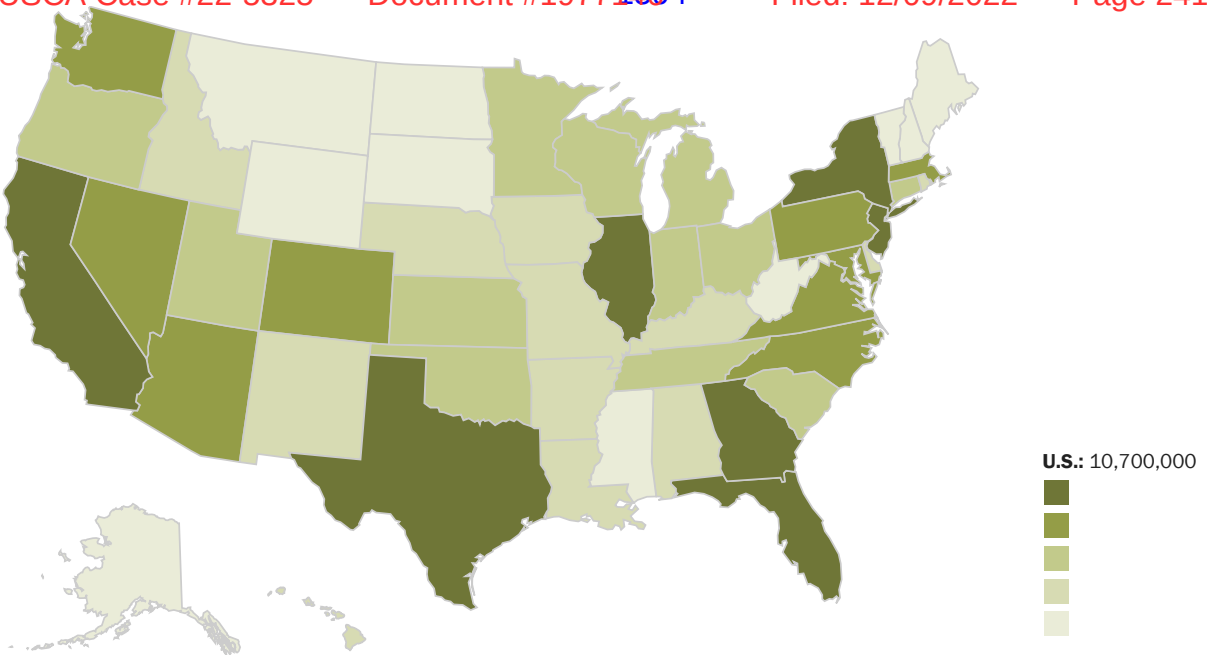
Unauthorized immigrant population, 2016

A majority of U.S. unauthorized immigrants live in just six states – including California (with the largest population at 2.2 million), Texas, Florida, New York, New Jersey and Illinois. There are eight states with 5,000 or fewer unauthorized immigrants. For more, see our report, "U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade," and our interactive charts on unauthorized immigrant population trends.

Methodology

Unauthorized immigrant population, 2016

Pew Research Center
When you're finished with our website, would you be willing to answer a quick question?
Yes No
WDLA-PI-0640



Note: All numbers are rounded; see Methodology for rounding rules.
Source: Pew Research Center estimates based on augmented U.S. Census Bureau data. See Methodology for details.

State	Unauthorized immigrant population	Unauthorized immigrant % of population	Unauthorized immigrant % of all immigrants	% of K-12 students with unauthorized immigrant parent(s)	Mexican % of unauthorized immigrants	% of unauthorized immigrant adults in U.S. 5 years or less	Change in unauthorized immigrant population, 2007 to 2016
U.S.	10,700,000	3.3%	24%	7.6%	51%	18%	-1,550,000
Alabama	55,000	1.2%	34%	3.3%	59%	13%	-15,000
Alaska	5,000	1.0%	13%	0.5%	23%	43%	Not sig.
Arizona	275,000	3.9%	28%	10.7%	78%	13%	-220,000
Arkansas	55,000	1.9%	41%	6.3%	64%	15%	-10,000
California	2,200,000	5.6%	20%	13.3%	69%	10%	-550,000
Colorado	190,000	3.4%	34%	10.6%	70%	14%	Not sig.
Connecticut	120,000	3.5%	23%	6.9%			g.
Delaware	30,000	3.0%	31%	7.0%			g.
District of Columbia	25,000	3.8%	28%	9.0%			g.
Florida	775,000	3.8%	18%	7.1%			0

Pew Research Center
When you're finished with our website, would you be willing to answer a quick question?
Yes No

WDLA-PI-0641

State	Unauthorized immigrant population	Unauthorized immigrant % of population	Unauthorized immigrant % of all immigrants	% of K-12 students with unauthorized immigrant parent(s)	Mexican % of unauthorized immigrants	% of unauthorized immigrant adults in U.S. 5 years or less	Change in unauthorized immigrant population, 2007 to 2016
Georgia	400,000	3.8%	36%	8.6%	49%	17%	Not sig.
Hawaii	45,000	3.3%	17%	7.0%	6%	34%	Not sig.
Idaho	35,000	2.2%	37%	5.7%	79%	19%	Not sig.
Illinois	400,000	3.2%	22%	7.8%	71%	11%	-140,000
Indiana	100,000	1.5%	29%	4.2%	59%	23%	Not sig.
Iowa	50,000	1.7%	31%	4.2%	56%	26%	Not sig.
Kansas	75,000	2.6%	35%	7.6%	69%	16%	Not sig.
Kentucky	35,000	0.8%	22%	1.6%	48%	24%	Not sig.
Louisiana	70,000	1.5%	36%	2.7%	28%	23%	+15,000
Maine	<5,000	0.4%	9%	0.5%	–	–	Not sig.
Maryland	275,000	4.5%	29%	8.5%	9%	22%	+60,000
Massachusetts	250,000	3.8%	22%	6.1%	2%	29%	+35,000
Michigan	100,000	1.0%	15%	2.2%	29%	27%	-45,000
Minnesota	95,000	1.7%	20%	3.8%	50%	21%	Not sig.
Mississippi	20,000	0.7%	35%	1.8%	59%	21%	Not sig.
Missouri	60,000	1.0%	23%	2.7%	45%	20%	Not sig.
Montana	<5,000	0.3%	12%	0.1%	–	–	Not sig.
Nebraska	60,000	3.1%	41%	9.2%	62%	14%	Not sig.
Nevada	210,000	7.1%	35%	20.2%			0
New Hampshire	10,000	0.7%	13%	0.9%			g.
New Jersey	475,000	5.2%	22%	8.8%			0
New Mexico	60,000	2.8%	29%	7.9%			0

Pew Research Center
When you're finished with our website, would you be willing to answer a quick question?
Yes No
WDLA-PI-0642

State	Unauthorized immigrant population	Unauthorized immigrant % of population	Unauthorized immigrant % of all immigrants	% of K-12 students with unauthorized immigrant parent(s)	Mexican % of unauthorized immigrants	% of unauthorized immigrant adults in U.S. 5 years or less	Change in unauthorized immigrant population, 2007 to 2016
New York	725,000	3.6%	15%	6.6%	24%	20%	-300,000
North Carolina	325,000	3.1%	39%	8.9%	56%	16%	Not sig.
North Dakota	5,000	0.7%	23%	1.7%	–	–	Not sig.
Ohio	90,000	0.8%	17%	1.4%	25%	33%	Not sig.
Oklahoma	85,000	2.2%	38%	6.4%	78%	15%	Not sig.
Oregon	110,000	2.6%	26%	8.2%	69%	16%	-40,000
Pennsylvania	170,000	1.3%	19%	2.4%	21%	31%	Not sig.
Rhode Island	30,000	2.8%	19%	6.8%	8%	28%	Not sig.
South Carolina	85,000	1.7%	35%	4.4%	54%	20%	Not sig.
South Dakota	5,000	0.7%	19%	1.2%	–	–	Not sig.
Tennessee	130,000	2.0%	38%	5.2%	56%	23%	Not sig.
Texas	1,600,000	5.7%	33%	13.3%	73%	16%	Not sig.
Utah	95,000	3.2%	38%	7.5%	71%	14%	Not sig.
Vermont	<5,000	0.1%	4%	0.2%	–	–	Not sig.
Virginia	275,000	3.4%	27%	6.9%	12%	23%	Not sig.
Washington	240,000	3.3%	23%	8.9%	56%	17%	Not sig.
West Virginia	<5,000	0.2%	14%	0.5%	–	–	Not sig.
Wisconsin	75,000	1.3%	24%	3.6%	70%	15%	Not sig.
Wyoming	5,000	1.2%	32%	3.9%			g.

EMBED </> REPORT DATA

Pew Research Center

When you're finished with our website, would you be willing to answer a quick question?

Yes No

WDLA-PI-0643

Exhibit E

DECLARATION OF ALISON PHILLIPS

Background

1. My name is Alison Phillips and I am a co-founder of The Human Trafficking Training Center (HTTC). The HTTC provides consultation services and training on human trafficking to law enforcement across the United States. Previously I served as the Director for the Anti-Human Trafficking Task Force for the Missouri Attorney General's Office. In that role, my job entailed facilitating and implementing a multi-disciplinary, comprehensive approach to addressing human trafficking in the state of Missouri; work that involved federal, state, county and local law enforcement, as well as regulatory, and social service agencies. Under my leadership, the Missouri Anti-Human Trafficking Task Force launched a first of its kind in the nation, strategy to address human trafficking in illicit massage businesses; named The Hope Initiative. This initiative achieved unprecedented success in closing IMB's within our state. It has been featured in multiple national forums and to date 23 other states have sought consultation looking to replicate the Hope Initiative. The HTTC at the request of INTERPOL in response the refuge crisis coming out of Ukraine, will also start several trainings in Europe. Through my work at the Missouri Attorney General's Office and at the HTTC, I have helped train hundreds of professionals to identify and respond to human trafficking.

2. Prior to my employment with the Attorney General's Office, I worked as an Adjunct Professor at the University of Missouri, Kansas City and Mid-America Nazarene University teaching courses on human trafficking to undergraduate criminal justice majors. I have worked as a consultant to churches and other community groups, helping them to plan effective and strategic efforts to combat human trafficking. In 2017, I obtained a Master's Degree in Criminal Justice and Criminology from the University of Missouri, Kansas City. In sum, I have over a decade of experience in the anti-trafficking field.

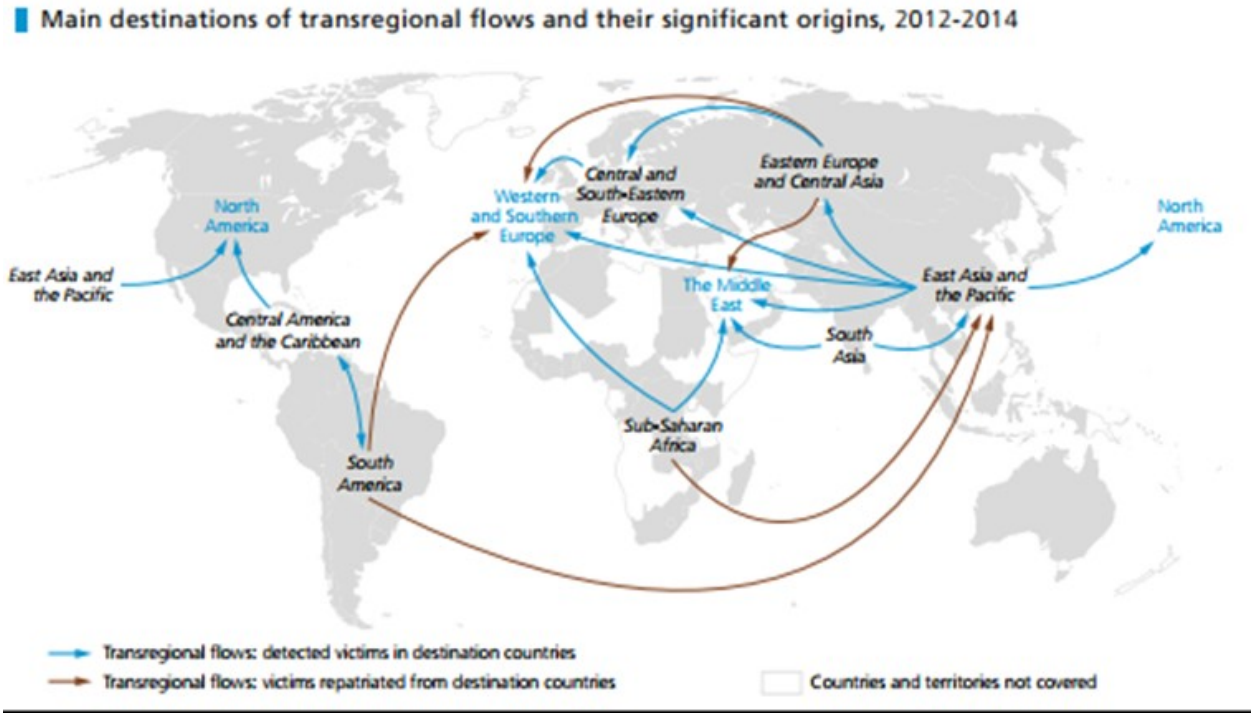
3. As part of my work, I have interviewed, worked with, advocated for and mentored hundreds of survivors of human trafficking. Many of them have shared with me personal details about the inhumane and horrific things that they have experienced; things that I will never forget. These stories and the resilience of those that have survived and carry on to build a new life for themselves motivate and inspire me to continue to fight.

4. Part of my background in human trafficking work also originates from my experiences as a foster parent. Additionally, I am the proud mother of a daughter that my husband and I adopted internationally at the age four. Our adoption is the result of an intensive, three year process that we underwent before we could bring our daughter home. This was followed by another year before we were permitted to legally finalize her adoption. When we traveled to our daughter's birth country of India to bring her home, we were allowed to do so because an Indian court had granted us legal guardianship and we had obtained a Visa so that she could enter the United States. In order to finalize the adoption and for our daughter to become a U.S. citizen, we first submitted to a year's worth of social work visits and progress reports which were forwarded to India for their review and approval. We understood that all of this was to ensure that children brought into the U.S. for the purpose of adoption are protected from abuse and exploitation.

Human Trafficking on a Global Level

5. Recent estimates state that human trafficking is a $150 billion dollar annual industry in which 40 million people around the world are currently victimized (International Labor Organization, 2014). Victims are trafficked for the purpose of forced labor, commercial sexual exploitation, using children as soldiers, begging, surrogacy, adoption and even organ harvesting. In financial terms, human trafficking is the second largest criminal enterprise on earth, following the illegal trade in drugs. Traffickers all around the world are increasingly recognizing the lucrative nature of human trafficking as it is relatively low risk when compared to the trade in illegal drugs, which requires extensive time and investment to manufacture, and high risk to transport and sell. Victims of human trafficking, on the other hand, can be easily obtained for little or no investment and can be sold repeatedly.

6. On a global scale, human trafficking victims are recruited and sold domestically within their own native country, but they are also moved via trans-regional flows that are influenced by "push and pull" factors. In so-called "origin countries," government corruption, war, persecution, natural disasters, poverty, and organized crime create environments that in effect *push* victims out of their native country. Traffickers use financial rewards, opportunities to make money and the provision of basic needs to lure potential victims. Individuals from backgrounds of poverty and desperation are especially vulnerable to these offers. Traffickers capitalize on these circumstances of desperation and further exploit their victims' vulnerabilities by creating situations of debt bondage and dependency. The affluence of "destination countries," and the presence of demand for commercial sex and forced labor present a powerful economic *pull* that influence the flow of victims from one country to another.



7. Policy makers in destination countries who are interested in protecting vulnerable people groups from exploitation within their country, should understand trans-regional flow and global patterns of human trafficking. Yury Fedotov, former Executive Director of the United Nations Office of Drugs and Crime, was quoted in the 2020 Annual Trafficking in Persons Report (TIPS) as saying, "[Human Trafficking] thrives in situations where the rule of law is weak and people lack opportunities. Humanitarian crises and conflicts create an environment in which traffickers easily prey upon the vulnerable." (Trafficking In Persons Report, 2020 p. 23) Destination countries with weak border security and lax immigration policies in effect create an open door for traffickers to enter and do business. It creates more opportunity for them to make money and in turn motivates traffickers to recruit more victims from origin countries. Put simply, traffickers would not invest the time and resources to groom, recruit and transport large numbers of potential victims to the U.S. border if they had reason to believe a crossing would not be possible. There's no money in that.

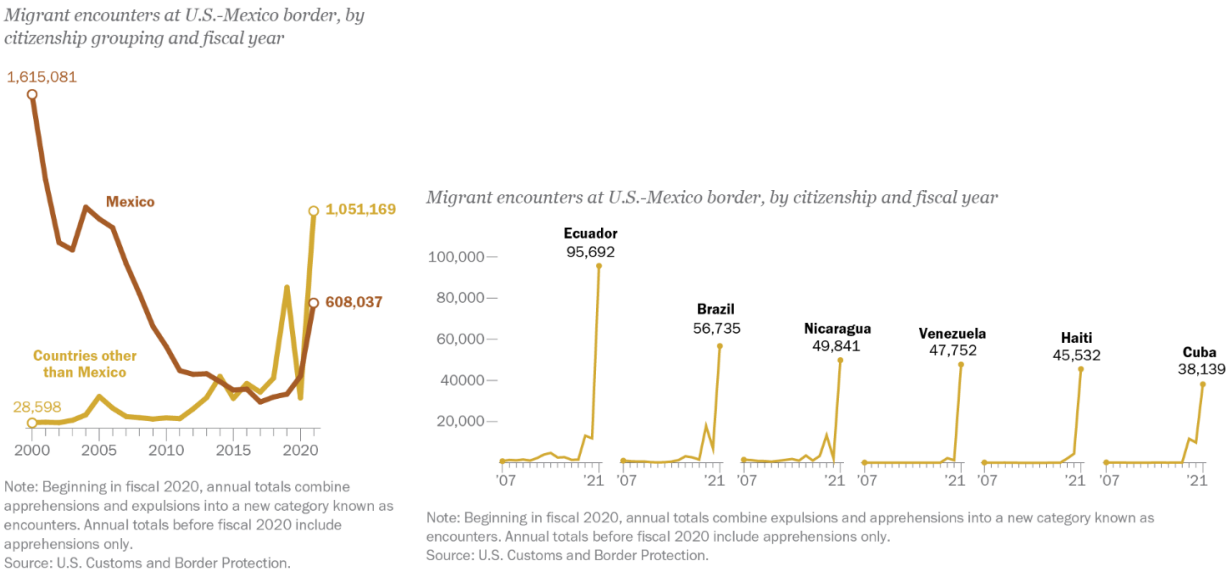
Human Trafficking in the United States

8. According to years of data collected by Polaris Project, the nation's largest anti-human trafficking non-governmental organization and the operator of the National Human Trafficking Hotline, the majority of human trafficking victims in the United States are U.S. citizens. The affluence of the U.S., however, also makes it a destination country for victims from other countries. International criminal organizations look for weaknesses in U.S. borders and immigration policy in order to bring their victims into the country. Russian mafia, Asian organized crime, and Mexican cartels smuggle people into the United States for the purpose of human trafficking. Much of this occurs across the U.S.-Mexico border.

9. The most common origin countries for human-trafficking victims documented in 2020 were from Mexico followed by Honduras and Guatemala (*US Department of State (2020) Trafficking in Persons Report. pgs. 515-523. Retrieved from:https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf)*. In the years 2015-2018, 2,552 victims of human trafficking were identified by Polaris Project that related to cross US-Mexico border human trafficking activities. Of those victims, 1,535 originated from Mexico, 151 from the USA, 82 from Honduras, 76 from Guatemala, 33 from India, and 33 from El Salvador. In the same years, Polaris identified 1,782 traffickers committing cross US-Mexico border human trafficking. 380 of those traffickers originated from Mexico, 132 from the USA, 29 from Honduras, 20 from Guatemala, and 13 from India. While data on suspected traffickers committing cross US-Mexico border human trafficking is not yet available for the fiscal year of 2021, the US Border Patrol estimates 1.6 million contacts with migrants crossing the US southern border during that time period. This is four times higher than the previous year and an all time record.

10. Not all victims entering the U.S. via the southern border are Hispanic. Victims from Eastern Europe have also been smuggled into the United States via the U.S.-Mexico border by

Russian mafia and other Eastern European criminal organizations. Their tactic is to disguise their victims as American students by purchasing a nice car and western clothing for their Caucasian victims as a means to ensure passage across the border. Asian organized crime also has a history of using the southern border as a means to bring in women they intend to traffic through illicit massage businesses. In 2021, there were more immigrants crossing the US southern border from countries other than Mexico than ever before (US Customs and Border Protection, 2022). Many immigrants are from countries not historically seen attempting to cross our border, like Brazil, Haiti or Cuba.



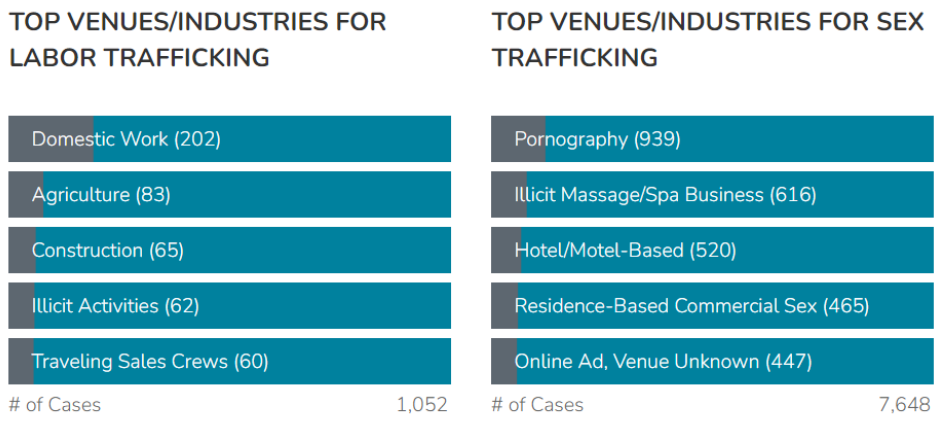
11. It is important to understand that human trafficking and human smuggling, while interconnected, are two different things. Smuggling is a crime against a nation and is something that an individual can consent to. Human trafficking, however, is a crime against an individual. As defined by law, a person cannot consent to being trafficked. Smuggling can make an individual vulnerable to traffickers in a number of ways. For example, many smuggling operations are conducted for the purpose of creating debt bondage situations or circumstances in which children are separated from their families. Many traffickers employ smugglers to transport the victims recruited in origin countries.

12. To be clear, the United States is a desirable location for human traffickers to be doing business. There is money to be made here. International organized crime groups seek to exploit loopholes in our visa system, policies about asylum, and find areas of our borders that can be physically crossed with relative ease. For example, many of the workers in the estimated 11,000 illicit massage businesses across the United States entered the U.S. in one of two ways: they were smuggled across the U.S.-Mexico border via coyotes or took advantage of loopholes in immigration policy enacted in 2012 under the Obama Administration that allowed them to claim asylum for persecution. No verification of the basis for seeking asylum is required and follow up is not provided. Thus, the victims disappeared into the United States. Many of these women are under the control of Asian organized crime groups and are being sex trafficked in illicit massage

parlors across the United States (Polaris, 2018, Human Trafficking in Illicit Massage Businesses.)

13. Foreign national victims of human trafficking are found in both labor and sex trafficking across the United States. Foreign nationals who don't speak English and are undocumented can easily be marginalized and isolated. Fear of deportation can keep victims from reporting to law enforcement. Often these victims have been told to fear law enforcement and are unaware of their rights. Unaccompanied and undocumented minors who enter the United States via smugglers are extremely vulnerable to traffickers and other abusers. There is no one to file a missing child report, or issue an Amber Alert. There is no record that the child is even here in this country. No one even knows to look. In the eyes of a trafficker, children in these circumstances make ideal victims.

14. The following graphic represents top venues for human trafficking reported to the National Human Trafficking Hotline during the year of 2020 (the latest year those statistics are available):



Source: Polaris Project (2020), Retrieved from: https://humantraffickinghotline.org/states

15. Unskilled labor pools are common places to find labor trafficking victims in states all across the U.S. Undocumented, marginalized immigrants are ideal candidates for these situations. Female labor trafficking victims are also often subjected to harassment and sexual abuse including sex trafficking.

- According to the International Journal of Rural Criminology (2014), 39% of North Carolina's farm workers report being trafficked or otherwise abused.
- In 2008, approximately 1,200 undocumented migrant workers were freed from slave-like conditions on tomato farms in central Florida. Victims had wages withheld, were beaten, threatened and forced to work long hours in extreme conditions. They were locked up and confined. Some of the women reported sexual abuse.
- In 2015, a Justice Department press release announced the unsealing of a 15-count superseding indictment "charging three defendants with luring Guatemalan minors and

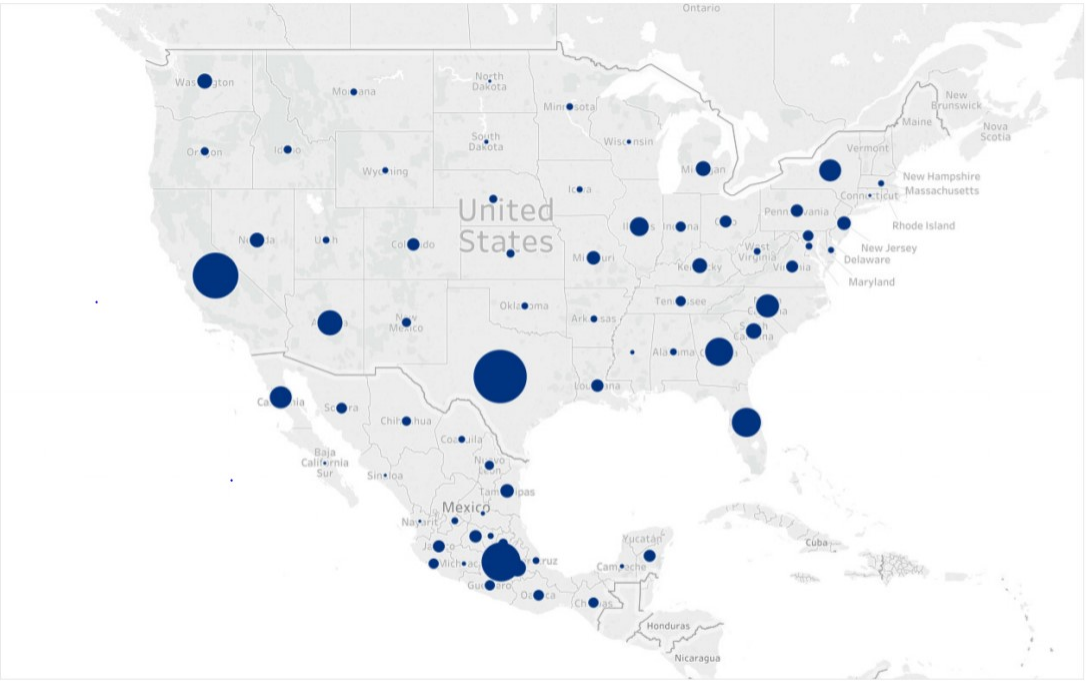
adults into the United States on false pretenses, then using threats of physical harm to compel their labor at egg farms in Ohio."

- Other cases have involved tomato pickers locked in box trucks under armed guard and children around the age of 7 laboring in Michigan blueberry groves.

Retrieved from: https://www.csmonitor.com/World/2015/1116/Trafficking-In-Florida-s-tomato-fields-a-fight-for-ethical-farm-labor-grows)

16. Farley, Ugarte & Zarate (2004) document reports of residential brothels and camps that extend from San Diego all the way up to Canada where undocumented immigrant young girls and women are sold for sex. These victims entered the United States via the southern border with the assistance of coyotes who initially promised them a better life (Farley, M., Ugarte, MB., Zarate, L. 2004. Prostitution and trafficking of women and children from Mexico to the United States. Journal of Trauma Practice, Taylor & Francis.) One of these camps is described in a 2003 report by a physician working with migrant workers, "'The first time I went to the camps I didn't vomit only because I had nothing in my stomach. It was truly grotesque and unimaginable.' Many of the girls were 9 to 10 years old. On one occasion the physician counted 35 men raping a girl for money during a single hour." (Hernandez, A. 2003. The Sex Trafficking of Children in San Diego: Minors are prostituted in farm labor camps in San Diego. El Universal, Mexico City. Jan 11, 2003).

Number of Trafficking Cases by State of Exploitation



17. Humanitarian considerations are primary in our border policy. Nevertheless, there are fiscal costs to consider as well. Expenses are incurred by our federal government, but also by states for things like law enforcement; and other criminal justice system resources, social service

costs, the public health system as well as opportunity costs should be considered. Labor trafficking results in lost wages and tax revenue and puts downward pressure on wages in general, especially in unskilled labor pools. This further exacerbates the economic challenges for individuals working in those areas of the economy which often impacts increased demand for assistance with housing and food. The money made through human trafficking by international organized criminal organizations operating in the United States further empowers these entities and contributes to an increase in crime in general. All of this has a very real price tag to it. In 2016, the University of Texas and published a report estimating the prevalence of child sex trafficking and labor trafficking in Texas and the associated financial cost to the state. Key findings of this report estimate that approximately 79,000 minors were being sex-trafficked in Texas at any given time during that year. The lifetime social service costs incurred by the state and the victims themselves through mental and physical health costs, strains to the public health system, and law enforcement expenses is estimated to be $6.6 billion dollars. The study additionally estimates the annual value of lost wages for labor trafficking victims to be approximately $600 million dollars. (Source retrieved from: https://globalinitiative.net/wp-content/uploads/2018/01/Human-trafficking-by-the-numbers.pdf)

18. In conclusion, the data presented indicates there is a relationship between the prevalence of human trafficking in the United States and activity on the US-Mexico border. Immigration policies as they relate to the management of the southern border of the United States are a contributing factor to overall rates of human trafficking in the United States. Cross border trafficking is not the largest cause of overall human trafficking in the United States, as the majority of human trafficking cases within the United States originate domestically. Nevertheless, cross border human trafficking activity has implications for the overall prevalence of human trafficking in all fifty states, not just the states along the U.S. Mexico border.

Missouri

19. For the three years 2017 through 2019, between 9% and 12% of calls made to the National Human Trafficking Hotline for the state of Missouri involved foreign nationals. It is my professional opinion, based on my study of relevant research and my work in the field, that what is reported to the National Human Trafficking Hotline are just the proverbial “tip of the iceberg.” The vast majority of cases of human trafficking are not identified or reported at all, this is especially true for cases in which the victims are foreign nationals. Most of these victims are very isolated and marginalized by physical, geographical, cultural and linguistic factors. They, like many human trafficking victims, do not self-identify as victims, do not know their rights, and do not know who or how to ask for help.

20. Several recent sample cases of human trafficking involving foreign nationals who were able to gain entry into the United States due to weaknesses in immigration policy and then were exploited in or through Missouri are provided in the following section. They detail the ways in which lax immigration policy and open borders create opportunities for traffickers. Once victims arrive in the United States, they do not just stay in the bordering states of California, Arizona,

New Mexico and Texas. Cases involving human trafficking of foreign nationals are documented in all fifty states.

21. In 2014, an 80% increase in unaccompanied minors at the U.S. Mexico border was reported. This increase is attributed to several factors, including a change in policy regarding the potential deportation for undocumented immigrants who were minors. Accompanying that change in policy was a marked increase in smugglers' recruitment in origin countries. (Robertson, Lori (2018-06-28). *"Illegal Immigration Statistics"*). As Director of our state HTTF, I have the opportunity to work with numerous social service and law enforcement agencies across the state. A veteran state Trooper with over two decades of experience on Missouri highways recounted for me how in 2014, he saw a marked increase in activity on our highways involving foreign nationals. Some of that activity he suspects involved human trafficking.

22. Missouri can be a destination or transit state for many human traffickers. This is mainly due to the state's substantial transportation infrastructure, major population centers and various aspects of our economy that are reliant on unskilled labor such as agriculture. Missouri has the 7th largest highway system in the nation with six major interstates. Coupled with its geographical middle location in the country, this ensures that a significant portion of transnational movement passes through Missouri.



Source: Missouri Department of Economic Development (2021). Retrieved from: https://ded.mo.gov/transportation-and-logistics/why-missouri/centrally-located-with-excellent-infrastructure

Case Examples

An Unaccompanied Three Year Old Girl

23. On December 22, 2020, a Kansas Highway Patrol Technical Trooper conducted a traffic stop on U-54 Hwy in SW Kansas. The vehicle was full of illegal immigrants. The trooper observed 9 males and 1 female and wanted to check the welfare of the female to make sure that she was not being trafficked. During the traffic stop, it came to light that there was a small female child in the vehicle. The trooper re-approached and eventually discovered that the 3 year old female from Ecuador was concealed under the rear bench seat and covered with a blanket. Further investigation revealed that the child was not related to anyone in the vehicle. Further, her parents had her smuggled across the U.S.-Mexico border in one fashion and they were going to attempt to cross utilizing a different method. The parents didn't make it across. However, they had sent the girl with a phone and some phone numbers to contact if this scenario happened. The driver stated he picked the child up in Albuquerque, NM at a gas station from a different vehicle. He admitted he was taking the child to Chicago [via Missouri]. The parents had planned to arrive in New York to live with family. The driver didn't know why the girl was going to Chicago or whether she would end up in New York or not. He was being paid to transport these immigrants.

24. The girl was removed from the situation and family in New York was contacted. No one had heard from this girl in the six days since she crossed the border. Two days later, the family members from New York arrived to take custody of the girl.

25. This traffic stop came five days after some human trafficking/sex offender training that the Missouri State Highway Patrol provided to this trooper and other members of the Kansas Highway Patrol.

(Source: Personal Communication (April 2, 2021). Kansas Highway Patrol)

26. As task force director, I am aware of children in situations like this, especially very young ones, being sexually exploited in residential brothels and through websites that specialize in producing child sexual abuse material (CSAM) (also referred to as child pornography). There is a very specific niche market for CSAM featuring very young children with subscribers who are willing to pay high dollar to access. Some of these websites require subscriptions where a viewer can pay for customized sessions where they can request specific acts to be done to the child while the viewer watches live. The website platforms that participate in this horrible practice often use children from developing countries with unstable governments where they have reasonable assurance that there will be no law enforcement involvement. Children who are unaccompanied and undocumented in the United States are ideal potential victims for this form of horrific abuse as well.

A Pregnant 12 Year Old Girl From Honduras

27. In the summer of 2021, a nurse at a Missouri area hospital provided treatment to a 12 year old girl from Honduras. The girl was pregnant by an adult male and had several indicators of trafficking and/or exploitation. Because they were undocumented, the girl's mother had been reluctant to seek medical treatment for the child or report to police. The nurse did make a police report, however local police resources have become so limited that proper follow up and investigation was not provided.

(Source: Personal Communication. (June, 2021) Anonymous Nurse)

28. When I tried to follow up with the sergeant who received this report just four days later, he apologized to me for not being able to readily recall the situation, because in his words, "We're so overrun with stuff like this". To our knowledge, this girl has not received services and there has been no investigation or arrests made.

29. Being undocumented creates a vulnerability that traffickers and other exploiters routinely exploit. They know victims fearing deportation will be reluctant to seek medical care and will rarely ever report to police. There is no record of these victims even being in our country and so they make ideal victims. At the same time that we are seeing a sharp increase in the number of these vulnerable people in the US, we are also experiencing a decline in available law enforcement resources and health care workers. In other words, the rise in illegal immigration is creating more work for our law enforcement and health care workers at the same time that we have fewer people in those professions available to do it. The net result is that more vulnerable people suffer and tax payers foot the bill.

An 11 Year Old Girl in Lingerie

30. In the fall of 2021, an 11 year old girl from Central America sought treatment at a Missouri hospital after being raped. The nurse who made a report to law enforcement recognized several indicators of trafficking and/or exploitation. During the exam, the nurse also noted that the child was wearing lingerie and had sent thousands of nude photos of herself to adult men on her phone. Even though this child had been raped multiple times, the family was reluctant to seek medical care of make a report to police, because they were undocumented.

(Source: Personal Communication. (October, 2021) Alison Phillips. Anonymous Nurse)

31. In this case, it should also be noted that due to lack of resources law enforcement has not followed up and initiated an investigation. The expenses for her medical care will ultimately be realized through increased costs in medical care for all.

A Broken Down Semi Truck in Oklahoma

32. An Oklahoma news affiliate in March of 2022 reported a story detailing the events surrounding a broken down semi truck in McLean County. The semi pulled over and was surrounded by several SUV's containing adult Hispanic males. The semi truck driver then left the scene in one of the SUV's. Men from a nearby business heard cries for help coming from the trailer and opened the back. Inside were approximately 50 Hispanic children between the ages of 10 and 16 who said they had been in the tractor trailer for over 20 hours. They were fearful and had been malnourished and beaten. Seven of the children were rescued when law enforcement was called. The other children disappeared when the men in the SUV's returned to the scene. An investigation into human trafficking has been initiated as a result of this incident.

(Source: Oklahoma News 4 KFOR (March, 2022)
https://www.youtube.com/watch?v=T88Iw9EURko)

Labor Trafficking in the Kansas City Area

33. In 2016, the owners and crew leaders of a company named Century Roofing were found to be involved in labor trafficking of undocumented immigrants. The federal indictment alleges that the workers were threatened, intimidated, and coerced into paying kickbacks to the company and its managers. Workers were housed in over-crowded apartments, and threatened with deportation if they did not work long hours and pay money back to supervisors. Further investigation indicated that Century Roofing helped facilitate the recruitment and transportation of their victims for the purpose of providing below market wages. Three arrests were made.

Retrieved from: https://fox4kc.com/news/3-arrested-in-kck-on-criminal-charges-following-homeland-security-investigation/

Labor Trafficking in the Branson Area

34. In 2009, a labor leasing company named Santa Cruz Management, was found to be hiring foreign nationals who had been trafficked into the United States utilizing loopholes in the U.S. H-2B Visa system. The company sent recruiters to countries like Belize and the Philippines to find workers to fill their positions, knowing there were weaknesses in the H-2B Visa system that could be used to facilitate their entry into the U.S. Workers agreed to incur a debt that they believed could later be paid off once they started working. The labor company would help facilitate travel, and provided assistance with circumventing the immigration process by telling them how to lie to immigration officials. Victims were then forced violate the terms of their visas, housed in overcrowded apartments and hotel rooms, and threatened with deportation. The victims were employed as landscapers, housekeepers and worked in restaurants in the Branson Area.

35. This case is a classic example of how the tactic of utilizing debt bondage is a common means to control labor trafficking victims and exploit them for their wages. Many victims make substandard wages, but even those who make minimum wage can then be forced, coerced or

tricked into paying all or most of that back to the company as a means to pay of that debt. Traffickers will continue to find ways to add to this contrived debt as a means to continue control and make money. An important aspect of this story to keep in mind is that were it not for weaknesses in our immigration system, be it loopholes in our Visa system or a physical opening in a border where crossing is permissible, traffickers would not invest in recruiting, transporting and harboring of victims in the first place.

Retrieved from: https://www.hoppocklawfirm.com/a-branson-human-trafficking-scheme-and-its-hopeful-aftermath/

Multi State Labor Trafficking Case

36. In 2009, eight individuals from Uzebekistan were charged with racketeering, forced labor trafficking, immigration violations. They owned and operated three labor leasing companies that primarily was looking to hire house cleaners for hotels across 14 states including Missouri, specifically in the Kansas City and Branson areas. The workers were largely undocumented immigrants who entered via the southern U.S.-Mexico border or had overstayed their visas. They were controlled by debt bondage tactics in which sometimes worker would receive paychecks with negative earnings and threats of physical violence and abuse and threat of deportation. The indictment also included violations related to identity theft, harboring illegal aliens, mail fraud, conspiracy to commit money laundering, transporting illegal aliens, visa fraud, extortion, interstate travel in aid of racketeering, wire fraud and inducing the illegal entry of foreign nationals.

Retrieved from: https://www.justice.gov/opa/pr/eight-uzbekistan-nationals-among-12-charged-racketeering-human-trafficking-immigration

37. In sum, a significant increase in the levels of illegal immigration across the southern border, as is expected from the termination of the Title 42 policy, will lead to an increase in human-trafficking across the southern border, which will injure the trafficking victims and impose financial costs on States, including Missouri.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: April 8, 2022



Alison Phillips

Exhibit F

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

THE STATE OF LOUISIANA, By and through its Attorney General, JEFF LANDRY, THE STATE OF MONTANA, By and through its Attorney General, AUSTIN KNUDSEN, THE STATE OF ARIZONA, By and through its Attorney General, Mark Brnovich, et al., PLAINTIFFS, v. XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services; et al., DEFENDANTS.	NO. 6:22-CV-885

DECLARATION OF WILBUR "BILL" STILES

I, Wilbur Stiles, declare as follows:

1. I am over 18 years of age and am competent to make this declaration. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction. This declaration is based on my personal knowledge.

2. I am Chief Deputy Attorney General in the Louisiana Department of Justice.

3. Attached hereto as Exhibit A is a true and accurate copy of an Agreement between the Department of Homeland Security and the Louisiana Department of Justice.

4. Further declarant sayeth naught.

I declare under penalty of perjury under the laws of the United States and the State of Louisiana that the foregoing is true and correct.

Executed April 11, 2022, in Lafayette, Louisiana.



Exhibit A

Stiles Declaration

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 262 of 272

AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY AND THE LOUISIANA DEPARTMENT OF JUSTICE

The parties to this Sanctuary for Americans First Enactment (SAFE) Agreement (Agreement) are on the one hand:

(1) The Department of Homeland Security,
(2) U.S. Customs and Border Protection (CBP),
(3) U.S. Immigration and Customs Enforcement (ICE), and
(4) U.S. Citizenship and Immigration Services (USCIS);[1]

and on the other hand:

(5) Louisiana Department of Justice (Agency).

I. AUTHORITY

The authorities governing this Agreement include, but are not limited to:

(1) Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended.
(2) Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended.
(3) Privacy Act, 5 U.S.C. Section 552a, as amended.
(4) The Inter-Governmental Cooperation Act, 31 U.S.C. Section 6501, *et. seq.* as amended.
(5) Homeland Security Act of 2002, 116 Stat. 2135, 6 U.S.C. Section 101, *et seq.* as amended.
(6) Immigration and Nationality Act, 8 U.S.C. Section 1101, *et seq.* as amended.

II. PURPOSE AND COMMITMENT

DHS recognizes that Agency, like other States and municipalities, is directly and concretely affected by changes to DHS rules and policies that have the effect of easing, relaxing, or limiting immigration enforcement. Such changes can negatively impact Agency's law enforcement, housing, medical, education, employment, commerce, and healthcare needs and budgets, as well as its other important health, safety, and pecuniary interests. The harm to Agency is particularly acute where Agency's budget has been set months or years in advance and it has no time to adjust its budget to respond to DHS policy changes. Specifically, DHS recognizes that the following actions result in direct and concrete injuries to Agency, including increasing the rate of crime, consumption of public benefits and services, strain upon the healthcare system, and harm to the

[1] The Department of Homeland Security, CBP, ICE, and USCIS are collectively referred to in this Agreement as "DHS." The Department of Homeland Security, CBP, ICE, and USCIS enter into this Agreement individually and collectively, such that termination or removal of one or more of those parties (whether by law or contract) (including the Department of Homeland Security) does not terminate this Agreement as to any other parties.

(Page 885 of Total)

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 263 of 272

environment, as well as increased economic competition with Agency's current residents for, among other things, employment, housing, goods and services:

(1) a decrease of any immigration enforcement priorities;
(2) a voluntary reduction in the number of DHS agents performing immigration enforcement functions;
(3) a decrease or pause on returns or removals of removable or inadmissible aliens;
(4) a decrease or pause on apprehensions or administrative arrests;
(5) relaxation of the standards for granting relief from return or removal, such as asylum;
(6) an increase in releases from detention;
(7) a relaxation of the standards for granting release from detention;
(8) changes to immigration benefits or eligibility, including work authorization, discretionary actions, or discretionary decisions; and
(9) rules, policies, procedures, and decisions that could result in significant increases to the number of people residing in a community.

At the same time, Agency recognizes that DHS relies on cooperation with Agency and information shared by Agency to carry out DHS's immigration enforcement functions. Any decrease in a State's or municipality's cooperation or information sharing with DHS can result in a decrease in immigration enforcement.

To that end, this Agreement establishes a binding and enforceable commitment between DHS and Agency, in which Agency will provide information and assistance to help DHS perform its border security, legal immigration, immigration enforcement, and national security missions in exchange for DHS's commitment to consult Agency and consider its views before taking any action, adopting or modifying a policy or procedure, or making any decision that could:

(1) reduce, redirect, reprioritize, relax, or in any way modify immigration enforcement;
(2) decrease the number of ICE agents performing immigration enforcement duties;
(3) pause or decrease the number of returns or removals of removable or inadmissible aliens from the country;
(4) increase or decline to decrease the number of lawful, removable, or inadmissible aliens;
(5) increase or decline to decrease the number of releases from detention;
(6) relax the standards for granting relief from return or removal, such as asylum;
(7) relax the standards for granting release from detention;
(8) relax the standards for, or otherwise decrease the number of, apprehensions or administrative arrests;
(9) increase, expand, extend, or in any other way change the quantity and quality of immigration benefits or eligibility for other discretionary actions for aliens; or
(10) otherwise negatively impact Agency.

In case of doubt, DHS will err on the side of consulting with Agency.

(Page 886 of Total)

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 264 of 272

III. RESPONSIBILITIES

A. DHS agrees to:

(1) Utilize its immigration authorities, to the maximum extent possible, to prioritize the protection of the United States and its existing communities. This includes:

a. enforcing the immigration laws of the United States to prohibit the entry into, and promote the return or removal from, the United States of inadmissible and removable aliens;
b. enforcing the immigration laws of the United States to prioritize detention over release of inadmissible and removable aliens;
c. enforcing the immigration laws of the United States to apprehend and administratively arrest inadmissible and removable aliens;
d. eliminating incentives and so-called "pull factors" for illegal immigration;
e. limiting eligibility for asylum and other relief from detention, return, or removal to the statutory criteria; and
f. refusing asylum and other relief from detention, return, or removal for those aliens who pose a danger to the United States, whether due to prior criminal history, the security of the United States, health, or some other bar.

(2) Consult with Agency before taking any action or making any decision that could reduce immigration enforcement, increase the number of illegal aliens in the United States, or increase immigration benefits or eligibility for benefits for removable or inadmissible aliens. This includes policies, practices, or procedures which have as their purpose or effect:

a. reducing, redirecting, reprioritizing, relaxing, lessening, eliminating, or in any way modifying immigration enforcement;
b. decreasing the number of ICE agents within Agency's territorial jurisdiction performing immigration enforcement duties;
c. pausing or decreasing the number of returns or removals of removable or inadmissible aliens from the country;
d. decreasing the number of or criteria for detention of removable or inadmissible aliens from the country;
e. decreasing or pausing apprehensions or administrative arrests;
f. increasing or declining to decrease the number of lawful, removable, or inadmissible aliens residing in the United States;
g. increasing, expanding, extending, or in any way changing the quantity or quality of immigration benefits or eligibility for these benefits or other discretionary actions for aliens; or
h. otherwise negatively impacting Agency.

(Page 887 of Total)

Case 6:22-cv-00235-RWS-JDL Document 13-7 Filed 04/11/22 Page 265 of 272 PageID #: 1618

Filed: 12/09/2022 Page 265 of 272

USCA Case #22-5325 Document #1977146

(3) Provide Agency with 180 days' written notice (in the manner provided for in Sections IV of this Agreement) of the proposed action and an opportunity to consult and comment on the proposed action, before taking any such action listed above.

(4) Consider Agency's input and provide a detailed written explanation of the reasoning behind any decision to reject Agency's input before taking any action listed in Section III.A.2.

(5) Err on the side of consulting with Agency in case of doubt as to whether DHS's action is implicated by this provision.

B. Agency agrees to:

(1) Provide the support, cooperation, assistance, and information that is reasonably necessary for DHS to perform its missions.

(2) Honor, to the extent consistent with law, (1) ICE or CBP "detainer requests" or "requests to hold" issued to Agency and (2) DHS requests for records or information from Agency's Department of Motor Vehicles.

IV. NOTICES

All notices required hereunder shall be given by certified United States mail, postage prepaid return receipt requested, and addressed to the respective parties at their addresses set forth below, or at such other address as any party shall hereafter inform the other party by written notice. All written notices so given shall be deemed effective upon receipt.

Department of Homeland Security
Secretary of Homeland Security
Washington, DC 20528

U.S. Customs and Border Protection
Office of the Commissioner
1300 Pennsylvania Ave. NW
Washington, D.C. 20229

U.S. Immigration and Customs Enforcement
Office of the Director
500 12th Street SW
Washington, D.C. 20536

U.S. Citizenship and Immigration Services
Office of the Director
5900 Capital Gateway Drive
Suitland, MD 20746

(Page 888 of Total)

Louisiana Department of Justice
Deputy Director of the Louisiana Bureau of Investigation
1885 N. 3rd. Street
Baton Rouge, Louisiana 70802

V. PENALTIES

Agency acknowledges the information it receives from DHS is governed by the Privacy Act, 5 U.S.C. section 552a(i)(1), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this Agreement may be subject to civil or criminal penalties.

VI. INJUNCTIVE RELIEF

It is hereby agreed and acknowledged that it will be impossible to measure in money the damage that would be suffered if the parties fail to comply with any of the obligations herein imposed on them and that in the event of any such failure, an aggrieved party will be irreparably damaged and will not have an adequate remedy at law. Any such party shall, therefore, be entitled to injunctive relief (in addition to any other remedy to which it may be entitled in law or in equity), including specific performance, to enforce such obligations. If any action should be brought in equity to enforce any of the provisions of this Agreement, none of the parties hereto shall raise the defense that there is an adequate remedy at law.

VII. THIRD PARTY LIABILITY

Each party to this Agreement shall be solely responsible for its own defense against any claim or action by third parties arising out of or related to the execution or performance of this Agreement, whether civil or criminal, and retains responsibility for the payment of any corresponding liability.

Nothing in this Agreement is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any non-party to this Agreement against any party, its agencies, officers, or employees.

VIII. DISPUTE RESOLUTION

DHS and Agency will endeavor to the best of their ability to resolve their disputes informally and through consultation and communication. Disagreements on the interpretation of the provisions of this Agreement that cannot be resolved between the parties should be provided in writing to the heads of all parties for resolution. If settlement cannot be reached at this level, the disagreement may be adjudicated by invoking the judicial or alternative dispute resolution process.

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 266 of 272

(Page 889 of Total)

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 267 of 272

IX. CONFLICTS

This Agreement constitutes the full agreement on this subject between DHS and Agency. Any inconsistency or conflict between or among the provisions of this Agreement, will be resolved in the following order of precedence: (1) this Agreement and (2) other documents incorporated by reference in this Agreement.

X. SEVERABILITY

The Parties agree that if a binding determination is made that any term of this Agreement is unenforceable, such unenforceability shall not affect any other provision of this Agreement, and the remaining terms of this Agreement shall, unless prohibited by law, remain effective as if such unenforceable provision was never contained in this Agreement.

The parties additionally agree that if this Agreement is found to be unenforceable as to one or more of the parties comprising DHS, including the Department of Homeland Security, such unenforceability shall not affect the validity of this Agreement as to the remaining parties and this Agreement shall remain effective as if such party was never a party to this Agreement.

XI. ASSIGNMENT

Agency may not assign this Agreement, nor may it assign any of its rights or obligations under this Agreement. To the greatest extent possible, this Agreement shall inure to the benefit of, and be binding upon, any successors to DHS and Agency without restriction.

XII. WAIVER

No waiver by any party of any breach of any provision of this Agreement shall constitute a waiver of any other breach. Failure of any party to enforce at any time, or from time to time, any provision of this Agreement shall not be construed to be a waiver thereof.

XIII. EFFECTIVE DATE

This Agreement shall be effective immediately when both the DHS authorized officials and the Agency authorized official have signed this Agreement. This Agreement shall continue in effect unless modified or terminated in accordance with the provisions of this Agreement.

XIV. MODIFICATION

This Agreement is subject to periodic review by DHS, its authorized agents or designees, and, if necessary, periodic modification or renewal, consistent with this Agreement's terms, to assure compliance with current law, policy, and standard operating procedures. This Agreement constitutes the complete Agreement between the parties for its stated purpose, and no modification

(Page 890 of Total)

USCA Case #22-5325 Document #1977146 Filed: 12/09/2022 Page 268 of 272

or addition will be valid unless entered into by mutual consent of all parties evidenced in writing and signed by all parties.

Any party may accomplish a unilateral administrative modification to change POC information. A written bilateral modification (*i.e.*, agreed to and signed by authorized officials of all parties) is required to change any other term of this Agreement.

XV. TERMINATION

Any party may terminate its involvement in this Agreement by submitting a request in writing to the other parties and providing 180 days' notice of intent to terminate its involvement in this Agreement. The termination will be effective 180 days after the written termination request was submitted or upon a date agreed upon by all parties, whichever is earlier. Termination by one party of its involvement in this Agreement shall not terminate the Agreement as to the remaining parties.

XVI. STATUS

The foregoing constitutes the full agreement on this subject between DHS and Agency.

Nothing in this Agreement may be construed to (1) negate any right of action for a State, local government, other person, or other entity affected by this Agreement; or (2) alter the laws of the United States.

XVII. KNOWING AND VOLUNTARY ACKNOWLEDGMENT

The parties enter into this Agreement voluntarily, without coercion or duress, and fully understand its terms. The parties acknowledge they had an opportunity to review and reflect on this Agreement and have discussed its provisions with their respective counsel, if any. The parties attest they understand the effect of each of the provisions in this Agreement and that it is binding on all parties.

XVIII. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one agreement.

XIX. FORMALIZATION

The undersigned represent that they are authorized to execute this Agreement on behalf of CBP, ICE, USCIS, and Agency, respectively.

Furthermore, the undersigned execute this Agreement on behalf of CBP, ICE, USCIS, Agency, respectively.

[Signatures on the following pages]

(Page 891 of Total)

Signature for the Department of Homeland Security

DEPARTMENT OF HOMELAND SECURITY

1/8/2021

Kenneth T. Cuccinelli II Date
Senior Official Performing the Duties of the Deputy Secretary
Signed individually and collectively[2]

[2] "Signed individually and collectively" as used here indicates that the agency is entering into this Agreement both (1) for itself, independently, and (2) along with the other entities that comprise DHS, collectively. Should one agency, for whatever reason, cease to be a party to this Agreement, this Agreement shall still survive for all other parties and be read and interpreted as if the removed party had never been a party to this Agreement.

Signature for the Louisiana Department of Justice

LOUISIANA DEPARTMENT OF JUSTICE

12-15-20

Jeff Landry
Attorney General

Date

Page 270 of 272 Filed: 12/09/2022 Document #1977146 USCA Case #22-5325

(Page 893 of Total)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF ARIZONA, By and through its Attorney General, Mark Brnovich, et al., PLAINTIFFS, v. CENTERS FOR DISEASE CONTROL & PREVENTION; et al., DEFENDANTS.	CIVIL ACTION NO. 6:22-cv-00885-RRS-CBW

[Proposed] Preliminary Injunction

The Court has considered Plaintiff States' Motion for a Preliminary Injunction and the Memorandum and exhibits attached thereto, the applicable law, and Plaintiff States' Complaint. On the basis of these pleadings and papers, this Court hereby concludes that Plaintiff States are likely to prevail on their claims that: (1) Defendants' issuance of the Title 42 Termination Order violates the Administrative Procedure Act ("APA") because it was issued without complying with notice-and-comment rulemaking procedures and Defendants failed to establish that either the "good cause" or "foreign affairs" exceptions apply and (2) the Termination Order is arbitrary and capricious, thus violating the APA, including because it (a) failed to consider the harms it would impose on Plaintiff States, (b) failed to consider Plaintiff States' reliance interests, (c) failed to consider the public health impacts of the predicted surge in unlawful immigration, and (d) contradicts itself as to CDC's authority: both claiming that it lacked authority to consider non-public-health impacts (and thereby refusing to analyze them) while simultaneously asserting it had such authority and employing it to delay the effective date of the Order based purely on non-public-health impacts. The Court further

concludes that Plaintiff States will suffer irreparable harm absent issuance of injunctive relief and that the balance of harms and public interest both favor issuance of a preliminary injunction.

IT IS THEREFORE ORDERED that Defendants, in their official capacities; their servants, agents, and employees; and all persons in active concert or participation with them, who receive actual Notice of this Preliminary Injunction, and until a full trial on the merits is had, are hereby enjoined from enforcing the Title 42 Termination Order anywhere within the United States, including within the borders of Plaintiff States.

IT IS FURTHER ORDERED that Defendants shall file with this Court and serve on Plaintiff States within ___ days from the date of entry of this Preliminary Injunction a report in writing setting forth in detail the manner in which Defendants have complied with the terms of this Preliminary Injunction; and

IT IS FURTHER ORDERED that this Order shall become effective immediately.

IT IS FURTHER ORDERED that no bond is required.

Signed this ___ day of _____, 2022

_____
ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

STATE OF LOUISIANA ET AL	**CASE NO. 6:22-CV-00885**
VERSUS	**JUDGE ROBERT R. SUMMERHAYS**
CENTERS FOR DISEASE CONTROL & PREVENTION, ET AL	**MAGISTRATE JUDGE CAROL B. WHITEHURST**

PRELIMINARY INJUNCTION

Presently before the Court is the Plaintiff States' Motion for Preliminary Injunction [ECF No. 13]. An opposition was filed by the Centers for Disease Control & Prevention, Rochelle Walensky, U.S. Department of Health & Human Services, Xavier Becerra, U.S. Department of Homeland Security, Alejandro Mayorkas, U.S. Customs & Border Protection, Christopher Magnus, U.S. Immigration & Customs Enforcement, Tae Johnson, U.S. Citizenship & Immigration Services, Ur Jaddou, U.S. Border Patrol, Raul Ortiz, U.S. Department of Justice, Merrick Garland, Executive Office of Immigration, David Neal, Joseph R. Biden, Jr., and the United States of America (collectively "Defendants"). A hearing on the Motion was held on May 13, 2022. For the reasons stated in the Court's Memorandum Ruling,

IT IS ORDERED THAT the Plaintiff States' Motion for Preliminary Injunction [ECF No. 13] is GRANTED;

IT IS FURTHER ORDERED THAT Defendants, in their official capacities; their servants, agents, and employees; and all persons in active concert or participation with them, who receive actual notice of this Preliminary Injunction, and until a full trial on the merits is had, are hereby

enjoined from enforcing the April 1, 2022 Order Under Sections 362 & 365 of the Public Health Service Act[1] anywhere within the United States;

IT IS FURTHER ORDERED THAT while this order is in effect, DHS shall file monthly reports providing (i) the number of single adults processed under Title 42 and Title 8 by country, (ii) the number of recidivist border crossers for whom DHS has applied expedited removal, (iii) the number of migrants that have been excepted from Title 42 under the NGO-supported humanitarian exception process, and (iv) any material changes to policy regarding DHS's application of the Title 42 process.

IT IS FURTHER ORDERED THAT no bond is required.

THUS DONE in Chambers on this 20th day of May, 2022.

ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE

[1] 87 Fed. Reg. 19,941 (Apr. 6, 2022).

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 16, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 22-30303 State of LA v. Centers for Disease
USDC No. 6:22-CV-885

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Mary Stewart

By: _____
Mary C. Stewart, Deputy Clerk
504-310-7694

Mr. Ahilan T. Arulanantham
Mr. Joshua Dos Santos
Mr. Drew C. Ensign
Mr. Thomas T. Hydrick
Ms. Talia Inlender
Ms. Monika Y. Langarica
Mr. Joseph Meyers
Mr. Tony R. Moore
Ms. Elizabeth Baker Murrill
Ms. Victoria Neilson
Mr. John Robinson
Mr. Dean John Sauer
Mr. Joseph Scott St. John
Ms. Sharon Swingle
Mr. Michael Everett Talent
Mr. Matthew Vogel

United States Court of Appeals for the Fifth Circuit

No. 22-30303

STATE OF LOUISIANA; STATE OF ARIZONA; STATE OF MISSOURI; STATE OF WEST VIRGINIA; STATE OF SOUTH CAROLINA, *et al*,

Plaintiffs—Appellees,

versus

CENTERS FOR DISEASE CONTROL AND PREVENTION; ROCHELLE WALENSKY; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; XAVIER BECERRA; UNITED STATES DEPARTMENT OF HOMELAND SECURITY, *et al*,

Defendants—Appellants,

INNOVATION LAW LAB,

Movant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:22-CV-885

Before JONES, CLEMENT, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that the opposed motion of Innovation Law Lab for stay of nationwide scope of preliminary injunction pending appeal is DENIED.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

STATE OF LOUISIANA, *et al.*, Plaintiffs, v. CENTERS FOR DISEASE CONTROL & PREVENTION, *et al.*, Defendants.	Civil Action No. 6:22-CV-00885-RRS-CBW

NOTICE OF DECISION VACATING TITLE 42 ORDERS

Defendants respectfully provide notice to the Court of the order of the U.S. District Court for the District of Columbia in *Huisha-Huisha v. Mayorkas*, No. 21-cv-00100, ECF Nos. 164, 165 (D.D.C. Nov. 15, 2022), a case brought on behalf of a class of families. That order "vacat[ed] and set[] aside the Title 42 policy," defined to include, "all orders and decision memos issued by the Centers for Disease Control and Prevention (CDC) suspending the right to introduce certain persons into the United States." The order also "permanently enjoined Defendants and their agents from applying the Title 42 policy with respect to Plaintiff Class Members." Copies of the order and accompanying memorandum opinion are attached.

On November 16, 2022, the court in *Huisha-Huisha* granted the government's emergency motion to stay the order for five weeks until December 20, 2022 to allow the Department of Homeland Security ("DHS") time to prepare to transition to immigration processing under Title 8 of the U.S. Code. Defendants understand that they remain subject to this Court's preliminary injunction, which enjoins the government from "enforcing [CDC's] April 1, 2022 [Termination] Order." ECF No. 91. Accordingly, during the time in which the *Huisha-Huisha* order is stayed and until December 20, 2022, the government will continue to enforce the August 2021 Title 42 Order.

Once the five-week stay expires and the *Huisha-Huisha* order becomes effective at midnight on December 21, 2022, CDC's Title 42 orders will be vacated, and there will thus be no legal authority for the government to continue to enforce the Title 42 policy. Accordingly, as of 12 A.M. EST on December 21, DHS will begin processing all noncitizens entering the United States pursuant to Title 8.

Dated: November 16, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
U.S. Department of Justice, Civil Division

JEAN LIN
Special Litigation Counsel (NY #4074530)

/s/ John Robinson
JOHN ROBINSON (DC #1044072)
Trial Attorneys
1100 L St. N.W.
Washington, DC 20530
U.S. Department of Justice, Civil Division
Federal Program Branch
(202) 616-8489
jean.lin@usdoj.gov
john.j.robinson@usdoj.gov

Attorneys for Defendants

U.S. Department of Justice
Civil Division
950 Pennsylvania Ave., N.W., Room 7243
Washington, D.C. 20530-0001

Tel: (202) 353-0213

VIA CM/ECF

November 16, 2022

Lyle W. Cayce
Clerk of Court
United States Court of Appeals for the Fifth Circuit
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130

Re: *Louisiana et al. v. CDC et al.*, No. 22-30303

Dear Mr. Cayce:

The federal government respectfully provides notice of the U.S. District Court for the District of Columbia's order in *Huisha-Huisha v. Mayorkas*, No. 21-cv-00100 (D.D.C. Nov. 15, 2022). That order "vacat[ed] and set[] aside the Title 42 policy," defined to include "all [Title 42] orders and decision memos issued by the Centers for Disease Control and Prevention (CDC) suspending the right to introduce certain persons into the United States." The *Huisha-Huisha* order also "permanently enjoined" the federal government "from applying the Title 42 policy with respect to" the plaintiff class of family units. On November 16, 2022, the *Huisha-Huisha* court granted the government's emergency motion to stay that court's order for five weeks until December 20, 2022, to allow the Department of Homeland Security (DHS) time to prepare to transition to immigration processing under Title 8 of the U.S. Code. Copies of the order and accompanying memorandum opinion are attached.

The appeal before this Court concerns a preliminary injunction that prohibits the federal government from "enforcing [CDC's] April 1, 2022 [Termination] Order," in which CDC sought to terminate the Title 42 orders that are the subject

of the *Huisha-Huisha* decision. ROA.3853. Defendants understand that they remain subject to the preliminary injunction in this case, which enjoins the government from enforcing CDC's April 1, 2022 Termination Order. Accordingly, during the time in which the *Huisha-Huisha* order is stayed and until December 20, 2022, the government will continue to enforce the August 2021 Title 42 Order. Once the five-week stay expires and the *Huisha-Huisha* order becomes effective at midnight on December 21, 2022, CDC's Title 42 orders will be vacated, and there will thus be no legal authority for the government to continue to enforce the Title 42 policy. Accordingly, as of 12 A.M. EST on December 21, DHS will begin processing all noncitizens entering the United States pursuant to Title 8 of the U.S. Code.

Respectfully submitted,

s/ Joshua Dos Santos
Joshua Dos Santos
Attorney, Appellate Staff
Civil Division, Room 7243
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 353-0213

cc: all counsel (via CM/ECF)

CERTIFICATE OF COMPLIANCE

This letter complies with the word count limitation of Fed. R. App. 28(j), as its body contains 313 words as automatically totaled by Microsoft Word.

s/ Joshua Dos Santos
JOSHUA DOS SANTOS

ATTACHMENTS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, *et al.*, Plaintiffs, v. ALEJANDRO MAYORKAS, *in his official capacity as Secretary of Homeland Security, et al.*, Defendants.	Civ. Action No. 21-100(EGS)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that Plaintiffs' Motion for Partial Summary Judgment, ECF No. 144, is **GRANTED**. The Court vacates and sets aside the Title 42 policy—consisting of the regulation at 42 C.F.R. § 71.40 and all orders and decision memos issued by the Centers for Disease Control and Prevention or the U.S. Department of Health and Human Services suspending the right to introduce certain persons into the United States; and declares the Title 42 policy to be arbitrary and capricious in violation of the Administrative Procedure Act and permanently enjoins Defendants and their agents from applying the Title 42 policy with respect to Plaintiff Class Members; and it is further

ORDERED that any request to stay this Order pending appeal will be denied for the reasons stated in the accompanying Memorandum Opinion.

SO ORDERED.

Signed: Emmet G. Sullivan
United States District Judge
November 15, 2022

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, *et al.*, Plaintiffs, v. ALEJANDRO MAYORKAS, in his official capacity, Secretary, Department of Homeland Security, *et al.*, Defendants.	Civil Action No. 21-100 (EGS)

MEMORANDUM OPINION

Plaintiffs—a group of asylum-seeking families who fled to the United States—bring this lawsuit against Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security, and various other federal government officials ("Defendants" or the "government") for violations of the Administrative Procedure Act ("APA"), 5 U.S.C. § 701, *et seq.*; the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*; and the Foreign Affairs Reform and Restructuring Act of 1998 ("FARRA"), 8 U.S.C. § 1231 note; and the Public Health Service Act of 1944, 42 U.S.C § 201, *et seq.* *See generally* Second Am. Compl., ECF No. 131.[1] Pending before the Court is Plaintiffs' Motion for Partial

[1] When citing electronic filings throughout this Memorandum Opinion, the Court cites to the ECF page number, not the page number of the filed document.

Summary Judgment.[2] *See* Mot. Partial Summ. J., ECF No. 144. Upon consideration of the motion, the responses and replies thereto, the applicable law, the entire record, and for the reasons stated below, the Court **GRANTS** Plaintiffs' motion.

I. Background

A. Factual Background

Since 1893, federal law has provided federal officials with the authority to stem the spread of contagious diseases from foreign countries by prohibiting, "in whole or in part, the introduction of persons and property from such countries." Act of February 15, 1893, ch. 114, § 7, 27 Stat. 449, 452 ("1893 Act"). Under current law:

> Whenever the Surgeon General determines that by reason of the existence of any communicable disease in a foreign country there is serious danger of the introduction of such disease into the United States, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health, the Surgeon General, in accordance with regulations approved by the President, shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in

[2] On August 12, 2022, the Court converted Plaintiffs' second motion for preliminary injunction to a motion for partial summary judgment, and consolidated the second motion for preliminary injunction with a determination on the merits with regard to the issue of whether the Title 42 policy is arbitrary and capricious under the Administrative Procedure Act ("APA"). *See* Fed. R. Civ. P. 65(a)(2).

> order to avert such danger, and for such period of time as he may deem necessary for such purpose.

42 U.S.C. § 265 ("Section 265"). In 1966, the Surgeon General's Section 265 authority was transferred to the Department of Health and Human Services ("HHS"), which in turn delegated this authority to the Centers for Disease Control and Prevention ("CDC") Director. *See P.J.E.S. v. Wolf*, 502 F. Supp. 3d 492, 503 (D.D.C. 2020); 31 Fed. Reg. 8855 (June 25, 1966), 80 Stat. 1610 (1966).

On March 20, 2020, as the COVID-19 virus spread globally, HHS issued an interim final rule pursuant to Section 265 that aimed to "provide[] a procedure for CDC to suspend the introduction of persons from designated countries or places, if required, in the interest of public health." Interim Final Rule, Control of Communicable Diseases; Foreign Quarantine: Suspension of Introduction of Persons Into United States From Designated Foreign Countries or Places for Public Health Purposes, 85 Fed. Reg. 16559-01, 2020 WL 1330968, (March 24, 2020) ("Interim Final Rule"). Pursuant to the Interim Final Rule, the CDC Director could "suspend the introduction of persons into the United States." *Id.* at 16563. The Interim Final Rule stated, in relevant part:

> (1) Introduction into the United States of persons from a foreign country (or one or more political subdivisions or regions thereof) or

> place means the movement of a person from a foreign country (or one or more political subdivisions or regions thereof) or place, or series of foreign countries or places, into the United States so as to bring the person into contact with persons in the United States, or so as to cause the contamination of property in the United States, in a manner that the Director determines to present a risk of transmission of a communicable disease to persons or property, even if the communicable disease has already been introduced, transmitted, or is spreading within the United States;
>
> (2) Serious danger of the introduction of such communicable disease into the United States means the potential for introduction of vectors of the communicable disease into the United States, even if persons or property in the United States are already infected or contaminated with the communicable disease; and
>
> (3) The term "Place" includes any location specified by the Director, including any carrier, as that term is defined in 42 CFR 71.1, whatever the carrier's nationality.

Id. at 16566-67.

The CDC's interim rule went into effect immediately. *Id.* at 16565. The CDC explained that, pursuant to 5 U.S.C. 553(b)(3)(B) of the APA, HHS had concluded that there was "good cause" to dispense with prior notice and comment. *Id.* Specifically, the CDC stated that "[g]iven the national emergency caused by COVID-19, it would be impracticable and contrary to the public health—and, by extension, the public interest—to delay these implementing regulations until a full public notice-and-comment process is completed." *Id.*

Pursuant to the Interim Final Rule, the CDC Director issued an order suspending for 30 days the introduction of "covered aliens," which he defined as "persons traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a land Port of Entry [("POE")] or Border Patrol station at or near the United States borders with Canada and Mexico." *Notice of Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists*, 85 Fed. Reg. 17060-02, 17061, 2020 WL 1445906 (March 26, 2020) ("March 2020 Order"). The March 2020 Order declared that "[i]t is necessary for the public health to immediately suspend the introduction of covered aliens" and "require[d] the movement of all such aliens to the country from which they entered the United States, or their country of origin, or another location as practicable, as rapidly as possible." *Id.* at 17067. The CDC Director then "requested that [the Department of Homeland Security ("DHS")] implement th[e] [March 2020 Order] because CDC does not have the capability, resources, or personnel needed to do so." *Id.* The CDC Director also noted that U.S. Customs and Border Protection ("CBP"), a federal law enforcement agency of DHS, had already "developed an operational plan for implementing the order." *Id.*

Soon thereafter, the CBP issued a memorandum on April 2, 2020 establishing its procedures for implementing the March 2020 Order. *See* Ex. E to Cheung Decl. ("CAPIO Memo"), ECF No. 57-5 at 15. The CAPIO Memo instructed that agents may determine whether individuals are subject to the CDC's order "[b]ased on training, experience, physical observation, technology, questioning and other considerations." CAPIO Memo, ECF No. 57-5 at 15. If an individual was determined to be subject to the order, they were to be "transported to the nearest POE and immediately returned to Mexico or Canada, depending on their point of transit." *Id.* at 17. Those who are "not amenable to immediate expulsion to Mexico or Canada, will be transported to a dedicated facility for limited holding prior to expulsion" to their home country. *Id.*

On April 22, 2020, the March 2020 Order was extended for an additional 30 days. *See Extension of Order Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists*, 85 Fed. Reg. 22424-01, 2020 WL 1923282 (April 22, 2020) ("April 2020 Order"). The order was then extended again on May 20, 2020 until such time that the CDC Director "determine[s] that the danger of further introduction of COVID-19 into the United States has ceased to be a serious danger to the public health." *Amendment and Extension of Order*

Under Sections 362 and 365 of the Public Health Service Act; Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists, 85 Fed. Reg. 31503-02, 31504, 2020 WL 2619696 (May 26, 2020) ("May 2020 Order").

On September 11, 2020, the CDC published the final rule. *See Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right To Introduce and Prohibition of Introduction of Persons Into United States From Designated Foreign Countries or Places for Public Health Purposes*, 85 Fed. Reg. 56424-01, 2020 WL 5439721, (Sept. 11, 2020) (Effective October 13, 2020) ("Final Rule"). The Final Rule "defin[ed] the phrase to '[p]rohibit, in whole or in part, the introduction into the United States of persons' to mean 'to prevent the introduction of persons into the United States by suspending any right to introduce into the United States, physically stopping or restricting movement into the United States, or physically expelling from the United States some or all of the persons.'" *Id.* at 56445. The CDC Director then replaced the March, April, and May 2020 Orders with a new order on October 13, 2020. *Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists*, 85 Fed. Reg. 65806, 65808 (Oct. 16, 2020) ("October 2020 Order").

In February 2021, the President ordered the HHS Secretary and the CDC Director, in consultation with the DHS Secretary, to

"promptly review and determine whether termination, rescission, or modification of the [October order and the September regulation] is necessary and appropriate." Exec. Order No. 14,010, § 4(ii)(A), 86 Fed. Reg. 8267, 8269 (Feb. 2, 2021). On August 2, 2021, the CDC issued the order at issue in this case, "Public Health Assessment and Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists," which replaced and superseded the October 2020 Order. *Public Health Reassessment and Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists*, 86 Fed. Reg. 42828 ("August 2021 Order"). The August 2021 Order stated that "CDC has determined that an Order under 42 U.S.C. § 265 remains necessary to protect U.S. citizens, U.S. nationals, lawful permanent residents, personnel and noncitizens at the ports of entry (POE) and U.S. Border Patrol stations, and destination communities in the United States during the COVID-19 public health emergency." *Id.* at 42829-30. The August 2021 Order continued to prohibit the introduction of "covered noncitizens"—which is defined to include "family units"—into the United States along the U.S. land and adjacent coastal borders. *Id.* at 7. The Court refers to the process developed by the CDC and implemented by the August 2021 Order as the "Title 42 policy."

On April 1, 2022, the CDC terminated the August 2021 Order, with an implementation date of May 23, 2022. *Public Health Determination and Order Regarding Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists*, 87 Fed. Reg. 19941, 19942. CDC explained that "[w]hile earlier phases of the pandemic required extraordinary actions by the government and society at large," "epidemiologic data, scientific knowledge, and the availability of public health mitigation measures, vaccines, and therapeutics have permitted the country to safely transition to more normal routines." *Id.* The agency explained that "although COVID-19 remains a concern, the readily available and less burdensome public health mitigation tools to combat the disease render a [Title 42 order] . . . unnecessary." *Id.* at 19953. In view of the changed circumstances, CDC stated that "the previously identified public health risk is no longer commensurate with the extraordinary measures instituted by the CDC Orders." *Id.*

B. Procedural History

Plaintiffs filed this action on January 12, 2021. *See* Compl., ECF No. 1. Plaintiffs filed a motion for class certification on January 28, 2021, *see* Mot. Certify Class, ECF No. 23; and they filed a motion for preliminary injunction on February 5, 2021, *see* Mot. Prelim. Inj., ECF No. 57. On September 16, 2021, the Court granted both motions. *See Huisha-*

Huisha, 560 F. Supp. 3d at 155. The Court certified Plaintiffs' class and preliminarily enjoined Defendants from expelling Plaintiffs pursuant to the Title 42 policy. *Id.* In granting the preliminary injunction, the Court concluded that Plaintiffs were likely to succeed on the merits of their claim that Section 265 did not authorize deportations, that Plaintiffs would face grave harm if they were expelled without the opportunity to seek humanitarian relief, and that the balance of the equities and public interest favored an injunction. *Id.* at 167, 172, 174.

Defendants appealed the Court's decision, and the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") affirmed the preliminary injunction in part. *Huisha-Huisha*, 27 F.4th at 735. The circuit court held that, pursuant to Section 265, "the Executive can expel the Plaintiffs from the country," but "it cannot expel them to places where they will be persecuted or tortured." *Id.* at 722. Moreover, the D.C. Circuit agreed with this Court's findings that Plaintiffs have established they will suffer irreparable harm absent a preliminary injunction and that the balance of the equities favored their request. *Id.* at 733.

Although the CDC terminated the August 2021 Order one month after the D.C. Circuit's decision, *see* 87 Fed. Reg. at 19,942; on May 20, 2022, the termination order was preliminarily enjoined in a separate litigation in the United States District

Court for the Western District of Louisiana on the ground that the order violated the APA's notice-and-comment requirements, *see Louisiana v. CDC*, No. 22-cv-885, 2022 WL 1604901 (W.D. La. May 20, 2022). The government appealed the decision but did not seek to undertake notice and comment regarding the termination order.

Plaintiffs filed a second motion for preliminary injunction on August 10, 2022. *See* Pls.' Second Mot. Prelim. Inj., ECF No. 141. On August 12, 2022, the Court issued a Minute Order converting the second motion for preliminary injunction to a motion for partial summary judgment and consolidating the second motion for preliminary injunction with a determination on the merits with regard to the issue of whether the Title 42 policy is arbitrary and capricious under the APA. Min. Order (Aug. 12, 2022). The Court considered the second motion for preliminary injunction to be withdrawn without prejudice. *Id.* In view of the Court's Minute Order, Plaintiffs filed a motion for partial summary judgment on August 15, 2022, *see* Pls.' Mot., ECF No. 144; Defendants filed their opposition on August 31, 2022, *see* Defs.' Opp'n, ECF No. 147; and Plaintiffs filed their reply on September 14, 2022, *see* Pls.' Reply, ECF No. 149-1. The Court granted Defendants' motion for leave to file a surreply on September 22, 2022, and further ordered Plaintiffs to file their response to the surreply on September 30, 2022. *See* Defs.'

Surreply, ECF No. 160; Pls.' Response, ECF No. 159. The motion is ripe for adjudication.

II. Legal Standards

A. Administrative Procedure Act

The APA establishes a "basic presumption of judicial review [for] one 'suffering legal wrong because of agency action.'" *Abbott Laboratories v. Gardner*, 387 U.S. 136, 140 (1967) (quoting 5 U.S.C. § 702). That presumption can be rebutted by a showing that the relevant statute "preclude[s]" review, § 701(a)(1); or that the "agency action is committed to agency discretion by law," 5 U.S.C. § 701(a)(2). "The former applies when Congress has expressed an intent to preclude judicial review." *Heckler v. Chaney*, 470 U.S. 821, 830 (1985). The latter applies: (1) "in those rare instances where statutes are drawn in such broad terms that in a given case there is no law to apply," *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 410 (1971); and (2) when "the statute is drawn so that a court would have no meaningful standard against which to judge the agency's exercise of discretion," *Heckler*, 470 U.S. at 830. "Agency actions in these circumstances are unreviewable because the courts have no legal norms pursuant to which to evaluate the challenged action, and thus no concrete limitations to impose on the agency's exercise of discretion." *Sierra Club v. Jackson*, 648 F.3d 848, 855 (D.C. Cir. 2011) (citation omitted).

If reviewable, courts consider "both the nature of the administrative action at issue and the language and structure of the statute that supplies the applicable legal standards for reviewing that action" in determining whether an action is committed to agency discretion. *Sec. of Labor v. Twentymile Coal Co.*, 456 F.3d 151, 156 (D.C. Cir. 2006) (citation omitted). However, Section 701(a)(2) "provides a 'very narrow exception' that applies only in 'rare instances.'" *Cody v. Cox*, 509 F.3d 606, 610 (D.C. Cir. 2007) (quoting *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 410 (1971)). Courts "begin with the strong presumption that Congress intends judicial review of administrative action[] unless there is persuasive reason to believe that such was the purpose of Congress." *Ramah Navajo School Bd., Inc. v. Babbitt*, 87 F.3d 1338, 1343-44 (D.C. Cir. 1996) (citations omitted).

B. Summary Judgment

Plaintiffs seek review of an administrative decision under the APA. Therefore, the standard articulated in Federal Rule of Civil Procedure 56 is inapplicable because the Court has a more limited role in reviewing the administrative record. *Wilhelmus v. Geren*, 796 F. Supp. 2d 157, 160 (D.D.C. 2011) (internal citation omitted). "[T]he function of the district court is to determine whether or not as a matter of law the evidence in the administrative record permitted the agency to make the decision

it did." *See Sierra Club v. Mainella*, 459 F. Supp. 2d 76, 90 (D.D.C. 2006)(internal quotation marks and citations omitted). "Summary judgment thus serves as the mechanism for deciding, as a matter of law, whether the agency action is supported by the administrative record and otherwise consistent with the APA standard of review." *Wilhelmus*, 796 F. Supp. 2d at 160 (internal citation omitted).

III. Analysis

Plaintiffs argue that the Title 42 Process is arbitrary and capricious because: (1) the CDC failed to apply the "least restrictive means" standard when authorizing the policy; (2) the policy does not rationally serve its stated purpose in view of the alternatives; and (3) the CDC failed to consider the harm the policy would inflict on impacted individuals. Pls.' Mot., ECF No. 144-1 at 10-11. For the reasons below, the Court concludes that summary judgment is appropriate for Plaintiffs.

A. Plaintiffs' Claim Is Reviewable

Defendants contend that Plaintiffs' claim is exempted from judicial review under the APA because the decision to "issue, modify, or terminate a Title 42 order" is committed to the CDC's discretion by law, and Title 42 "is drawn so that a court would have no meaningful standard against which to judge the agency's exercise of discretion." Defs.' Opp'n, ECF No. 147 at 17 (citing 5 U.S.C. § 701(a)(2); *Lincoln v. Vigil*, 508 U.S. 182, 191-93

(1993)). The Court, however, concludes that Defendants have not overcome the "strong presumption of reviewability" under the APA. *Steenholdt v. FAA*, 314 F.3d 633, 638 (D.C. Cir. 2003) (citing *Abbott Labs. v. Gardner*, 387 U.S. 136, 140 (1967)).

First, the Title 42 Process "does not fall into one of the narrow categories that usually satisfies the strictures of subsection 701(a)(2)." *Cody v. Cox*, 509 F.3d 606, 610 (D.C. Cir. 2007) (citing *Lincoln*, 508 U.S. at 191-92). This case does not involve "second-guessing executive branch decision[s] involving complicated foreign policy matters," *id.* (quoting *Legal Assistance for Vietnamese Asylum Seekers v. Dep't of State*, 104 F.3d 1349, 1353 (D.C. Cir. 1997)); "an agency's refusal to undertake an enforcement action," *id.* (citing *Heckler v. Chaney*, 470 U.S. 821, 831 (1985)); or a "determination about how to spend a lump-sum appropriation," *id.* (citing *Lincoln*, 508 U.S. at 192).

Second, and contrary to Defendants' assertion, the fact that CDC's determination under Section 265 may "involve[] a complicated balancing of a number of factors which are peculiarly within the agency's expertise," Defs.' Opp'n, ECF No. 147 at 18; does not on its own compel the conclusion that such decisions are unreviewable, *see, e.g.*, *Louisiana v. CDC*, No. 6:22-cv-00885, 2022 WL 1604901, at *17 (W.D. La. May 20, 2022) (holding that CDC's decision to terminate its prior Title 42

orders was subject to judicial review); *Texas v. Biden*, No. 4:21-cv-0579-P, 2022 WL 658579, at *11–12 (N.D. Tex. Mar. 4, 2022) (finding CDC's July 2021 and August 2021 orders were not committed to agency discretion); *Health Freedom Def. Fund, Inc. v. Biden*, No. 8:21-cv-1693-KKM-AEP, 2022 WL 1134138, at *18–20 (M.D. Fla. Apr. 18, 2022) (reviewing CDC regulation mandating mask usage in certain locations during COVID-19 pandemic); *Florida v. Becerra*, 544 F. Supp. 3d 1241, 1292–94 (M.D. Fla. 2021) (reviewing CDC's "no-sail orders" that halted the cruise industry's operation from March 2020 through October 2020). As Plaintiffs point out, "nearly every agency decision involves a balancing of factors, and frequently involve highly technical issues, so Defendants' rule would essentially gut the APA's strong presumption favoring review." Pls.' Reply, ECF No. 149-1 at 9. Indeed, the D.C. Circuit rejected a similar argument in *Cody v. Cox*, 509 F.3d 606 (D.C. Cir. 2007). In *Cody*, the circuit court addressed whether a provision requiring an agency retirement home to provide "high quality and cost-effective" health care was reviewable under the APA. 509 F.3d at 610. The D.C. Circuit concluded that although the statute gave the agency "broad discretion in administering care" and "'high quality and cost-effective' health care is a tricky standard for a court to apply," the provisions at issue did not commit decisions to agency discretion by law. *Id.*

Moreover, Defendants cite no case law supporting their contention that an agency's public health decisions are outside the judiciary's purview. Rather, Defendants point to a line of cases standing for the proposition that courts typically grant agencies *deference* when reviewing their public health determinations. *See* Defs.' Opp'n, ECF No. 147 at 18-19. However, whether an agency is given deference is a different issue from whether an agency's decision is reviewable in the first instance, and none of the cases Defendants cite involve the application of Section 701(a)(2). *See FDA v. Am. Coll. Of Obstetricians & Gynecologists*, 141 S. Ct. 578, 579 (2021) (Roberts, C.J., concurring in grant of stay application) (stating that the question before the court was "whether the District Court properly ordered the FDA to lift [certain] established requirements because of the court's own evaluation of the impact of the COVID-19 pandemic"); *S. Bay United Pentecostal Church v. Newsom*, 140 S. Ct. 1613, 1613 (2020) (Roberts, C.J., concurring) (finding that it was "improbable" that California's restrictions on social gatherings during the pandemic were unconstitutional, where party sought emergency relief in an interlocutory posture); *Marshall v. United States*, 414 U.S. 417, 427 (1974) (considering "petitioner's claim that the provisions of Title II of the Narcotic Addict Rehabilitation Act of 1966 . . . deny due

process and equal protection by excluding from discretionary rehabilitative commitment, in lieu of penal incarceration, addicts with two or more prior felony convictions"); *Jacobson v. Massachusetts*, 197 U.S. 11, 30 (1905) (reviewing constitutionality of state provisions relating to vaccination).

Third, the Court also disagrees that Section 265 "is drawn so that a court would have no meaningful standard against which to judge the agency's exercise of discretion." Defs.' Opp'n, ECF No. 147 at 19. Section 265 mandates that, whenever the CDC Director determines that there is a "*serious danger* of the introduction" of a "communicable" disease into the country, the CDC "shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such danger, and for such period of time as he may deem *necessary for such purpose*" and when "*required* in the interest of public health." 42 U.S.C. § 265 (emphasis added); *see also* 87 Fed. Reg. 19941, 19955 (Apr. 2022 Order) ("[T]his authority extends only for such period of time deemed necessary to avert the serious danger of the introduction of a quarantinable communicable disease into the United States."). Despite the use of the words "may" and "deem" in the statute, the D.C. Circuit has "regularly found Congress has not committed decisions to agency discretion under far more permissive and indeterminate language." *Cody*, 509 F.3d at 610-11 (citing

Dickson v. Sec'y of Def., 68 F.3d 1396 (D.C. Cir. 1995) (reviewing provision stating that agency "may" take an action if it finds it to be "in the interest of justice"); *see also Marshall Cty. Health Care Auth. v. Shalala*, 988 F.2d 1221, 1224 (D.C. Cir. 1993) ("[T]he government, in our view, puts too much emphasis on the word 'deem.'"). The statute, therefore, "limit[s] the agency's discretion in discrete ways." *Sierra Club v. U.S. Fish & Wildlife Serv.*, 930 F. Supp. 2d 198, 209 (D.D.C. 2013).

As the D.C. Circuit has explained, "[t]he mere fact that a statute grants broad discretion to an agency does not render the agency's decisions completely nonreviewable under the 'committed to agency discretion by law' exception unless the statutory scheme, taken together with other relevant materials, provides *absolutely no guidance* as to how that discretion is to be exercised." *Robbins v. Reagan*, 780 F.2d 37 (D.C. Cir. 1985) (emphasis added) ("[G]iven the fact that the statute limits the uses for which the funds can be used, we see no barrier to our assessing whether the agency's decision was based on factors that are relevant to this goal."). Because Section 265 provides meaningful standards against which to examine agency action, Plaintiffs' claim is reviewable.

B. The Title 42 Process Is Arbitrary and Capricious

1. Defendants Failed to Apply the Least Restrictive Means Standard

The D.C. Circuit has explained that "[r]easoned decision-making requires that when departing from precedents or practices, an agency must 'offer a reason to distinguish them or explain its apparent rejection of their approach.'" *Physicians for Social Responsibility v. Wheeler*, 956 F.3d 634, 644 (D.C. Cir. 2020) (quoting *Sw. Airlines Co. v. FERC*, 926 F.3d 851, 856 (D.C. Cir. 2019)). Not "every agency action representing a policy change must be justified by reasons more substantial than those required to adopt a policy in the first instance." *Grace v. Barr*, 965 F.3d 883, 900 (D.C. Cir. 2020) (quoting *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 514 (2009)). However, the agency may not "gloss[] over or swerve[] from prior precedents without discussion." *Id.* (quoting *Sw. Airlines*, 926 F.3d at 856).

Plaintiffs argue that the Title 42 Process is arbitrary and capricious because the CDC (1) failed to impose the "least restrictive means necessary to prevent the spread of disease" when implementing the policy and (2) failed to explain its departure from this "settled practice." Pls.' Mot., ECF No. 144-1 at 11-12. According to Plaintiffs, CDC had previously "clarif[ied]" this standard in *Control of Communicable Diseases*,

82 Fed. Reg. 6890, 6912 (Jan. 19, 2017) ("2017 Final Rule"). Pls.' Reply, ECF No. 149-1 at 14 (quoting 82 Fed. Reg. 6890, 6912). The 2017 Final Rule amended CDC regulations "governing its domestic (interstate) and foreign quarantine regulations" following the "largest outbreak of Ebola virus disease . . . on record" and the "outbreak of Middle East Respiratory Syndrome (MERS)." 82 Fed. Reg. at 6890-91. The rule was intended to "enhance HHS/CDC's ability to prevent the introduction, transmission, and spread of communicable diseases into the United States and interstate by clarifying and providing greater transparency regarding its response capabilities and practices." *Id.* Among other things, the 2017 Final Rule "clarif[ied]" that "in all situations involving quarantine, isolation, or other public health measures, it seeks to use the least restrictive means necessary to prevent spread of disease." *Id.* at 6912.

Defendants, however, dispute that CDC's Title 42 orders are subject to the "least restrictive means" standard. In Defendants' view, the 2017 Final Rule provided that the standard applies solely in the context of quarantine and isolation, and only with regard to measures implemented "*under this [2017] Final Rule*." Defs.' Opp'n, ECF No. 147 at 28 (quoting 82 Fed. Reg. at 6890). The Court disagrees with Defendants.

First, the Court is not convinced that the Title 42 orders do not fall into the category of a "quarantine, isolation, or

other public health measures," as contemplated by the 2017 Final Rule. The August 2021 Order, after all, specifically concerns "quarantinable communicable diseases," discusses the feasibility of quarantine or isolation of individuals, and lists 42 U.S.C. § 268 as its legal authority, which in turn sets out the "[q]uarantine duties of consular and other officers." 86 Fed. Reg. at 42838; 42 U.S.C. § 268; *see also id.* § 268(b) ("It shall be the duty of the customs officers and of Coast Guard officers to aid in the enforcement of quarantine rules and regulations."). Moreover, Dr. Anne Schuchat, the former CDC principal deputy director in 2020, testified before the House of Representatives that some in the agency did not believe that the agency's adoption of the March 2020 Order was appropriately "based on criteria for *quarantine*."[3] Ex. A to Cheung Decl., ECF No. 144-3 at 7 (emphasis added). She further testified that "the typical issue is, the least restrictive means possible to protect public health is when you exert a quarantine order

[3] The Court considers Dr. Schuchat's extra-record testimony to evaluate the existence of a "least restrictive means" standard with respect to public health measures generally. *See, e.g.*, *Hispanic Affairs Project v. Acosta*, 901 F.3d 378, 386 n.4 (D.C. Cir. 2018) ("The district court struck many of the Project's declarations because they were outside of the administrative record considered by the Labor Department in promulgating its 2015 Rule. But as relevant here, the Project employs the declarations for the distinct and permissible purpose of proving that the Department of Homeland Security has a practice or policy of routinely extending H-2A visa status for three years." (internal citation omitted)).

versus other measures. And the bulk of the evidence at that time did not support this policy proposal." *Id.*

Even the examples the 2017 Final Rule provided of measures requiring the "least restrictive means" test did not include quarantine or isolation as their primary recommendations. Rather, the 2017 Final Rule stated:

> HHS/CDC agrees and clarifies that in all situations involving quarantine, isolation, or other public health measures, it seeks to use the least restrictive means necessary to prevent spread of disease. Regarding quarantine, as an example, during the 2014-2016 Ebola epidemic, HHS/CDC recommended monitoring of potentially exposed individuals rather than quarantine. Most of these people were free to travel and move about the community, as long as they maintained daily contact with their health department. For some individuals with higher levels of exposure, HHS/CDC recommended enhanced monitoring (involving direct observation) and, in some cases restrictions on travel and being in crowded places, but did not recommend quarantine. HHS/CDC has the option of "conditional release" as a less restrictive alternative to issuance of an order of quarantine or isolation.

82 Fed. Reg. at 6912. The August 2021 Order similarly considered the availability of facilities for isolation and quarantine before determining it was not a feasible option. *See e.g.*, 86 Fed. Reg. at 42836 (stating that releasing family units to communities required, among other things, quarantine facilities, but that such facilities would not be available for all individuals). And significantly, the CDC applied the "least

restrictive means" standard in the April 2022 Order terminating the Title 42 policy, stating that the agency had "determined that *less restrictive means* are available to avert the public health risks associated with the introduction, transmission, and spread of COVID-19 into the United States." 87 Fed. Reg. at 19955 (emphasis added); *see also* 87 Fed. Reg. at 15252 (rescinding Title 42 policy as to unaccompanied children and explaining "CDC is committed to using the least restrictive means necessary and avoiding the imposition of unnecessary burdens in exercising its communicable disease authorities.").

Further, whether the specific goals of the 2017 Final Rule does not preclude a finding that the agency's practice was to apply the "least restrictive means" test more broadly. After all, the 2017 Final Rule did not state that it was applying the "least restrictive means" test for the first time; instead, the CDC explained that the intent behind the rule was "to clarify the agency's standard operating procedures and policies." 82 Fed. Reg. at 6931. For example, in noting that the agency had "received several comments requesting the 'least restrictive' means with respect to quarantine and isolation," the CDC not only clarified that it used the "least restrictive means" with respect to those two specific contexts, but also "agree[d] and clarifie[d]" that the agency sought to use that standard "in *all situations* involving quarantine, isolation, or *other public*

measures." 82 Fed. Reg. at 6912 (emphasis added). Defendants' contention that the "least restrictive" standard applies only to U.S. citizens similarly fails because the CDC has clarified that it "appl[ies] communicable disease control and prevention measures uniformly to all individuals in the United States, *regardless of citizenship*, religion, race, or country of residency." 89 Fed. Reg. at 6894 (emphasis added).

Finally, Defendants point to other CDC regulations governing mask mandates and pre-departure COVID-19 testing requirements as examples of measures CDC implemented without applying the standard at issue.[4] Defs.' Opp'n, ECF No. 147 at 28-29 (citing 86 Fed. Reg. 69256 (Dec. 7, 2021); 86 Fed. Reg. 8025 (Feb. 3, 2021); 85 Fed. Reg. 86933 (Dec. 31, 2020)). Defendants argue that these examples demonstrate that "CDC routinely implements [public health] measures without regard" to the standard. *Id.* However, the Court agrees with Plaintiffs that "masking or testing are among the least restrictive COVID-19 measures available," and, by contrast, "Title 42 expulsions are, in the CDC's *own* view, 'among the most restrictive measures CDC has undertaken' against COVID-19.'" Pls.' Reply, ECF No. 149-1

[4] Defendants also cite to "regulations governing medical examinations of certain noncitizens seeking to enter the United States." Defs.' Opp'n, ECF No. 147 at 28-29. This regulation, however, was implemented prior to the 2017 Final Rule's policy clarification.

at 15-16 (quoting 87 Fed. Reg. at 19951). Moreover, the CDC has applied the standard to more comparable public health measures, such as those regarding the introduction of persons into the country during the Ebola virus outbreak. *See Control of Communicable Diseases*, 82 Fed. Reg. 6890, 6896 (stating that "HHS/CDC used the best available science and risk assessment procedures . . . and principles of least restrictive means to successfully ensure that measures to ban travel between the United States and the affected countries were unnecessary" during Ebola outbreak).

Defendants argue, however, that "[i]n any event, CDC's August 2021 order ultimately was in fact the least restrictive means available to prevent the further introduction of COVID-19 into the United States at the borders at the time it was issued." Defs.' Opp'n, ECF No. 147 at 29. They contend that "while CDC may not have expressly used the term 'least restrictive means,' the substance of CDC's August order makes clear that CDC did, in practice, issue an order that was in fact the least restrictive means available to protect the country from further introduction, transmission, and spread of COVID-19." *Id.* at 30. However, a plain reading of the August 2021 Order does not indicate that the CDC instituted the "least restricted means available," and a discussion of potential

mitigation measures does not necessarily mean that the least burdensome measures were selected.

The Court therefore concludes that the August 2021 Order is arbitrary and capricious due to CDC's "failure to acknowledge and explain its departure from past practice." *Grace*, 965 F.3d at 903. (finding that agency's "failure to acknowledge the change in policy is especially egregious given its potential consequences for asylum seekers").

2. Defendants Failed to Consider the Consequences of Suspending Immigration to Covered Noncitizens

Plaintiffs further argue that the Title 42 orders are arbitrary and capricious because the CDC failed to consider the harms to migrants subject to expulsion. Pls.' Mot., ECF No. 144-1 at 26. Defendants, in opposition, argue that the CDC was not required to consider the harms to noncitizens because "neither the statute nor the implementing regulation calls for the CDC Director to engage in any such balancing of harms." Defs.' Opp'n, ECF No. 147 at 41-42. The "sole inquiry," in Defendants' view, is whether a Title 42 order "is required in the interest of the public health." *Id.* at 42.

As an initial matter, consideration of the negative impacts that the measures would have on migrants was required by the least restrictive means standard. *See, e.g.*, 82 Fed. Reg. at 6896 (weighing the necessity of measures to ban travel to the

United States against the "dramatic negative implications for travelers and industry").

Moreover, and as set forth above, the APA requires that agencies engage in "reasoned decisionmaking." *Dep't of Homeland Sec. v. Regents of the Univ. of Calif.*, 140 S. Ct. 1891, 1913 (2020). "Under this narrow standard of review, a court is not to substitute its judgment for that of the agency, but instead to assess only whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment." *Id.* at 1905 (2020) (internal quotation marks omitted) (citation omitted). "That task involves examining the reasons for agency decisions—or, as the case may be, the absence of such reasons." *Judulang v. Holder*, 565 U.S. 42, 53 (2011). Here, the consequences of suspending immigration proceedings for all covered noncitizens was a "relevant factor," or an "important aspect of the problem," that CDC should have considered. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

And contrary to Defendants' argument, the factors that an agency must consider are not limited to those that are expressly mentioned within a statute or regulation. For example, the Supreme Court in *Department of Homeland Security v. Regents of the University of California*, 140 S. Ct. 18981 (2020), held that the agency was required to consider any reliance interests prior

to terminating Deferred Action for Childhood Arrivals, despite the lack of statute or regulation mandating that the agency do so. *See Regents*, 140 S. Ct. at 1914-15 (considering whether agency appropriately addressed whether there was "legitimate reliance" on DACA program prior to rescission).

Although Defendants are correct that Section 265 is concerned with preventing the introduction of communicable disease into the United States, the *means* of prevention is just as relevant. It is unreasonable for the CDC to assume that it can ignore the consequences of any actions it chooses to take in the pursuit of fulfilling its goals, particularly when those actions included the extraordinary decision to suspend the codified procedural and substantive rights of noncitizens seeking safe harbor. *See Huisha-Huisha*, 27 F.4th at 724-25 (describing the "procedural and substantive rights" of aliens, such as asylum seekers, "to resist expulsion"); *cf. Regents*, 140 S. Ct. at 1914-15 (holding that agency should have considered the effect rescission of DACA would have on the program's recipients prior to the agency making its decision). As Defendants concede, "a Title 42 order involving persons will *always* have consequences for migrants," Defs.' Opp'n, ECF No. 147 at 42, and numerous public comments during the Title 42 policy rulemaking informed CDC that implementation of its orders would likely expel migrants to locations with a "high

probability" of "persecution, torture, violent assaults, or rape." *See* Pls.' Mot., ECF No. 144-1 at 27; *see also id.* at 27-28 (listing groups subject to expulsion under Title 42, including "survivors of domestic violence and their children, who have endured years of abuse"; "survivors of sexual assault and rape, who are at risk of being stalked, attacked, or murdered by their persecutors in Mexico or elsewhere"; and "LGBTQ+ individuals from countries where their gender identity or sexual orientation is criminalized or for whom expulsion to Mexico or elsewhere makes them prime targets for persecution" (citing AR, ECF No. 154 at 28-29, 47, 153) (cleaned up)). It is undisputed that the impact on migrants was indeed dire. *See, e.g.*, *Huisha-Huisha*, 27 F.4th at 734 (finding Plaintiffs would suffer irreparable harm if expelled to places where they would be persecuted or tortured).

The CDC "has considerable flexibility in carrying out its responsibility," *Regents*, 140 S. Ct. at 1914, and the Court is mindful that it "is not to substitute its judgment for that of the agency," *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 513 (2009). But regardless of the CDC's conclusion, its decision to ignore the harm that could be caused by issuing its Title 42 orders was arbitrary and capricious.

3. The Title 42 Policy Failed to Adequately Consider Alternatives

Plaintiffs also argue that the Title 42 policy is arbitrary and capricious because CDC failed to adequately consider alternatives and the policy did not rationally serve its stated purpose. *See* Pls.' Mot., ECF No. 144-1 at 10-11.

First, Plaintiffs contend that "CDC failed to adequately consider other 'alternative way[s] of achieving [its] objective' that were raised by commenters and were available from the very beginning—namely self-quarantine and outdoor processing." Pls.' Mot., ECF No. 144-1 at 21.

With regard to self-quarantine measures, the Court disagrees. The record shows that commenters informed CDC that the "vast majority (approximately 92%) of migrants have family or friends already in the United States," and proposed that covered noncitizens could self-quarantine or self-isolate in these homes or in the shelters of community and faith-based organizations. Pls.' Mot., ECF No. 144-1 at 21. In responding to this proposed alternative, CDC stated that even if it "were to assume that many covered aliens have family or close friends in the United States," the commenters had not provided evidence that the "family or close friends had personal residences and, if so, whether they would make them available as self-quarantine or self-isolation locations." 85 Fed. Reg. at 56452. Nor did the

commenters "look at whether residences were suitable for self-quarantine or self-isolation in compliance with HHS/CDC guidelines." *Id.* CDC "maintain[ed] that its implementation of a self-quarantine or self-isolation protocol for covered aliens would consume undue HHS/CDC and CBP resources without averting the serious danger of the introduction of COVID-19 into CBP facilities" and that "[e]xpulsion is a more effective public health measure for CBP facilities that preserves finite HHS/CDC resources for other public health operations." *Id.* Thus, based on the record evidence, it appears that CDC considered the possibility of permitting self-quarantining, but ultimately concluded that lack of resources made it impractical.

However, Defendants failed to consider another "obvious and less drastic alternative" and give a reasoned explanation for its rejection of the alternative. *Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 746 n.36 (D.C. Cir. 1986); *see also Spirit Airlines, Inc. v. U.S. Dep't of Transp.*, 997 F.3d 1247, 1255 (D.C. Cir. 2021). In the August 2021 Order, the CDC noted the risk of spreading COVID-19 to others "when people are in close contact with one another . . . , especially in crowded or poorly ventilated indoor settings." 86 Fed. Reg. at 42832. Due to this risk, the CDC indicated that processing under Title 42 presented a safer alternative to processing under Title 8 because "processing an individual for expulsion under the CDC

order takes roughly 15 minutes and generally happens outdoors." *Id.* at 42836. However, the August 2021 Order makes no mention of whether Title 8 processing could also take place outdoors, as suggested by at least one commenter as a less drastic measure to expulsion. *See generally id.*; AR, ECF No. 154 at 9; Pls.' Mot., ECF No. 144-1 at 20-21. And although Defendants state in their opposition brief that "[o]utdoor processing . . . was unavailable in August 2021," they do so without citation to the record. Defs.' Opp'n, ECF No. 147 at 33. It is well-established that courts "look only to what the agency said at the time of the [action]—not to its lawyers' post-hoc rationalizations," *Grace*, 965 F.3d at 903 (quoting *Good Fortune Shipping SA v. Comm'r of Internal Revenue Serv.*, 897 F.3d 256, 263 (D.C. Cir. 2018)). Because Defendants' explanation "falls well short of what is needed to demonstrate the agency grappled with an important aspect of the problem before it considered another reasonable path forward," *Spirit Airlines*, 997 F.3d at 1255; CDC's failure to consider such an important alternative is arbitrary and capricious, *see, e.g.*, *Yakima Valley*, 794 F.2d at 746 n.36 (noting that "[t]he failure of an agency to consider obvious alternatives has led uniformly to reversal"); *Allied Local & Reg'l Mfrs. Caucus v. EPA*, 215 F.3d 61, 80 (D.C. Cir. 2000) ("To be regarded as rational, an agency must . . .

consider significant alternatives to the course it ultimately chooses").

Next, Plaintiffs argue that "Defendants could have instituted testing, vaccination, and quarantine protocols, rather than continuing to authorize expulsions." Pls.' Mot., ECF No. 144-1 at 17. Defendants dispute Plaintiffs' contention, arguing that CDC had determined that "[o]n-site COVID-19 testing for noncitizens at CBP holding facilities [was] very limited," off-site testing would harm community healthcare facilities, and "vaccination programs [were] not available at th[at] time." Defs.' Opp'n, ECF No. 147 at 32-33.

"Agencies 'have an obligation to deal with newly acquired evidence in some reasonable fashion,' . . . [and] to 'reexamine' their approaches 'if a significant factual predicate changes.'" *Portland Cement Ass'n v. EPA*, 665 F.3d 177, 187 (D.C. Cir. 2011) (quoting *Catawba Cty. v. EPA*, 571 F.3d 20, 45 (D.C. Cir. 2009); *Bechtel v. FCC*, 957 F.2d 873, 881 (D.C. Cir. 1992)). Moreover, an agency's statements "must be one of 'reasoning'; it must not be just a 'conclusion'; it must 'articulate a satisfactory explanation' for its action." *Butte Cty. v. Hogen*, 613 F.3d 190, 194 (D.C. Cir. 2010) (quoting *Tourus Records, Inc. v. DEA*, 259 F.3d 731, 737 (D.C. Cir. 2001)).

Here, the March 2020 Order listed the lack of vaccines, "approved therapeutics," and rapid testing as justifications for

the emergency measures. *See* 85 Fed. Reg. at 17062. Thus, the relevant "significant factual predicate change[]" with regard to the August 2021 Order was the development and disbursal of COVID-19 vaccines, on-site rapid antigen tests, and effective therapeutics. *See* Pls.' Mot., ECF No. 144-1 at 17-18; *see also* 86 Fed. Reg. at 42833 (mentioning the wide availability of vaccines and antigen tests). The CDC therefore was required to "reexamine" its approach in view of the rapidly changing healthcare environment.

The Court concludes that CDC failed to appropriately consider the availability of effective therapeutics that "reduce[d] the risk of hospitalization" by approximately 70 percent in its August 2021 Order. *See* Pls.' Mot., ECF No. 144-1 at 18; AR, ECF No. 154 at 143 (listing the availability of monoclonal antibody doses and their effectiveness against COVID-19). Defendants do not dispute that the August 2021 Order failed to even mention such treatments or their overall availability. Defs.' Opp'n, ECF No. 147 at 33. Instead, Defendants cite to the April 2022 termination order as explaining that the treatments were not as widespread or as diverse in August 2021 and were difficult to administer. Defs.' Opp'n, ECF No. 147 at 33 (citing 87 Fed. Reg. at 19950); *see also* 87 Fed. Reg. at 19950 ("Although monoclonal antibodies were available in August 2021 and some continue to be effective and were widely used during

the Omicron wave, such treatments must be administered by infusion and are cumbersome to administer."). However, whether CDC analyzed the availability of treatments in April 2022 does not establish that it did so in August 2021. CDC therefore failed to "deal with newly acquired evidence in some reasonable fashion" with regard to therapeutics. *Portland*, 665 F.3d at 187.

With regard to whether Defendants could have "ramped up vaccinations, outdoor processing, and all the other available public health measures," *Butte Cty.*, 613 F.3d at 194, the Court finds that CDC failed to articulate a satisfactory explanation for why such measures were not feasible. Defendants argue that CDC did consider the availability of mitigation measures, but ultimately, they were limited by the "operational reality." Defs.' Opp'n, ECF No. 147 at 32-33. For example, in August 2021, Defendants explained that DHS had not yet begun initiating a vaccination program and on-site testing was "very limited." *Id.* Moreover, quarantine measures were unavailable because CDC "'lacks the resources, manpower, and facilities to quarantine covered aliens' and must rely on the 'Department of Defense, other federal agencies, and states and local governments to provide both logistical support and facilities for federal quarantines.'" *Id.* at 33 (quoting 85 Fed. Reg. at 17,067 n.66). However, CDC's statements are largely conclusory and do not reflect any serious analysis of whether reasonable steps could

have been taken to at least begin instituting vaccination programs, particularly given that all Americans had been eligible for the vaccine for more than three months by that point, and increasing the supply of on-site testing. *See* AR, ECF No. 154 at 56. Further, despite CDC's finding in March 2020 that DHS could "build and start bringing hard-sided facilities online" in "90 days (likely more)," 85 Fed. Reg. at 17067 n.66; there is no indication why those efforts still would not have addressed the public health emergency months later. The Court agrees with Plaintiffs that Defendants cannot rest on the "operational reality" when Defendants themselves had the power to change that reality. *See* Pls.' Reply, ECF No. 149-1 at 22 ("After leaning on DHS to implement Title 42, CDC cannot now turn around and claim that DHS had no responsibility to take steps to avoid the continued human suffering of so many vulnerable asylum-seekers."); *see also Portland*, 665 F.3d at 187 ("It is nothing more than a determination that EPA would not address the problem unless it happened to appear at an inconvenient time—an eventuality over which EPA had full control. The refrain that EPA must promulgate rules based on the information it currently possesses simply cannot excuse its reliance on that information when its own process is about to render it irrelevant.").

Finally, Plaintiffs argue that the Title 42 policy did not rationally serve its stated purpose because "COVID-19 was already rampant in the United States in August 2021, the egregious disjuncture between its stated goal of banning infectious migration and the narrow group of travelers it actually targeted, and the ways the Title 42 Policy *contributed* to spreading disease." Defs.' Reply, ECF No. 149-1 at 22 (internal citations omitted).

The Court finds that the fact that COVID-19 was already "widespread" within the United States at the time of the August 2021 Order is not sufficient to show that the Title 42 policy did not rationally serve its stated purpose. *See* Pls.' Mot., ECF No. 144-1 at 22-23. The relevant regulation defines "serious danger of the introduction of [a] quarantinable communicable disease into the United States" as "the probable introduction of one or more persons capable of transmitting the quarantinable communicable disease into the United States, even if persons or property in the United States are already infected or contaminated with the quarantinable communicable disease." 42 C.F.R. § 71.40(b)(3). Although Plaintiffs contend that CDC's definition "simply cannot be a *rational* public health rule," they otherwise do not provide any arguments regarding why the Court should not defer to CDC's interpretation of the term "serious danger." *See* Pls.' Reply, ECF No. 149-1 at 22-23. In view of CDC's scientific and technical expertise, the Court does not find the definition to be unreasonable.

However, despite the above, Defendants have not shown that the risk of migrants spreading COVID-19 is "a real problem." *District of Columbia v. U.S. Dep't of Agric.*, 444 F. Supp. 3d 1, 27 (D.D.C. 2020) (citing *Nat'l Fuel Gas Supply Corp. v. FERC*, 468 F.3d 831, 841 (D.C. Cir. 2006)). "Professing that an agency action ameliorates a real problem but then citing no evidence demonstrating that there is in fact a problem is not reasoned decisionmaking." *Id.* (cleaned up); *see Huisha-Huisha*, 27 F.4th at 735 ("[W]e would be sensitive to declarations in the record by CDC officials testifying to the efficacy of the § 265 Order. But there are none."). As Plaintiffs point out, record evidence indicates that "during the first seven months of the Title 42 policy, CBP encountered on average just one migrant per day who tested positive for COVID-19." Pls.' Mot., ECF No. 144-1 at 22 (citing Sealed AR, ECF No. 155-1 at 23). In addition, at the time of the August 2021 Order, the rate of daily COVID-19 cases in the United States was almost double the incidence rate in Mexico and substantially higher than the incidence rate in Canada. *See* 86 Fed. Reg. at 42831 (noting 137.9 daily cases per 100,000 people in the United States, compared to 68.6 in Mexico and 8.0 in Canada). The lack of evidence regarding the effectiveness of the Title 42 policy is especially egregious in view of CDC's previous conclusion that "the use of quarantine and travel restrictions, in the absence of evidence of their utility, is detrimental to efforts to combat the spread of communicable disease," *Control of Communicable Diseases*, 82 Fed.

Reg. 6890, 6896; as well as record evidence discussing the "recidivism" created by the Title 42 policy, which actually increased the number of times migrants were encountered by CBP, *see* AR, ECF No. 154 at 45 (commenter describing recidivism); AR, ECF No. 155-1 at 4 (January/February 2021 statistics showing nearly 40% of family units DHS encountered in January-February 15, 2021 were migrants who had attempted to cross at least once before).

Moreover, it is undisputed that the suspension of immigration under Title 42 covered only approximately 0.1% of land border travelers, *see* Pls.' Mot., ECF No. 144-1 at 23. And though Defendants claim that their focus was on the risk of spreading COVID-19 in congregate settings, *see* Defs.' Opp'n, ECF No. 147 at 39, millions of others were permitted to cross the border under less restrictive measures, even if they traveled in congregate setting such cars, buses, and trains, *see* Pls.' Mot., ECF No. 144-1 at 23-24; *see id.* ("CBP's own data shows that in July 2021 alone, over 11 million people entered from Mexico by land, including over 8.4 million people in cars, buses, and trains.").

In view of the above, the Court concludes that the Title 42 policy is arbitrary and capricious.

C. Remedies

Having concluded that the Title 42 policy is arbitrary and capricious, the question of remedy remains. For the reasons below, the Court shall vacate the Title 42 policy and enjoin

Defendants from applying the Title 42 policy with respect to Plaintiff Class Members.

1. The Title 42 Policy Is Vacated

Plaintiffs first request that the Court vacate the Title 42 policy. Pls.' Reply, ECF No. 149-1 at 30. Defendants oppose the request, contending that "[b]ecause any order granting partial summary judgment would be interlocutory and ineffective until final judgment except in limited circumstances, the Court should not grant any relief premised on any such order but should defer consideration of the issue of remedy until the Court has adjudicated all of Plaintiffs' claims." Defs.' Opp'n, ECF No. 160 at 2.

"[U]nsupported agency action normally warrants vacatur." *Advocates for Highway & Auto Safety v. Fed. Motor Carrier Safety Admin.*, 429 F.3d 1136, 1151 (D.C. Cir. 2005). However, courts have discretion to remand without vacatur if "there is at least a serious possibility that the [agency] will be able to substantiate its decision," and if "vacating would be disruptive." *Radio-TV News Directors Ass'n v. FCC*, 184 F.3d 872, 888 (D.C. Cir. 1999) (alteration in original) (citation omitted); *see Allied-Signal, Inc. v. U.S. Nuclear Reg. Comm'n*, 988 F.2d 146, 150-51 (D.C. Cir. 1993) ("The decision whether to vacate depends on the seriousness of the order's deficiencies . . . and the disruptive consequences of an interim change that

may itself be changed." (citation omitted)). "Alternatively, a court may vacate the unlawful action but stay its order of vacatur for a limited time to allow the agency to attempt to cure the defects that the court has identified." *NAACP v. Trump*, 298 F. Supp. 3d 209, 244 (D.D.C. 2018) (citing *Friends of Earth, Inc. v. EPA*, 446 F.3d 140, 148 (D.C. Cir. 2006)).

Here, because this action can be disposed of based on Plaintiffs' arbitrary and capricious claim, the Court finds that vacatur is not premature at this stage. *See, e.g., Child.'s Hosp. Ass'n of Texas v. Azar*, 300 F. Supp. 3d 190, 205 (D.D.C. 2018), *rev'd and remanded on other grounds*, 933 F.3d 764 (D.C. Cir. 2019); *see also Zhang v. USCIS*, 344 F. Supp. 3d 32, 66 & n.10 (D.D.C. 2018). Moreover, the *Allied-Signal* factors do not compel a different result. The CDC has already terminated the August 2021 Order based on "significantly improved public health conditions," and the Title 42 policy only remains in effect because another federal court has preliminarily enjoined the termination order, which Defendants are opposing before the Fifth Circuit. Defs' Opp'n, ECF No. 147 at 9. Given the agency's current position, it is unlikely that the agency would seek to justify a renewal of the policy on remand, and vacatur would not be disruptive given CDC's rescission of the policy. *See id.* at 15-16.

Particularly in view of the harms Plaintiffs face if summarily expelled to countries they may be persecuted or tortured, the Court

therefore vacates the Title 42 policy. *Cf. Nat. Res. Def. Council v. EPA*, 489 F.3d 1250, 1262–64 (D.C. Cir. 2007) (Randolph, J., concurring) ("A remand-only disposition is, in effect, an indefinite stay of the effectiveness of the court's decision and agencies naturally treat it as such.").

2. Plaintiffs Are Entitled to Injunctive Relief

Plaintiffs also request that the Court permanently enjoin Defendants and their agents from applying the Title 42 policy with respect to Plaintiff Class Members. *See* Pls.' Proposed Order, ECF No. 144-2 at 1.

A permanent injunction "is a drastic and extraordinary remedy." *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 165 (2010). It "should not be granted as a matter of course," *id.*, and "[s]uccess on an APA claim does not automatically entitle the prevailing party to a permanent injunction," *In re Fed. Bureau of Prisons' Execution Protocol Cases*, 908 F.3d 123, 128 (D.C. Cir. 2020). Rather, a permanent injunction "should issue only if the traditional four-factor test is satisfied." *Monsanto*, 561 U.S. at 157. The four-factor test requires that a plaintiff demonstrate that: (1) "it has suffered an irreparable injury"; (2) "remedies available at law, such as monetary damages, are inadequate to compensate for that injury"; (3) "considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted"; and (4) "the public

interest would not be disserved by a permanent injunction." *Id.* at 156-57 (quoting *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006)).

Having found that Plaintiffs are entitled to summary judgment on their APA claim, the Court first turns to whether Plaintiffs have demonstrated irreparable injury.

"[T]he basis for injunctive relief in the federal courts has always been irreparable injury and the inadequacy of legal remedies." *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312 (1982); *see also Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006) (same). The movant must demonstrate that it faces an injury that is "both certain and great; it must be actual and not theoretical," and of a nature "of such imminence that there is a clear and present need for equitable relief to prevent irreparable harm." *Wis. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985) (quotation marks and emphasis omitted). This presents a "very high bar." *Beck v. Test Masters Educ. Servs. Inc.*, 994 F. Supp. 2d 98, 101 (D.D.C. 2014) (quoting *Coal. for Common Sense In Gov't Procurement v. United States*, 576 F. Supp. 2d 162, 168 (D.D.C. 2008)).

Plaintiffs argue that they continue to face irreparable harm because, despite the D.C. Circuit's holding in this case that Defendants may not expel Class Members to areas where they would be persecuted or tortured, "[d]ocumented cases of

kidnapping, rapes, and other violence against noncitizens subject to Title 42 have also risen dramatically since last year." Pls.' Mot., ECF No. 144-1 at 30. Defendants, in opposition, contend that "the situation for class members has improved since the D.C. Circuit first stayed this Court's preliminary injunction [in September 2021]." Defs.' Opp'n, ECF No. 147 at 45 (citing *Huisha-Huisha II*, 27 F.4th at 722).

The Court is mindful that "[e]xpulsion is not categorically irreparable harm." *Huisha-Huisha II*, 27 F.4th at 734 (quoting *Nken*, 556 U.S. at 435) (internal quotation marks omitted). Here, however, Defendants do not argue that its guidance to field officers following the D.C. Circuit's opinion in this case has prevented harms to Plaintiffs, only that it has "improved" the situation. *See* Defs.' Opp'n, ECF No. 147 at 45. And while the Court does not doubt that USCIS screenings are a vital tool in preventing the expulsion of individuals to countries in which they could be persecuted, Defendants have not provided any information regarding how many screening have occurred since the D.C. Circuit issued its opinion in March 2022. *See* Pls.' Reply, ECF No. 149-1 at 31. Meanwhile, Plaintiffs have presented evidence demonstrating that the rate of summary expulsions pursuant to the Title 42 policy has nearly doubled since September 2021. *See* Pls.' Mot., ECF No. 144-1 at 30 ("At the time of this Court's original decision, approximately 14% of

families encountered at the southwest border were being summarily expelled pursuant to the Title 42 policy. . . . Now, the rate of expulsions is nearly twice as high, reaching 27%."); *see also* Pls.' Reply, ECF No. 149-1 at 31 ("[I]n the month of July 2022 alone, 9,574 members of family units encountered at the southern border were summarily expelled pursuant to the Title 42 policy."). And "[i]n Mexico alone, recorded incidents" of "kidnapping, rapes, and other violence against noncitizens subject to Title 42" have "spiked from 3,250 cases in June 2021 to over 10,318 in June 2022." Pls.' Mot., ECF No. 144-1 at 30 (citing Neusner Decl., ECF No. 118-4; Human Rights First, *The Nightmare Continues: Title 42 Court Order Prolongs Human Rights Abuses*, Extends Disorder at U.S. Borders, at 3-4 (June 2022)). Accordingly, even if the Court accepts Defendants' unsupported statement that the "situation for class members has improved," the evidence demonstrates that Plaintiffs continue to face irreparable harm that is beyond remediation. *See Huisha-Huisha*, 27 F.4th at 733 ("[T]he record is replete with stomach-churning evidence of death, torture, and rape.").

The Court next addresses the balance of the equities and public interest factors, which "merge when the Government is the opposing party." *Nken*, 556 U.S. at 434.

Defendants argue that "the government and the public have an interest in protecting the integrity of government's valid

orders." Defs.' Opp'n, ECF No. 147 at 45. However, as explained above, this Court has determined that the Title 42 policy is arbitrary and capricious, and "[t]here is generally no public interest in the perpetuation of unlawful agency action." *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016); *see also Ramirez v. ICE*, 310 F. Supp. 3d 7, 33 (D.D.C. 2018) ("The public interest surely does not cut in favor of permitting an agency to fail to comply with a statutory mandate."); *R.I.L-R*, 80 F. Supp. 3d at 191 ("The Government 'cannot suffer harm from an injunction that merely ends an unlawful practice or reads a statute as required to avoid constitutional concerns.'"). Because "there is an overriding public interest . . . in the general importance of an agency's faithful adherence to its statutory mandate," *Jacksonville Port Auth. v. Adams*, 556 F.2d 52, 59 (D.C. Cir. 1977); the Court concludes that an injunction in this case would serve the public interest, *see A.B.-B. v. Morgan*, No. 20-cv-846, 2020 WL 5107548, at *9 (D.D.C. Aug. 31, 2020) ("[T]he Government and public can have little interest in executing removal orders that are based on statutory violations . . . .").

Moreover, Defendants do not contend that issuing a permanent injunction would cause them harm or be inconsistent with the public health. Indeed, "CDC recognizes that the current public health conditions no longer require the continuation of

the August 2021 order," Defs.' Opp'n, ECF No. 147 at 44; *see also* Pls.' Mot., ECF No. 144-1 at 30, in view of the "less burdensome measures that are now available," 87 Fed Reg. at 19944; *id.* at 19949–50. The parties also do not dispute that Plaintiffs continue to face substantial harm if they are returned to their home countries, notwithstanding the availability of USCIS screenings. *See, e.g.*, Human Rights First, *The Nightmare Continues: Title 42 Court Order Prolongs Human Rights Abuses*, Extends Disorder at U.S. Borders, at 3-4 (June 2022). As the Supreme Court has explained, the public has a strong interest in "preventing aliens from being wrongfully removed, particularly to countries where they are likely to face substantial harm." *Nken*, 556 U.S. at 436.

Therefore, the balance of the equities also favors Plaintiffs.

IV. Conclusion

For the reasons stated above, the Court hereby **GRANTS** Plaintiffs' Motion for Partial Summary Judgment, ECF No. 144. The Court vacates and sets aside the Title 42 policy—consisting of the regulation at 42 C.F.R. § 71.40 and all orders and decision memos issued by the Centers for Disease Control and Prevention or the U.S. Department of Health and Human Services suspending the right to introduce certain persons into the United States; and declares the Title 42 policy to be arbitrary

and capricious in violation of the Administrative Procedure Act and permanently enjoins Defendants and their agents from applying the Title 42 policy with respect to Plaintiff Class Members. An appropriate Order accompanies this Memorandum Opinion.

SO ORDERED.

Signed: Emmet G. Sullivan
United States District Judge
November 15, 2022

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF FLORIDA

PENSACOLA DIVISION

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STATE OF FLORIDA, :

Plaintiff, :

vs. : Case No.

THE UNITED STATES OF AMERICA, : 3:21-cv-1066

et al., :

Defendants. :

- - - - - - - - - - - - - - - - - - x

Arlington, Virginia

Thursday, July 28, 2022

Videotaped Deposition of RAUL L. ORTIZ, a witness herein, called for examination by counsel for Plaintiff in the above-entitled matter, pursuant to notice, taken at the offices of Henderson Legal Services, 2300 Wilson Boulevard, Seventh Floor, Arlington, Virginia, at 9:32 a.m. on Thursday, July 28, 2022, and the proceedings being taken down by stenotype by and transcribed by KAREN YOUNG.

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Krishna Sharma, Videographer

C O N T E N T S

THE WITNESS:
RAUL L. ORTIZ
By Mr. Guard..... 8
By Mr. Darrow..... 238
By Mr. Guard..... 248

Portion of Transcript Marked by Mr. Guard.. 154

E X H I B I T S

ORTIZ EXHIBIT NO. PAGE NO.
Exhibit 1 Organizational Chart, Department of Homeland Security..... 33
Exhibit 2 Organizational Chart, U.S. Customs and Border Protection..... 35
Exhibit 3 Ortiz Memo to All Chief Patrol Agents and Directorate Chiefs, 5/19/22.... 43
Exhibit 4 CBP Enforcement Statistics FY2018.. 47
Exhibit 5 CBP Enforcement Statistics Fiscal Year 2022..... 49
Exhibit 6 U.S. Customs and Border Protection Overview of the Southwest Border..... 54
Exhibit 7 Secretary Mayorkas Delivers Remarks in Del Rio, TX..... 60
Exhibit 8 The Biden Plan for Securing Our Values as a Nation of Immigrants..... 69
Exhibit 9 Title 8, Section 1225..... 76
Exhibit 10 Title 8, Section 1182..... 96
Exhibit 11 USBP Processing Pathways..... 101
Exhibit 12 Department of Homeland Security FY 2021 Budget in Brief..... 123
Exhibit 13 Department of Homeland Security U.S. Immigration and Customs Enforcement Budget Overview, Fiscal Year 2021..... 128
Exhibit 14 Department of Homeland Security FY 2022 Budget in Brief..... 133

Exhibit 15 Department of Homeland Security, FY 2023 Budget in Brief..... 137
Exhibit 16 ERO LESA Strategy and Operational Analysis Unit..... 143
Exhibit 17 E-mail to Rodney Scott, 2/16/21.... 151
Exhibit 18 Barker e-mail, 5/21/21..... 159
Exhibit 19 Barker e-mail, 5/15/22..... 169
Exhibit 20 March 5, 2021 CE Juvenile Coordinator Report..... 177
Exhibit 21 Custody and Transfer Statistics FY 2020..... 181
Exhibit 22 Custody and Transfer Statistics FY 2021 182
Exhibit 23 Memorandum, 12/16/14..... 190
Exhibit 24 Memorandum, 5/12/15..... 192
Exhibit 25 Muster..... 193
Exhibit 26 Certified Administrative Record.... 194
Exhibit 27 Administrative Record..... 225

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6

PROCEEDINGS

THE VIDEOGRAPHER: Good morning everyone. This begins Media Number 1 in the videotaped deposition of Mr. Raul Ortiz, taken in the matter of the State of Florida versus the United States of America et al. This case is filed at the U.S. District Court, Northern District of Florida, Pensacola Division, Case Number 3:21-cv-1066. This deposition is being held at 2300 Wilson Boulevard, Arlington, Virginia on July 28, 2022, and the time on the video monitor is 9:32 a.m.

At this time attorneys please identify yourselves for the record, and after that, our court reporter from Henderson Legal Services will swear in the witness and we can begin.

MR. GUARD: Good morning. John Guard, Chief Deputy Attorney General for the State of Florida.

MR. PERCIVAL: James Percival for the State of Florida.

MS. CHRISTMAS: Natalie Christmas for the State of Florida.

7

MS. PATEL: Anita Patel for the State of Florida.

MR. DARROW: Joseph Darrow on behalf of the United States.

MS. RYAN: Erin Ryan on behalf of the United States.

MS. TONELLI: Michelle Tonelli on behalf of the United States.

MS. MUFFETT: Stephanie Muffett on behalf of the United States.

MR. GUARD: Good morning, Chief Ortiz.

Whereupon,

RAUL ORTIZ,

business address at U.S. Department of Homeland Security, 1300 Pennsylvania Avenue, Northwest, Washington, D.C., called for examination by counsel for Plaintiff and having been duly sworn by the Notary Public, was examined and testified as follows:

- - -

EXAMINATION BY COUNSEL FOR PLAINTIFF

8

BY MR. GUARD:

Q. Let me try that again. Good morning, Chief Ortiz. Can you state and spell your name for the record?

A. Yeah, Raul Ortiz, R-A-U-L, Ortiz, O-R-T-I-Z.

Q. Thank you. Chief Ortiz, some ground rules for this deposition. While if you and I were at a restaurant talking, we would not always give audible responses. We have a court reporter sitting next to my right, your left, who's taking everything down, and she cannot take down shakes of the head and other, you know, things that -- winks, nods, all those kind of things. So if you could please just make sure that you -- you, when asked a question, you give an audible response so she can take that down, is that fair?

A. Yes.

Q. If you don't understand a question I ask, I would ask you to ask me to rephrase it, and I will try to make it so that you can understand the question. If you answer the question, I'm going to

9

assume that you understood it. Is that fair?

A. That's fair.

Q. All right. And from time to time, Mr. Darrow may object to the questions. Obviously we don't have a judge here, so unless he instructs you not to answer a question, if he objects, you go ahead and answer the question, and we then take care of that later in court. Is that fair?

A. Okay.

Q. And this is not the Bataan death march or anything like that, so if you need a break, if you'll just answer the question pending, I'll give you any breaks or all breaks you want. Is that fair?

A. That's fair.

Q. And the last thing is more my problem probably than your problem. If we were in a restaurant and we were talking, we'd probably interrupt each other and maybe at times talk over each other because that's how human beings behave, but again, we have a court reporter, and if we're both talking at the same time, she can't possibly take that down, so let's both try to avoid that. Is

38

Q. What are -- what is the Office of Field Operations?

A. So Office of Field Operations are the customs and agricultural inspectors that work at our ports of entry, our airports and our seaports to facilitate legal trade and travel, and certainly those folks that are traveling and presenting themselves for inspection.

Q. Okay, and how does Office of Field Operations and the responsibilities they have differ from the Border Patrol?

A. So at ports of entry, it is a certainly designated entry point. They work closely with our Canadian, our Mexican partners to the south of us, and then even to some degree in foreign countries. We have preclearance facilities throughout the world. Our Office of Field Operations officers roughly have about 25,000 employees, and they are responsible for both goods, cargo that are traveling through our ports of entry, but they're also responsible for the inspection of individuals that are presenting themselves for inspection.

39

Q. Okay. If you'll flip back to Exhibit 1 and look at Exhibit 1, does it -- Exhibit 1 contain a component named United States Immigration and Customs Enforcement? It's on the bottom row to the right?

A. Yes.

Q. Okay, and is it all right if I refer to them as ICE?

A. Yes.

Q. Okay, and ICE is a separate entity from CBP, right?

A. That's correct.

Q. All right, and it's definitely a separate entity from Border Patrol.

A. Yes.

Q. All right. Would it be fair to say that ICE and Border Patrol have an ongoing relationship?

A. Yes.

Q. Okay. And would it be fair to say that Border Patrol has multiple memorandums of understanding with ICE?

A. Yes.

Q. All right. Among those memorandums of

40

understanding is there one that -- where ICE agrees to provide transportation from the border?

A. Yes.

Q. All right. Does ICE also agree to transport aliens back to their country of origin as part of the memorandum?

A. Yes.

Q. Okay. And another I guess relationship that ICE and Border Patrol has is that ICE agrees to accept transfer aliens that need to be detained; is that correct?

A. That's correct.

Q. All right. And for -- strike that. Would it be fair to say that Border Patrol often detains aliens that it encountered at the southern border until they can be processed and turned over to ICE?

A. Yes.

Q. Would you agree, Chief Ortiz, that the southern border is currently in crisis?

MR. DARROW: Objection.

A. Yes.

Q. Would you agree, Chief Ortiz, that historic

41

numbers of aliens are illegally entering the United States through the southern border?

MR. DARROW: Objection.

A. Yes.

Q. Would you agree, Chief Ortiz, that unprecedented numbers of aliens are illegally entering the United States right now?

MR. DARROW: Objection.

A. Yes.

Q. Would you agree, Chief Ortiz, that more aliens are going through the southern border than we have seen in the last 20 years?

A. Yes.

Q. Would you agree -- would you agree, Chief Ortiz, the Border Patrol has never had as many encounters with aliens in a physical year as it has had in the last two years?

MR. DARROW: Objection.

A. Yes.

Q. Chief Ortiz, do you expect the historic number of aliens illegally entering the United States to increase in the near term?

62

A. Yes.
Q. Okay. And you had to respond to that situation, right?
MR. DARROW: Objection.
A. Yes.
Q. Okay. And what -- the comments that were being made by the three of you were kind of detailing that -- the Border Patrol's response to the situation of the 16 to 19 thousand migrants that had entered the United States illegally, right?
MR. DARROW: Objection.
A. Yes.
Q. Okay. I want to kind of focus on your comments, and if you look at the third page of Exhibit 7, and I'm not sure if it's -- since there's no indents, I can't tell if it's a continuation of the previous paragraph or it's a new paragraph, but the paragraph that says, "I talked yesterday"? Do you see where I am at the top of the page?
A. Yes, okay.
Q. You said, "I talked yesterday about how so much of this migration is driven through social media

63

and word of mouth, and smugglers are significant drivers of the misinformation that people that" -- "that gets to people to undertake these dangerous journeys." What are you describing with that sentence?
A. So prior to this event, we had scheduled some repatriation flights back to Haiti. Those flights were cancelled, and when those flights were cancelled, those migrants were unable to be repatriated, and so what happens quite often is the migrant population will use the social media platforms to inform folks that were already making the trek from South America and from some of the other countries, most -- or quite a few of the Haitian migrants that we encountered underneath the bridge had already been domiciled in other countries in South America. So they had begun to make the trek, and when they found out that the flights had been turned off in Del Rio, we found that criminal organizations, smuggling organizations were chartering buses and driving them to Ciudad Acuna, which is just south of Del Rio.

64

Q. Okay, and the migrants were being told that if you go to the Del Rio sector, you will not be repatriated, correct?
MR. DARROW: Objection.
A. They were told a couple of things. They were told that it's safe in Acuna and in Del Rio. They were told that they would be processed relatively quickly, and then I'm sure they were told that there was a chance that they may be released.
Q. Okay. Were -- from those flights that were cancelled, were any of those Haitians actually released into the interior of the United States?
A. Yes.
Q. Do you know approximately how many Haitians were released into the interior of the United States?
A. No.
Q. Are we talking tens, hundreds or thousands --
MR. DARROW: Objection.
BY MR. GUARD:
Q. -- being released?
A. I would assume it was in the hundreds

65

initially.
Q. Okay. Now, after the crowd of aliens under the bridge had gathered, how were they dispersed?
A. So we focused on the vulnerable populations first. When I arrived, we had a rough estimate of about 16,000 migrants underneath the bridge, and so just in doing my initial assessment, I was able to ascertain that many of them were family units and quite a few of them were pregnant females, and so we worked with our partners to try and focus on those individuals first.
Q. Okay. As to the family units and to the pregnant females, when they would go through processing, would -- would they have likely been released into the interior of the United States or would they have been removed?
MR. DARROW: Objection.
A. So most of those family units and -- were taken to our Office of Field Operations. We had to shut down the port of entry in Del Rio, and we began processing them in a different facility, and then we also bused some of those populations to some of the

1300 Pennsylvania Avenue, NW
Washington, DC 20229

Law Enforcement Privilege

U.S. Customs and Border Protection

MAY 19 2022

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate Chiefs

FROM: Raul L. Ortiz
Chief
U.S. Border Patrol

SUBJECT: Noncitizen Releases from U.S. Border Patrol Custody

For most of Fiscal Year 2022, U.S. Border Patrol (USBP) has been encountering historic numbers of noncitizens, resulting in USBP facilities being at, near, or over capacity. USBP is issuing guidance to address the current migrant surge and is preparing for the anticipated increase in encounters of undocumented noncitizens following the anticipated lifting of the Centers for Disease Control and Prevention's Title 42 public health order. This guidance is for situations where U.S. Immigration and Customs Enforcement (ICE)/Enforcement and Removal Operations (ERO) are unable to accept custody of noncitizens due to lack of bed space, such that noncitizens must be released directly from USBP custody to avoid overcrowding and excessive time in custody.

To the extent possible, releases of processed noncitizens should be conducted in the vicinity of Non-Governmental Organizations (NGOs) which are able to provide further services. USBP sectors will utilize Liaison Officers (LNOs) to identify in advance the specific locations which are most appropriate for the releases, paying particular attention to the availability of services and transportation options. LNOs will work with local stakeholders (i.e., local governments, cities, local law enforcement) to identify capacity and capabilities for accepting releases, safe locations, and times at which releases may be most appropriate. If safe locations are not available, or the location is unavailable due to operational, environmental, or other reasons, LNOs will engage with nearby cities and local governments to identify alternate safe locations for release.

Prior to commencing releases of noncitizens, sectors must first coordinate with local ICE/ERO partners and, whenever feasible, also should coordinate in advance with NGO shelters and local stakeholders. LNOs should have constant communication with NGOs and local stakeholders during this process to ensure appropriate situational awareness is communicated. Sectors should ensure that releases from custody are done in a safe, humane, and orderly manner. For instance, sectors should not release individuals late at night, in an unpopulated area, or in circumstances in which the individual would face a known safety risk.

EXHIBIT
tabbies
Ortiz 7/28/22
3

If there is no available local ICE/ERO detention space or the LNO becomes aware that local NGO space may not be available, and sectors still have processed subjects who have been determined appropriate for release, sectors can begin to release those subjects to alternate safe locations. Releases should be made at "hubs" where noncitizens have access to services offered by NGOs, transportation hubs (i.e., airports, bus terminals), and/or other safe locations. The numbers and locations of all releases should be relayed to NGOs and local stakeholders. Additionally, the numbers and locations of all releases should be tracked and maintained by the sectors.

USBP will work with local stakeholders when necessary to identify reasonable transportation options from USBP facilities to the coordinated locations. In identifying transportation options, USBP should consider:

- Distance between the USBP facility and the drop-off location;
- Timing and coordination of the pick-up from a USBP facility;
- Timing and coordination of the drop-off within the community to avoid releases during unsafe times, especially when onward transportation and other services are limited;
- Safety and reliability of the transportation option; and
- Operational requirement needs.

Some scenarios for transportation may include:

- Local government provision of buses or vehicles;
- NGO assistance with transportation options;
- Contract transportation options; and
- Available USBP staff and vehicles to provide transportation.

CBP appropriations and assets may be used to transport noncitizens to provide safe and orderly releases (i.e., if local resources are overtaxed and local releases without basic services could endanger the noncitizens), and to meet identified operational needs. In some cases, non-local transportation of noncitizens to effectuate safe and orderly releases may be necessary and appropriate. Should questions arise concerning whether transportation as authorized in this memorandum is appropriate, the sectors should coordinate the determination with the Office of Chief Counsel.

Sectors will provide weekly reports to USBP Headquarters (HQ) through the corridors outlining the status of their management of releases, including but not limited to information on general locations of releases, numbers of releases, and the status of their coordination with local partners. Sectors should be prepared to, upon request, provide daily reporting on the number and manner of releases to include location and time of day.

Staff may direct their questions to the Immigration, Prosecution, and Custody Operations Unit at HQ by emailing PII

SUPPLEMENTAL DECLARATION OF STEPHEN W. MANNING, EXECUTIVE DIRECTOR, INNOVATION LAW LAB

I, Stephen W. Manning, declare as follows:

1. I am an attorney licensed to practice in the State of Oregon and am a member in good standing of the bars of the United States District Court for the District of Oregon, the United States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. I am a member of the American Immigration Lawyers Association ("AILA"), a former member of the Board of Governors of AILA, and a former Chair of the Oregon Chapter of AILA. I am over 18 and have personal knowledge of the facts described herein.

2. I am the Executive Director of the Innovation Law Lab ("Law Lab"), a nonprofit in Oregon that I founded to improve the legal rights of immigrants and refugees in the United States.

3. I previously submitted a declaration in this matter. *See East Bay Sanctuary Covenant v. Barr*, No. 3:19-cv-04073-JST (N.D. Cal.) ECF No. 3-4 (July 17, 2019). This declaration supplements that first declaration.

4. As I described in my previous declaration, Law Lab has an office in Oakland, California, in addition to offices throughout the United States, including Portland, Oregon; Atlanta, Georgia; San Diego, California; Kansas City, Missouri and San Antonio and El Paso, Texas.

5. Law Lab operates pro bono representation projects called Centers of Excellence, which provide support to noncitizens and their pro bono attorneys including legal, technical, and strategic assistance in the preparation and presentation of claims, in Georgia, Kansas, Missouri, North Carolina, and Oregon, with expansion underway to New Mexico and California. Our BorderX project uses technology and collaboration tools to provide support to legal service providers at immigrant detention centers throughout the United States and, under a recent

expansion, at several sites on both sides of the U.S.-Mexico border. On August 1, 2019, we opened an office in El Paso, Texas as part of our membership in the El Paso Immigration Collaborative (EPIC), which provides legal services and representation to all release-eligible asylum seekers detained at five detention centers in the El Paso jurisdiction. We also provide direct representation to persons applying for asylum inside the Ninth Circuit and outside the Ninth Circuit.

6. If the asylum transit ban went into effect in jurisdictions outside of the Ninth Circuit, there would be an immediate and significant detrimental effect on Law Lab's ability to serve clients and maintain its programs across the country.

7. Law Lab's programming has a national reach not only because of our diverse geographic locations, but also because we operate our programs collaboratively across program sites. For example, Law Lab operates pro se asylum workshops in Atlanta, Georgia; Kansas City, Missouri; Portland, Oregon; Tijuana, Mexico; and at the U.S.-Mexico border. Our Atlanta project was the first to launch the asylum workshop concept, and templates and materials developed there are used across our other program sites. If for example people fleeing persecution in Atlanta were subject to the asylum transit ban, while people fleeing persecution in Portland were not, Law Lab could no longer use synchronized materials across its asylum workshops.

8. Law Lab employees also regularly staff these workshops at all of our sites, particularly in Atlanta, Portland, and Tijuana. We hold asylum workshops on a monthly basis in Atlanta and Portland, and, in collaboration with partner organization Al Otro Lado, several times a month in Tijuana. Law Lab attorneys and accredited representatives coordinate and implement the workshops, and also directly provide some legal services and advice to immigrant attendees. Our workshops in Atlanta and Portland almost always have attendees who have crossed the border both within and outside of the Ninth Circuit. If the asylum transit ban were in place in parts of the

border, but not others, our asylum workshops would have to be meaningfully restructured in order to effectively serve persons who are subject to the transit ban and persons who are not.

9. Providing legal guidance and asylum application assistance to persons subject to the transit ban at these workshops would be a significant burden on Law Lab employee time and program operations. The majority of persons served at these workshops are Central American asylum seekers who would be subject to the asylum transit ban. First, Law Lab would have to spend additional time developing the facts and legal theories for asylum applicants subject to the transit ban, as these applicants would be eligible only for withholding of removal and relief under the Convention Against Torture (CAT). Withholding and CAT have a higher burden of proof than asylum, and these applications would require the development of entirely distinct and more in-depth legal analyses. Law Lab staff supervise and train attorney and accredited representative volunteers at these workshops, and would have to devote significant time to re-training these volunteers on the new standards and how to screen for attendees who might be subject to the ban.

10. For example, just this weekend, Law Lab operated a pro se asylum workshop in Atlanta for persons seeking asylum. The workshop is part of a regular series of programming. Our staff—based in Georgia, California, Missouri, Florida, Washington, and Oregon--spent many hours training volunteers on law, process, and our materials; preparing technology for use in the workshops; and preparing individual clients and client applications in order for the workshop to be successful. However, because we used a centralized set of training materials and technology—all of which are designed around a uniform application of the asylum regulations—the workshop was likely for nothing and will have to be redone. Before it can be redone, though, we will have to divert resources from other projects to re-programming because the injunction does not apply nationwide.

11. Additionally, most of the persons fleeing persecution who we serve at our workshops are in family units. Often a nuclear family can file a single asylum application, with the spouse and minor children benefiting as derivatives. But because withholding of removal and CAT do not allow derivative relief, every member of a family subject to the transit ban would have to file a separate application. This would limit Law Lab's workshop capacity significantly—instead of completing eight applications for eight families, for example, we might only have capacity to complete eight applications for two families with four members each.

12. The workshops in Tijuana, which provide legal guidance to persons who are about to seek asylum, would also be hindered because we would have to provide guidance about a rule that might apply to people at different points throughout their asylum cases. In my experience, it is not uncommon for a person fleeing persecution to cross the border at a different location than the one in which they had sought legal advice. Additionally, the state in which a person initially requests asylum is often not the same state where they will be detained, have their credible fear interview, or have their case heard on the merits in immigration court. Therefore, even at our workshops in Tijuana, where most people anticipate seeking asylum at a border within the Ninth Circuit, we would need to create and provide guidance about the implications of the asylum transit ban for every individual seeking assistance. Specifically, there has been a significant increase of asylum seekers that Law Lab has provided guidance to in Tijuana that end up in detention centers in Louisiana and Mississippi, despite the fact that they entered the US to request asylum in the Ninth Circuit.

13. We intend to replicate the Tijuana workshops, materials and specialized technology that Law Lab developed to serve asylum seekers along the U.S.-Mexico border—both inside and outside the Ninth Circuit. For example, in late July, Law Lab began to implement an expansion of

its services to asylum seekers using the Tijuana project as our model with a focus on Ciudad Juarez. Given our very limited financial resources and staff, the program expansion would likely only be scalable if we could replicate our Tijuana workshops, materials, and specialized technology at the sites in Ciudad Juarez.

14. In addition to materials used at nationwide asylum workshops, Law Lab creates written materials and technology for use across our Centers of Excellence pro bono programs, our BorderX detention project, and other initiatives that serve people fleeing persecution throughout the United States. These materials include printed guides, worksheets, training videos, self-help videos, and other resources that are used around the country. If the asylum transit ban were to apply to people fleeing persecution outside of the Ninth Circuit, Law Lab would have to substantially revise its materials across programs, and create bifurcated resources going forward. For example, Law Lab is just finishing several months of work on a short client-targeted video that explains the elements of asylum in plain language. We planned to use this video as an educational tool and distribute it widely amongst our partners and amongst communities of persons fleeing persecution. If the asylum transit ban is allowed to go into effect, the video will be essentially useless, since the ban adds an additional element to asylum eligibility that the video does not discuss. To create an effective resource going forward, Law Lab would have to entirely re-work the initial video, and likely create two versions for use inside and outside the Ninth Circuit.

15. Though Law Lab focuses its work on building effective and scalable representation programs, we also engage in direct representation cases when necessary to serve our mission. For example, I represented eighty men fleeing persecution who were held at the Sheridan Federal Correctional Institute in Sheridan, Oregon, in the summer of 2018; 100% of my clients passed their credible fear interviews and 97% were subsequently released from detention on bond or

parole. Law Lab continues to directly represent clients who were previously detained at Sheridan, and also directly represents clients in jurisdictions outside of the Ninth Circuit. If the asylum transit ban were to go into effect outside the Ninth Circuit, our limited direct representation work would become significantly more complicated and burdensome.

16. Additionally, the clients served by Law Lab's programs do not complete their immigration case in a single jurisdiction. It is possible that a client would move seamlessly between our program sites—and thus between different judicial circuits—as their case progresses. A person fleeing persecution might receive a legal orientation and services at a workshop supported by Law Lab in Tijuana, Mexico; obtain release on bond or parole from a detention center in Texas with assistance from our BorderX project; and complete their asylum application at a Law Lab-run legal workshop in Atlanta, Georgia. Many persons served by Law Lab programs move between jurisdictions throughout the lifetime of their asylum case as well. In my experience, such movement between jurisdictions is common for asylum seekers.

17. Law Lab's programs within the Ninth Circuit will also be adversely impacted if the asylum transit ban rule goes into effect in other jurisdictions. Law Lab coordinates the Equity Corps of Oregon, which is the region's first government-funded universal representation program. A high number—likely close to 90 percent—of the Equity Corps' clients are people who are fleeing persecution, many of whom arrived recently to the United States. Equity Corps' asylum clients enter the United States to seek protection at or in between ports of entry across the U.S.-Mexico border, and a significant percentage of these clients first entered the United States in Texas or New Mexico. If the asylum transit ban rule went into effect outside the Ninth Circuit, Equity Corps might have to shift significant resources towards representation of clients who entered the country in Texas or New Mexico and are subject to the ban. These resources would include both

the devotion of additional time to withholding of removal and Convention Against Torture applications for these clients, who would not be eligible for asylum, and also re-working of case templates, resources, and materials to account for eligibility differences based on place of entry. This resource diversion would negatively affect other clients within the Equity Corps program, and also would harm the program as a whole, which could be forced to serve fewer people overall because of the increased time burden required for a subset of cases.

18. Law Lab's work providing strategic support, limited legal assistance, and advocacy in the cases of people fleeing persecution who were forcibly returned to Mexico under the "Migrant Protection Protocols" (MPP) program would be dramatically impacted if the asylum transit ban rule went into effect outside of the Ninth Circuit. Law Lab works directly with people subject to MPP whose cases are heard in San Diego, California and El Paso, Texas; we also consult with projects that are providing assistance in Laredo, Texas and Brownsville, Texas. Because Mexican nationals cannot be subject to MPP, all of the cases we support in this work are asylum cases where the applicant traveled or resided in a country other than their country of origin before seeking asylum in the United States. Therefore, nearly all individuals subject to MPP outside of the Ninth Circuit would potentially be subject to the asylum transit ban while also facing the significant challenges that the MPP poses in litigating their asylum cases. This combination would make our work in El Paso and our consulting in Laredo and Brownsville significantly more burdensome.

19. Finally, our BorderX and EPIC programs would be significantly harmed if the asylum transit ban rule went into effect outside the Ninth Circuit. BorderX works regularly in seven immigrant detention centers, six of which are outside of the Ninth Circuit. As I noted in my prior declaration, 100% of the noncitizens BorderX serves are asylum seekers, the majority of whom transited through a third country before arriving to the United States. If the rule were to go

into effect outside of the Ninth Circuit, work in at least six of BorderX's program sites would significantly increase in difficulty, as release eligibility would be severely limited, if not eliminated, for many of our clients, and the program would have to develop alternative (and time consuming) release strategies for clients detained in those facilities. That is because release eligibility turns to a significant degree on eligibility for asylum. BorderX, like our other programs, would also have to change its templates, materials, and guidance to account for the different eligibility regimes that would govern clients based on place of entry to the United States and place of detention.

20. In short, Law Lab's work is national, not only in terms of program sites and direct representation of clients where necessary, but also the ways that our projects work together to provide high-quality resources to unrepresented asylum seekers, pro bono attorneys, and other representation projects. Allowing the asylum transit ban to go into effect outside the Ninth Circuit would not only harm our multiple programs in place outside the Ninth Circuit, but would also harm our organization's ability to employ a unified approach to our strategic programs. To fully remedy the harms the Rule will inflict on Law Lab, the Rule would need to be enjoined nationwide, not just in the Ninth Circuit.

21. Finally, had Law Lab been provided the opportunity to comment on the Rule before it went into effect, Law Lab would have submitted comments about why the Rule is unlawful and factually unsupported, and why it must be rescinded nationwide.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 18th day of August, 2019.

Stephen W. Manning, OSB #013373

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, *et al.*, Plaintiffs, *v.* ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al.*, Defendants.	Civ. A. No. 21-100 (EGS)

STATE OF MONTANA'S UNOPPOSED MOTION FOR JOINDER

Pursuant to Federal Rule of Civil Procedure 20, the State of Montana hereby moves to be joined as a party to the Motion for Intervene, Dkt. 168, filed by the States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Virginia, and West Virginia, and Wyoming because the State of Montana also wishes to intervene in this matter.

Plaintiffs, Defendants, and Proposed Intervenors do not oppose this motion.

In support of this Motion, the State of Montana submits the accompanying Memorandum of Law and [Proposed] Order.

MEMORANDUM

Pursuant to Federal Rule of Civil Procedure 20, the State of Montana respectfully request that this Court join Montana to the Motion to Intervene in this matter filed by the States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Virginia, and West Virginia, and Wyoming (hereinafter "Intervenor States"). *See* Dkt. 168. Montana is a co-plaintiff with many of the Intervenor States in litigation where the States successfully obtained injunctive relief against Defendants' attempts to rescind their Title 42 Orders. *See Louisiana v. Centers for Disease Control & Prevention*, 2022 WL 1604901, at *23 (W.D. La. May 20, 2022). Invalidation of the Title 42 Orders will directly harm Montana in the same way it harms the Intervenor States. For that reason, the Court should grant Montana's Motion for Joinder and permit it to be a part of the Intervenor States' Motion to Intervene.

Rule 20 sets forth guidelines for permissive joinder, providing that parties may join an action if (1) their claims "aris[e] out of the same transaction, occurrence, or series of transactions or occurrences" and (2) "any question of law or fact common to all plaintiffs will arise in the action." Fed. R. Civ. P. 20. Permissive Joinder is "ordinarily allowed … so long as both prongs of the test under Rule 20 are met." *Council on Am.-Islamic Rels. Action Network, Inc. v. Gaubatz*, 793 F. Supp. 2d 311, 323 (D.D.C. 2011). "Attempts to join a party who satisfies the test for permissive joinder should generally not be denied in the absence of undue prejudice, expense, or delay." *Id.*

The State of Montana easily meets both requirements for Rule 20 permissive joinder. Montana's claims and interests in this matter are identical to those of the Intervenor States. The Intervenor States seek to intervene to offer a defense of Title 42 policy so that its validity can be resolved on the merits. Dkt. 168 at 12. As laid out in the Motion to Intervene, the Intervenor States obtained injunctive relief against recission of and exceptions to Title 42. *See* Dkt. 168 at 4–6. Montana is a co-plaintiff with many of the Intervenor States in *Louisiana v. Centers for Disease Control & Prevention,* 2022 WL 1604901 (W.D. La. 2022). Montana's interests in this litigation are thus identical to those identified in the Intervenor States' Motion to Intervene. *See* Dkt. 168 at 10–16. Montana's claims arise out of the exact same transaction, occurrence, or series of transactions or occurrences as the Motion to Intervene filed on November 21, 2022, and involve identical questions of law and fact. Joinder will also not cause any undue prejudice, expense, or delay because Montana will simply join the briefing of the Intervenor States at set forth by this Court's November 22, 2022, order.

For these reasons, the Court should grant Montana's motion for joinder.

Respectfully submitted,

DATED: November 25, 2022

AUSTIN KNUDSEN
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CHRISTIAN B. CORRIGAN
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, *et al.*, Plaintiffs, *v.* ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al.*, Defendants.	Hon. Emmet G. Sullivan Civ. A. No. 21-100 (EGS)

ORDER

The Matter came before the Court on _____, 2022 on the unopposed motion of the State of Montana for joinder to the Motion to Intervene under Federal Rule of Procedure 20. The Court being fully advised in the premises, IT IS HEREBY ORDERED that the State of Montana's Motion for Joinder is GRANTED.

IT IS SO ORDERED.

ENTERED:
By the Court:

Date:_____

_____
Hon. Emmet G. Sullivan
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

/s/ Kathleen L. Smithgall
Attorney for the State of Montana

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, *et al.*, Plaintiffs, *v.* ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al.*, Defendants.	Civ. A. No. 21-100 (EGS)

UNOPPOSED RENEWED MOTION FOR JOINDER
BY THE STATES OF UTAH, MISSOURI, AND TENNESSEE

On November 25, 2022, the States of Utah, Missouri, and Tennessee filed a joinder (Dkt. 173) of the Motion to Intervene by the States of Arizona et al. (Dkt. 168). On November 29, 2022, the Court denied the motion for failure to comply with the duty to confer, LCvR 7(m), and failure to attach a proposed order, LCvR 7(c). The States of Utah, Missouri, and Tennessee respectfully renew that motion to join.

Plaintiffs, defendants, and proposed intervenors do not oppose this Motion.

In support of this Motion, the States of Utah, Missouri, Tennessee submit the accompanying Memorandum of Law and [Proposed] Order.

MEMORANDUM

Pursuant to Federal Rule of Civil Procedure 20, the States of Utah, Missouri, and Tennessee respectfully request that this Court join Utah, Missouri, and Tennessee to the Motion to Intervene in this matter filed by the States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Virginia, and West Virginia, and Wyoming (hereinafter "Intervenor States"). *See* Dkt. 168.

Rule 20 sets forth guidelines for permissive joinder, providing that parties may join an action if (1) their claims "aris[e] out of the same transaction, occurrence, or series of transactions or occurrences" and (2) "any question of law or fact common to all plaintiffs will arise in the action." Fed. R. Civ. P. 20. Permissive Joinder is "ordinarily allowed … so long as both prongs of the test under Rule 20 are met." *Council on Am.-Islamic Rels. Action Network, Inc. v. Gaubatz*, 793 F. Supp. 2d 311, 323 (D.D.C. 2011). "Attempts to join a party who satisfies the test for permissive joinder should generally not be denied in the absence of undue prejudice, expense, or delay." *Id*.

The States of Utah, Missouri, and Tennessee meet both requirements for Rule 20 permissive joinder. Their claims and interests in this matter are identical to those of the Intervenor States. The Intervenor States seek to intervene to offer a defense of Title 42 policy so that its validity can be resolved on the merits. Dkt. 168 at 12. As laid out in the Motion to Intervene, the Intervenor States obtained injunctive relief against recission of and exceptions to Title 42. *See* Dkt. 168 at 4–6. Utah, Missouri, and Tennessee are co-plaintiffs with many of the Intervenor States in *Louisiana v. Centers for Disease Control & Prevention*, 2022 WL 1604901 (W.D. La. 2022). Utah, Missouri, and Tennessee's interests in this litigation are thus identical to those identified in the Intervenor States' Motion to Intervene. *See* Dkt. 168 at 10–16. Their claims arise out of the exact

same transaction, occurrence, or series of transactions or occurrences as the Motion to Intervene filed on November 21, 2022, and involve identical questions of law and fact. Joinder will also not cause any undue prejudice, expense, or delay because Utah, Missouri, and Tennessee will simply join the briefing of the Intervenor States at set forth by this Court's November 22, 2022, order.

For these reasons, the Court should grant Utah, Missouri, and Tennessee's motion for joinder.

Respectfully submitted,

DATED: November 29, 2022

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, *et al.*, Plaintiffs, *v.* ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al.*, Defendants.	Civ. A. No. 21-100 (EGS)

ORDER

The Matter came before the Court on _____, 2022 on the unopposed renewed motion of the States of Utah, Missouri, and Tennessee for joinder to the Motion to Intervene (Dkt. 158) under Federal Rule of Procedure 20. The Court being fully advised in the premises, IT IS HEREBY ORDERED that the States of Utah, Missouri, and Tennessee's Motion for Joinder is GRANTED.

IT IS SO ORDERED.

ENTERED:

By the Court:

Date:_____ _____

Hon. Emmet G. Sullivan
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

/s/ Melissa A. Holyoak
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, Secretary of Homeland Security, et al.,

Defendants.

Civ. A. No. 21-100 (EGS)

DEFENDANTS' OPPOSITION TO PROPOSED INTERVENORS' MOTION TO INTERVENE

TABLE OF CONTENTS

INTRODUCTION 1

BACKGROUND 2

A. Plaintiffs Brought Suit in January 2021 and Obtained Preliminary Injunction 2

B. The D.C. Circuit Denied Texas's Motion to Intervene and Affirmed This Court's Preliminary Injunction in Part 3

C. CDC Sought to Terminate the August 2021 Title 42 Order 4

D. States Challenged the Termination Order in the Western District of Louisiana 5

E. This Court's November 15 Order Vacated CDC's Title 42 Regulation and Orders 6

F. Proposed Intervenors Move to Intervene 7

STANDARD OF REVIEW 7

ARGUMENT 8

I. PROPOSED INTERVENORS ARE NOT ENTITLED TO INTERVENTION AS OF RIGHT 8

A. Proposed Intervenors Lack Standing or Any Legally Protected Interest 8

B. Proposed Intervenors' Motion is Untimely 14

C. Defendants Adequately Represent Any Interests That Proposed Intervenors Might Have in This Litigation 17

II. PROPOSED INTERVENORS' REQUEST FOR PERMISSIVE INTERVENTION SHOULD BE DENIED 18

CONCLUSION 18

TABLE OF AUTHORITIES

Cases

Aeronautical Radio, Inc. v. FCC,
983 F.2d 275 (D.C. Cir. 1993) 7

Allen v. Wright,
468 U.S. 737 (1984) 11

Amador Cnty., Cal. v. U.S. Dep't of the Interior,
772 F.3d 901 (D.C. Cir. 2014) 14

Arizona v. Biden,
40 F.4th 375 (6th Cir. 2022) 8, 9, 10, 11

Arizona v. Biden,
31 F.4th 469 (6th Cir. 2022) 13

Arpaio v. Obama,
27 F. Supp. 3d 185 (D.D.C. 2014) 9, 11

Associated Builders & Contractors, Inc. v. Herman,
166 F.3d 1248 (D.C. Cir. 1999) 14

California v. Texas,
141 S. Ct. 2104 (2021) 11

Cameron v. EMW Women's Surgical Ctr., P.S.C.,
142 S. Ct. 1002 (2022) 16

Clapper v. Amnesty Int'l USA,
568 U.S. 398 (2013) 8

Crossroads Grassroots Pol'y Strategies v. Fed. Election Comm'n,
788 F.3d 312 (D.C. Cir. 2015) 8-9

Dep't of Com. v. New York,
139 S. Ct. 2551 (2019) 10, 11-12

Deutsche Bank Nat'l Trust Co. v. FDIC,
717 F.3d 189 (D.C. Cir. 2013) 7

Dimond v. District of Columbia,
792 F.2d 179 (D.C. Cir. 1986) 14

EEOC v. Nat'l Children's Ctr., Inc.,
146 F.3d 1042 (D.C. Cir. 1998) 8, 18

Fed. Election Comm'n v. NRA Political Victory Fund,
513 U.S. 88 (1994) 18

Florida v. Mellon,
273 U.S. 12 (1927) 9

Huisha-Huisha v. Mayorkas,
27 F.4th 718 (D.C. Cir. 2022) 4

Huisha-Huisha v. Mayorkas,
560 F. Supp. 3d 146 (D.D.C. 2021) 2, 3

Huisha-Huisha v. Mayorkas,
--- F. Supp. 3d ---, 2022 WL 16948610 (D.D.C. Nov. 15, 2022) 2

In re Endangered Species Act Section 4 Deadline Litig.,
277 F.R.D. 1 (D.D.C. 2011) *aff'd,* 704 F.3d 972 (D.C. Cir. 2013) 7-8

Jones v. Prince George's Cnty.,
348 F.3d 1014 (D.C. Cir. 2003) 7, 17

Keepseagle v. Vilsack,
307 F.R.D. 233 (D.D.C. 2014) 8, 18

Louisiana v. CDC,
--- F. Supp. 3d ---, 2022 WL 1604901 (W.D. La. May 20, 2022) 5, 10

Manitoba v. Bernhardt,
923 F.3d 173 (D.C. Cir. 2019) 13

Massachusetts v. EPA,
549 U.S. 497 (2007) 12

Nat'l Fair Hous. All. v. Carson,
330 F. Supp. 3d 14 (D.D.C. 2018) 7

Nken v. Holder,
556 U.S. 418 (2009) 15

Printz v. United States,
521 U.S. 898 (1997) 10

Raines v. Byrd,
521 U.S. 811 (1997) 8, 9, 10

Smoke v. Norton,
252 F.3d 468 (D.C. Cir. 2001) 16

Texas v. Biden (MPP),
20 F.4th 928 (5th Cir. 2021) 11

Texas v. Biden,
589 F. Supp. 3d 595 (N.D. Tex. 2022) 10

Texas v. United States (DAPA),
809 F.3d 134 (5th Cir. 2015) 11

TransUnion LLC v. Ramirez,
141 S. Ct. 2190 (2021) 12

Trbovich v. United Mine Workers of Am.,
404 U.S. 528 (1972) 17

United States v. British Am. Tobacco Australian Servs. LTD.,
437 F.3d 1235 (D.C. Cir. 2006) 14

Statutes

5 U.S.C. § 3106 18

28 U.S.C. § 516 18

28 U.S.C. § 519 18

42 U.S.C. § 265 ..... 1, 2, 4

Rules

Federal Rule of Civil Procedure 24 ..... 7, 8

Federal Rule of Civil Procedure 54 ..... 6, 14

Regulations

28 C.F.R. § 0.20 2

42 C.F.R. § 71.40 ..... 3, 6

Public Health Reassessment and Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists,
86 Fed. Reg 42,828 (Aug. 5, 2021) 3

Public Health Determination and Order Regarding Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists
87 Fed. Reg.19,941 (Apr. 6, 2022) 4, 5, 15, 16

INTRODUCTION

More than twenty-two months after Plaintiffs initiated this action, and more than three months after Plaintiffs moved for partial summary judgment and requested the relief that the Court ultimately granted, sixteen States ("Proposed Intervenors") move to intervene in this matter to defend CDC's regulation implementing 42 U.S.C. § 265 ("Title 42" or "Section 265") and the orders issued thereunder. A panel of the D.C. Circuit has already rejected a similar request from one of the Proposed Intervenors—the State of Texas—holding unanimously that Texas had not satisfied the standard to intervene to defend CDC's exercise of Title 42 authority on interlocutory appeal. This Court should do the same and deny the intervention motion, which fails for the following reasons.

First, Proposed Intervenors have not established Article III standing or a legally protected interest that would entitle them to intervene as defendants in this action. Proposed Intervenors assert that the vacatur of the operative Title 42 Order will cause more noncitizens to be present within their borders, which will lead them to expend more resources on law enforcement and social services. But a State may not assert standing based on such indirect effects. Federal policies regulating people within a State will inevitably have derivative effects on the State's exercise of its own governmental powers. But the autonomy of the national and state sovereigns, acting directly upon individuals within their respective spheres, refutes the notion that a State has a legally and judicially cognizable interest in avoiding the indirect effects of federal policies. Nor can Proposed Intervenors' alleged injuries be fairly traceable to the vacatur of the Title 42 implementing regulation and orders. The vacatur will simply result in the resumption of immigration processing under longstanding, congressionally enacted immigration laws in Title 8 of the U.S. Code. Proposed Intervenors' alleged injuries are at most traceable to those immigration laws, which are not at issue here.

Second, the intervention motion is untimely. Proposed Intervenors had multiple opportunities to intervene sooner in this action, and yet they waited until this Court had already ruled on Plaintiffs' partial summary judgment motion and granted Plaintiffs' requested relief. While Texas did attempt to intervene in the Court of Appeals on a prior interlocutory appeal, none of the Proposed Intervenors

sought to intervene in this litigation in this Court, even after CDC made clear in April 2022 that it believed the operative Title 42 Order was no longer necessary to protect the public health, and even after the government informed Proposed Intervenors of the Plaintiffs' motion for partial summary judgment in August 2022. Instead, Proposed Intervenors chose to purse their own separate action against the government in a different forum, and they did so fully aware of this action and the specific relief that Plaintiffs were seeking. Proposed Intervenors seek to excuse the delay on the basis that the government recently purportedly "abandoned [its] defense of Title 42" and would not "seek[] an appeal." Mot. to Intervene, 10, 16, ECF No. 168 ("Mot."). But the government has not concluded its decisionmaking regarding whether to appeal this Court's order. *See* 28 C.F.R. § 0.20(b). And although the government did not seek a stay pending any appeal, Proposed Intervenors knew or should have known months ago that the government might not seek such a stay given CDC's finding in April that the Title 42 Order was no longer necessary in the interest of the public health.

Third, Proposed Intervenors are not able to satisfy their burden to show that the government does not adequately represent their interests. The government has vigorously defended the lawfulness of CDC's Title 42 orders throughout this litigation. While Proposed Intervenors disagree with the government's decision not to seek a stay (beyond a short period to allow implementation) or its yet-to-be-made decision on an appeal, that disagreement does not justify intervention. That is especially so here given that it is the Department of Justice—not the Proposed Intervenor States—that is statutorily charged with defending the federal government's policies, including CDC's exercise of its Title 42 authority.

BACKGROUND

A. Plaintiffs Brought Suit in January 2021 and Obtained Preliminary Injunction

The Court is familiar with the history of CDC's Title 42 orders and this litigation. *See Huisha-Huisha v. Mayorkas*, --- F. Supp. 3d ---, 2022 WL 16948610 (D.D.C. Nov. 15, 2022); *Huisha-Huisha v. Mayorkas*, 560 F. Supp. 3d 146, 156 (D.D.C. 2021). In short, this action challenges a series of public health orders issued pursuant to CDC's authority under the Public Health Service Act, 42 U.S.C. § 265, to temporarily suspend the right to introduce into the United States certain noncitizens traveling from

Mexico and Canada who would otherwise be held in congregate settings in ports of entry or U.S. Border Patrol stations at or near the border. The currently operative order was issued in August 2021. *See* 86 Fed. Reg. 42,828 (Aug. 5, 2021) ("August 2021 Order").

Plaintiffs brought this suit in January 2021 on behalf of a class of noncitizen family units to challenge CDC's "Title 42 Policy," which Plaintiffs characterized as consisting of CDC's regulation at 42 C.F.R. § 71.40 and the orders issued thereunder. *See* Compl. ¶ 1, ECF No. 1. Plaintiffs thereafter moved for a preliminary injunction on the grounds that Section 265 did not authorize the expulsion of individuals who had already crossed the border into the United States and that such expulsions violated certain immigration laws, ECF No. 57, which covered the first five counts of the six-count complaint, *see* 2d Am. Compl. ¶¶ 81–106.

In September 2021, this Court certified the class and preliminarily enjoined the application of the "Title 42 Process"—defined by the Court as "the process developed by the CDC and implemented by the August 2021 Order," *Huisha-Huisha*, 560 F. Supp. 3d at 159—to the class. The Court found that Section 265 likely did not authorize the government to expel noncitizens. *Id.* at 166–71. The government appealed the Court's preliminary injunction and sought a stay pending appeal, which the D.C. Circuit granted. *Huisha-Huisha v. Mayorkas*, No. 21-5200 (D.C. Cir. Sept. 30, 2021), Doc. #1916334.

B. The D.C. Circuit Denied Texas's Motion to Intervene and Affirmed This Court's Preliminary Injunction in Part

While the government's appeal was pending, the State of Texas moved to intervene in the D.C. Circuit to "defend the lawfulness of the 'Title 42 Process.'" Mot. to Intervene at 1, *Huisha-Huisha v. Mayorkas*, No. 21-5200 (D.C. Cir. Oct.. 11, 2021), Doc. #1917572. Texas argued that it had a "critical interest in the continued use of the Title 42 Process because the State" would "suffer[] tremendous and irreparable injury" if the Title 42 Order were to be enjoined as to noncitizen family units and there was an "uncontrolled influx" of noncitizens crossing the border into Texas. *Id.*

The parties opposed Texas's motion. The government argued, among other things, that Texas's motion was untimely, as Texas had waited to intervene until more than nine months after

Plaintiffs filed suit. Gov't Opp. to Mot. to Intervene at 8–9, *Huisha-Huisha v. Mayorkas*, No. 21-5200 (D.C. Cir. Oct. 15, 2021), Doc. #1918415. The government also argued that to the extent Texas was claiming an interest in compelling the government to expel more noncitizens than what the government was already doing, Texas lacked any cognizable legal interest in compelling a stricter enforcement of federal law. *Id.* at 19. Plaintiffs opposed Texas's motion on similar grounds. Pls.' Opp. to Mot. to Intervene, *Huisha-Huisha v. Mayorkas*, No. 21-5200 (D.C. Cir. Oct. 15, 2021), Doc. #1918396.

On October 26, 2021, a unanimous panel of the D.C. Circuit denied Texas's motion to intervene, holding that Texas had not demonstrated that its motion met the standards for intervention on appeal. Order, *Huisha-Huisha v. Mayorkas*, No. 21-5200 (D.C. Cir. Oct. 26, 2021), Doc. #1919599. The Court instead allowed Texas to participate as amicus curiae. *Id.*

On March 4, 2022, the D.C. Circuit affirmed the preliminary injunction in part, holding that Section 265 likely authorizes the expulsion of covered noncitizens, but that such expulsions may not be to places where the noncitizens likely will be persecuted or tortured. *Huisha-Huisha v. Mayorkas*, 27 F.4th 718, 732 (D.C. Cir. 2022).

C. CDC Sought to Terminate the August 2021 Title 42 Order

On April 1, 2022, CDC terminated the August 2021 Order. 87 Fed. Reg. 19,941 ("Termination Order"). In making its determination, CDC evaluated the then-current status of the COVID-19 pandemic, which was substantially different from the environment in which the August 2021 Order was issued. CDC cited data showing that COVID-19 case numbers in the United States had fallen by 95% and that death and hospitalization rates had also undergone a "swift descent." *Id.* at 19,944 & n.24, 19,948. CDC assessed that public health officials had gained an increased understanding of the science behind COVID-19. *Id.* at 19,947–48. And CDC determined that the risk posed by COVID-19 in congregate settings did not "present a sufficiently serious danger to public health to necessitate maintaining the August Order." *Id.* at 19,951–52. In light of these considerations, CDC determined that "the readily available and less burdensome public health mitigation tools to combat the disease render an order under 42 U.S.C. § 265 to prevent a serious danger to the public health unnecessary."

Id. at 19,953. CDC set an implementation date of May 23, 2022 to provide DHS time to fully resume immigration processing under Title 8 of the U.S. Code. *Id.* at 19,956.

D. States Challenged the Termination Order in the Western District of Louisiana

On April 3, 2022, the States of Louisiana, Arizona, and Missouri filed a complaint seeking to enjoin the enforcement of the Termination Order. *See* Compl., *Louisiana v. CDC*, No. 6:22-CV-00885 (W.D. La. Apr. 3, 2022), ECF No. 1. The States alleged that CDC had violated the Administrative Procedure Act ("APA") by issuing the Termination Order without conducting notice-and-comment rulemaking and that the Termination Order was arbitrary and capricious. *Id.* Texas and 20 additional states thereafter joined the suit. *See* Am. Compl., *Louisiana v. CDC*, No. 6:22-CV-00885 (W.D. La. Apr. 14, 2022), ECF No. 10 (adding 18 additional states); Second Am. Compl., *Louisiana v. CDC*, No. 6:22-CV-00885 (W.D. La. May 5, 2022), ECF No. 44 (adding 3 additional states). All Proposed Intervenors in this action are plaintiffs in the *Louisiana* suit.

On May 20, 2022, the U.S. District Court for the Western District of Louisiana preliminarily enjoined enforcement of the Termination Order on the ground that CDC likely was required to conduct notice-and-comment rulemaking in issuing the Termination Order but failed to do so. *Louisiana v. CDC*, --- F. Supp. 3d ---, No. 6:22-CV-00885, 2022 WL 1604901 (W.D. La. May 20, 2022). The government appealed, No. 22-30303 (5th Cir.), but did not seek a stay pending appeal.

Because the *Louisiana* preliminary injunction directed the government to file monthly reports regarding its enforcement of Title 42, *see* Prelim. Inj., *Louisiana v. CDC*, No. 6:22-CV-00885 (W.D. La. May 20, 2022), ECF No. 91, the government noted in those reports Plaintiffs' motion for partial summary judgment in this action and Plaintiffs' request to vacate and set aside the "Title 42 Policy," among other relief, *see, e.g.*, Defs.' Monthly Report at 6 n.2, *Louisiana v. CDC*, No. 22-cv-00885 (W.D. La. Aug. 16, 2022), ECF No. 154. The government also apprised the *Louisiana* plaintiffs in those reports of the status of this litigation. *See id.* (noting that the Court had set a hearing on Plaintiffs' motion); ECF No. 155 at 6 n.2 (same); ECF No. 159 at 7 n.1 (noting that Plaintiffs' motion was fully briefed).

E. This Court's November 15 Order Vacated CDC's Title 42 Regulation and Orders

On November 15, 2022, the Court granted Plaintiffs' motion for partial summary judgment and vacated CDC's Title 42 implementing regulation as well as the August 2021 Order. ECF No. 164. The government had opposed Plaintiffs' motion, arguing that the administrative record amply demonstrated that the Title 42 Order was the product of reasoned decision-making. ECF No. 147. The government had also argued that the issue of vacatur was premature, where Plaintiffs had moved for partial summary judgment on only one count of their Second Amended Complaint. ECF No. 160. But the Court disagreed, entering an order "vacat[ing] and set[ting] aside the Title 42 policy—consisting of the regulation at 42 C.F.R. § 71.40 and all orders and decision memos issued by [CDC or HHS] suspending the right to introduce certain persons into the United States." ECF No. 164. The Court also "declare[d] the Title 42 policy to be arbitrary and capricious in violation of the Administrative Procedure Act" and "permanently enjoin[ed] Defendants and their agents from applying the Title 42 policy with respect to Plaintiff Class Members." *Id.*

That same day, the government moved to stay the Court's order for five weeks to allow DHS time to prepare to transition to immigration processing under Title 8. ECF No. 166. The next day, the Court granted the government's motion, staying its order until midnight EST on December 21, 2022. Minute Order, *Huisha-Huisha v. Mayorkas*, No. 21-100 (EGS) (D.D.C. Nov. 16, 2022).

Shortly after the Court granted the government's motion to stay, the government notified the *Louisiana* court of this Court's November 15 decision and the order granting a temporary stay. *See* Notice of Decision Vacating Title 42 Orders, *Louisiana v. CDC*, No. 6:22-CV-00885 (W.D. La. Nov. 16, 2022), ECF No. 164. The notice explained that pursuant to those orders, the government would begin processing all noncitizens under Title 8 beginning on December 21, 2022. *Id.*

On November 21, 2022, the government filed a motion for entry of partial final judgment on Plaintiffs' arbitrary-and-capricious claim under Federal Rule of Civil Procedure 54(b). ECF No. 167. The Court granted the motion and entered final judgment under Rule 54(b). ECF No. 170. The government is presently in the process of considering whether to appeal this Court's November 15 order and the Rule 54(b) final judgment.

F. Proposed Intervenors Move to Intervene

On November 21, 2022, fifteen States filed this instant motion. Mot. to Intervene ("Mot."), ECF No. 168. Thereafter the State of Montana filed a motion for joinder, which the Court granted. *See* Minute Order, *Huisha-Huisha v. Mayorkas*, No. 21-100 (EGS) (D.D.C. Nov. 29, 2022). The States of Utah, Missouri, and Tennessee also filed a motion for joinder, which the Court denied for failing to comply with the duty to confer and for failing to attach a proposed order. *See* Minute Order, *Huisha-Huisha v. Mayorkas*, No. 21-100 (EGS) (D.D.C. Nov. 29, 2022) (citing LCvR 7(c) & (m)).

Just as Texas had unsuccessfully argued in the Court of Appeals when seeking to intervene in the interlocutory appeal of this Court's preliminary injunction, Proposed Intervenors argue that they have an interest in this action because they will "face increased migrant flows and increased releases of aliens if the Title 42 process is terminated." Mot. 11.

STANDARD OF REVIEW

Federal Rule of Civil Procedure 24(a)(2) establishes four requirements for intervention as of right: "(1) the application to intervene must be timely; (2) the applicant must demonstrate a legally protected interest in the action; (3) the action must threaten to impair that interest; and (4) no party to the action can be an adequate representative of the applicant's interests." *Deutsche Bank Nat'l Trust Co. v. FDIC*, 717 F.3d 189, 192 (D.C. Cir. 2013). The putative intervenor must "satisfy all four elements of the Rule in order to intervene as of right." *Jones v. Prince George's Cnty.*, 348 F.3d 1014, 1019 (D.C. Cir. 2003). In addition, a party seeking to intervene as of right must also demonstrate Article III standing. *Deutsche Bank Nat'l Trust*, 717 F. 3d at 1323; *see also Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275, 284 (D.C. Cir. 1993) (dismissing intervenor who failed to "satisfy the requirements of Article III standing"); *Nat'l Fair Hous. All. v. Carson*, 330 F. Supp. 3d 14, 66 (D.D.C. 2018) (denying State's motion to intervene where State failed to establish standing). "Because a prospective intervenor's Article III standing presents a question going to this Court's jurisdiction, the Court must address standing before considering the four-part test for evaluating intervention as of right." *In re Endangered Species Act Section 4 Deadline Litig.*, 277 F.R.D. 1, 5 (D.D.C. 2011) (Sullivan, J.), *aff'd*, 704 F.3d 972 (D.C. Cir. 2013).

Federal Rule of Civil Procedure 24(b)(1)(B) provides for permissive intervention. "[P]ermissive intervention is an inherently discretionary enterprise." *EEOC v. Nat'l Children's Ctr., Inc.*, 146 F.3d 1042, 1046 (D.C. Cir. 1998). The proposed intervenor must present: "(1) an independent ground for subject matter jurisdiction; (2) a timely motion; and (3) a claim or defense that has a question of law or fact in common with the main action." *Id.* The proposed intervenor must also demonstrate standing for permissive intervention. *Keepseagle v. Vilsack*, 307 F.R.D. 233, 245-46 (D.D.C. 2014) (Sullivan, J.).

ARGUMENT

I. PROPOSED INTERVENORS ARE NOT ENTITLED TO INTERVENTION AS OF RIGHT

Proposed Intervenors cannot establish that they are entitled to intervention as of right for at least three independent reasons: (1) they lack Article III standing or any legally protected interest in this action, (2) their motion is untimely, and (3) the government adequately represents their interests.

A. Proposed Intervenors Lack Standing or Any Legally Protected Interest

As a threshold matter, Proposed Intervenors fail to show that they have standing or any legally protected interest in this action. "Article III of the U.S. Constitution permits federal courts to adjudicate 'cases or controversies,' not any political dispute that happens to arise between the state and federal executive branches." *Arizona v. Biden*, 40 F.4th 375, 383 (6th Cir. 2022). As the Supreme Court has explained, "[n]o principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies." *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 408 (2013) (citation omitted). One element of this constitutional limitation is that a party must establish standing. *Raines v. Byrd*, 521 U.S. 811, 818 (1997). All parties seeking to intervene under Rule 24(a)—including putative defendant-intervenors—must demonstrate standing. *Crossroads Grassroots Pol'y Strategies v. Fed. Election Comm'n*, 788 F.3d 312, 316 (D.C. Cir. 2015). "The standing inquiry for an intervening-defendant is the same as for a plaintiff: the intervenor must show injury in fact, causation, and redressability." *Id.*

Here, Proposed Intervenors fail to carry their burden of establishing standing. Proposed Intervenors assert that once Title 42 ends and the government resumes immigration processing under Title 8, border states such as Arizona and Texas "will face increased migrant flows and increased releases" of noncitizens, and that these noncitizens will "flow to other States, too." Mot. 11. "Wherever [they] end up," Proposed Intervenors contend, these noncitizens will impose "financial burdens" on the States in the form of increased health care, education, and law enforcement costs. Mot. 12–14. This theory of standing fails for at least two reasons.

First, Proposed Intervenors' assertions about diffuse and widely shared societal costs resulting from a potential increase in the States' population do not constitute a "judicially cognizable" injury or a "legally protected" interest. *Raines*, 521 U.S. at 819. A State "has not suffered an injury in fact to a legally cognizable interest" when "a federal government program is anticipated to produce an increase in that state's population and a concomitant increase in the need for the state's resources." *Arpaio v. Obama*, 27 F. Supp. 3d 185, 202 (D.D.C. 2014), *aff'd*, 797 F.3d 11 (D.C. Cir. 2015). "To accept such a broad interpretation of the injury requirement would permit nearly all state officials to challenge a host of Federal laws." *Id.* For these reasons, the Sixth Circuit recently rejected Arizona, Montana and Ohio's attempt to rely on the same theory of standing in a suit challenging DHS's immigration enforcement priorities, holding that the States could not establish standing simply because a federal policy had indirect financial effects on the States. *Arizona*, 40 F.4th at 383–85. Instead, a State generally must show that the challenged action "directly injure[s]" the State. *Id.* at 383; *see also, e.g.*, *Florida v. Mellon*, 273 U.S. 12, 18 (1927) (holding that Florida lacked standing to challenge a federal inheritance tax that would cause the State financial harm by prompting the withdrawal of property from the State and diminishing the States' tax base, because any such harm was "at most, only remote and indirect" and not a "direct injury").

Here, the vacatur of CDC's Title 42 orders and resumption of immigration processing under longstanding, congressionally authorized immigration laws would not "directly injure the States." *Arizona*, 40 F.4th at 383. This is not a situation where the federal government has required a State to act or to refrain from acting, determined how much federal funding it receives, or deprived it of a legal

right. *See Dep't of Com. v. New York*, 139 S. Ct. 2551, 2565 (2019) (relying on federal funding). The resumption of immigration processing under Title 8 simply tells federal officials how to enforce federal law in a field that the Constitution commits to the federal government. Any indirect effects on States do not qualify as "legally" and "judicially cognizable" injuries. *Raines*, 521 U.S. at 819. In our federal system, policies regulating people within a State will inevitably have derivative effects on the State's exercise of its own governmental powers. But the autonomy of the national and state sovereigns, acting directly upon individuals "within their respective spheres," *Printz v. United States*, 521 U.S. 898, 920 (1997) (citation omitted), refutes the notion that a State has a judicially cognizable interest in avoiding the indirect effects of federal policies.

Under Proposed Intervenors' theory of standing, any federal action that results in "increased migrant flows" would establish standing because it indirectly increases the States' expenditures. Mot. 12–14. Other States could use equivalent logic to claim injury from any federal action *reducing* their noncitizen populations, on the theory that noncitizens pay taxes or otherwise contribute to the State's economy. If such indirect financial effects satisfied Article III standing, every immigration-policy dispute between the federal government and the States would end up in federal court. Nor is the problem limited to immigration. Virtually any federal action—from prosecuting crime to imposing taxes to managing federal property—could be said to have some indirect effect on state finances. Crediting Proposed Intervenors' theory would inject the federal courts into all manner of policy controversies at the behest of States seeking to secure by court order what they could not obtain through the political process.

In contending that they nonetheless have Article III standing, Proposed Intervenors note that two federal district courts held that States had a protected interest in the continued validity of the "Title 42 Policy." Mot. 10 (citing *Louisiana v. CDC*, No. 6:22-CV-00885, 2022 WL 1604901, at *10–15 (W.D. La. May 20, 2022); *Texas v. Biden*, 589 F. Supp. 3d 595, 610–13 (N.D. Tex. 2022)). Those decisions relied on Fifth Circuit precedent holding that States had standing to challenge an immigration policy that would increase the number of noncitizens in a State and increase the State's expenditures. *See, e.g.*, *Texas v. Biden (MPP)*, 20 F.4th 928, 970–71 (5th Cir. 2021); *Texas v. United States*

(DAPA), 809 F.3d 134, 155–60 (5th Cir. 2015). For the reasons explained above, however, those decisions are inconsistent with the Supreme Court's jurisprudence on standing. This Court should not follow those out-of-circuit Fifth Circuit decisions and should instead follow the Sixth Circuit's decision in *Arizona* and Chief Judge Howell's decision in *Arpaio*, both of which rejected nearly identical theories of State standing. *Arizona*, 40 F.4th at 383–85; *Arpaio*, 27 F. Supp. 3d at 202.

Second, in addition to failing to establish a cognizable injury, Proposed Intervenors also fail to show that any of their alleged financial harms are fairly traceable to the vacatur of CDC's Title 42 orders. Proposed Intervenors do not allege, for example, that they are harmed because of specific actions they have taken in reliance on CDC's Title 42 orders. Instead, Proposed Intervenors contend that the current immigration laws and policies are inadequate to address an anticipated surge in migration once Title 42 ends, and they point to costs that they may incur as a result of the federal government's enforcement of immigration laws. But that is no basis to intervene in this action. Whatever policy concerns Proposed Intervenors may have about noncitizens' migration patterns, Congress did not enact Section 265 to address them; rather, Section 265 is a public health statute targeting the serious danger posed by communicable diseases.

The Supreme Court's decision in *California v. Texas*, 141 S. Ct. 2104 (2021), is illustrative of the point that a State does not have standing based on alleged financial harms not traceable to the challenged action. There, several States challenged the constitutionality of the Affordable Care Act's individual mandate based on allegations that other provisions in the Act created "a direct injury resulting from a variety of increased administrative and related expenses." *Id.* at 2117. The Supreme Court concluded that those increased administrative and related expenses were not "fairly traceable" to the individual mandate—namely, the "allegedly unlawful" provision "of which the plaintiffs complain." *Id.* at 2114, 2119 (quoting *Allen v. Wright*, 468 U.S. 737, 751 (1984)). The Court emphasized that the "other provisions" giving rise to costs "operate[d] independently" and "[n]o one claim[ed] these other provisions violate the Constitution." *Id.* at 2119-20. Thus, although standing requires "de facto causality" and may sometimes be based on substantiated "predictable effect[s]," *Dep't of Com.*, 139 S. Ct. at 2566 (quotation marks omitted), a party lacks standing based on harms from laws that

operate independently. Here, Proposed Intervenors' alleged injuries are at most traceable to immigration laws that are not at issue in this case.[1]

Citing *Massachusetts v. EPA*, 549 U.S. 497, 520 (2007), Proposed Intervenors also assert that they are entitled to "special solicitude" in the standing analysis. Mot. 14. But *Massachusetts* is of no help to Proposed Intervenors. In that case, Massachusetts, among others, sued the Environmental Protection Agency ("EPA"), alleging that the agency's refusal to regulate greenhouse gases was inconsistent with the Clean Air Act and that the agency's failure to regulate contributed to increased global warming and harm to the environment. *Id.* at 504. The Supreme Court found that Massachusetts had alleged an injury to its interest in preserving its "sovereign territory"—*i.e.* "a particularized injury in its capacity as a coastal landowner"—given the "uncontested" evidence that the State's coastal land "ha[d] already [been] harmed and [would] continue to [be] harm[ed]" by the environmental effects that were the subject of the State's petition for rulemaking. *Id.* at 499, 519–20, 522, 526. Moreover, "of critical importance to the standing inquiry," *id.* at 516, the Supreme Court said, was Congress' authorization in the Clean Air Act to permit suit to challenging EPA's denial of the State's petition for rulemaking to redress the State's own injuries. *See id.* at 520 n.17 ("Massachusetts does not here dispute that the Clean Air Act applies to its citizens; it rather seeks to assert its rights under the Act."). In other words, *Massachusetts* held only that a State had standing to challenge the denial of a rulemaking petition when the denial threatened to diminish its "sovereign territory" and the Clean Air Act vested it with specific procedural rights related to the subject. *See*

[1] In a footnote, Plaintiffs also seek to establish standing by relying on certain "Memoranda of Understanding" that a former DHS official, Ken Cuccinelli, purported to enter into with Arizona and Louisiana on DHS's behalf. Mot. 14 n.3. Both MOUs have been terminated. *See* ECF No. 12-1 at 20–29 in *Arizona v. DHS*, No. 2:21-cv-00186 (D. Ariz. Mar. 8, 2021); ECF No. 42-4 in *Texas v. United States*, No. 6:21-cv-00016 (S.D. Tex. May 18, 2021). In any event, standing is a fundamental jurisdictional question that is not subject to waiver or agreement. Rather, whether a party has standing turns on whether the party can establish "real," concrete injuries that can be traced to challenged conduct. *See TransUnion LLC v. Ramirez*, 141 S. Ct. 2190, 2204–05 (2021). Moreover, even if the MOUs were valid and effective, they do not provide that Plaintiffs would have standing to defend challenges to CDC's Title 42 regulation and orders simply because the regulation and orders have effects on immigration.

Manitoba v. Bernhardt, 923 F.3d 173, 182 (D.C. Cir. 2019) (Massachusetts "asserted its own statutory right and alleged its own harm to establish an injury-in-fact").

"While the States may have more theories of injury available to them" because of their sovereign interests, "that does not allow them to bypass proof of injury in particular or Article III in general." *Arizona v. Biden*, 31 F.4th 469, 476 (6th Cir. 2022). Thus, States may not establish injury in fact by citing a federal policy's "downstream costs to the States in the form of additional crime and public-welfare costs," *id.* at 474, or "indirect fiscal burdens allegedly flowing from" the federal policy, *id.* at 476. Those indirect burdens cannot "count as a uniquely sovereign harm" because "[a] State has no more reason to fear harms to its bottom line from federal regulations than a person or a business does." *Id.* And in any event, "the key sovereign with authority and 'solicitude' with respect to immigration is the National Government, not the States." *Id.*

Equally unavailing is Proposed Intervenors' attempt to rely on a purported quasi-sovereign interest in upholding Title 42's implementing regulation and orders. Mot. 15. As the D.C. Circuit has recognized, "[t]he general supremacy of federal law means that the federal *parens patriae* power should not, as a rule, be subject to the intervention of states seeking to represent the same interest of the same citizens." *Manitoba*, 923 F.3d at 183 (citation and internal quotations omitted). "For that reason," the D.C. Circuit said, with respect to federal policies, "a state cannot have a quasi-sovereign interest because matters of federal law fall[ ] within the sovereignty of the Federal Government." *Id.* A State's defense of federal law, therefore, would "usurp[] the role of the federal government." *Id.* Indeed, Congress vested in the CDC the authority to implement Title 42. Any interest in the continued validity of the Title 42 regulation so as to ensure that "CDC is able to rapidly react to emerging public health threats and exclude aliens to the maximum extent permitted by Congress," Mot. 15, is exclusively within the province of the federal government. Accordingly, Proposed Intervenors cannot rely on such an interest to establish their Article III standing, let alone to establish a protected legal interest in this litigation.

Finally, Proposed Intervenors plainly cannot rely on any "procedural right" to APA's notice-and-comment procedures in support of their standing to intervene in this case. *See* Mot. 15. They

argue that they seek to protect such a procedural right "regarding any changes to CDC's Title 42 implementing regulation and the associated Title 42 Orders." Mot. 15. But Proposed Intervenors are seeking to *defend* the lawfulness of CDC's Title 42 implementing regulation and orders in this suit; they are not intervenor-plaintiffs raising procedural challenges (or any others). And in *Louisiana*, Proposed Intervenors have challenged only the purported procedural defects of the Termination Order, which is not in issue in this case. The fact that the *Louisiana* suit could be rendered moot by this Court's November 15 order by no means shows that Proposed Intervenors' procedural rights are impaired.

B. Proposed Intervenors' Motion is Untimely

Even if Proposed Intervenors could establish standing and had a legally protected interest in this action, their motion would be untimely. The timeliness of a motion to intervene "is to be judged in consideration of all the circumstances, especially weighing the factors of time elapsed since the inception of the suit, the purpose for which intervention is sought, the need for intervention as a means of preserving the applicant's rights, and the probability of prejudice to those already parties in the case." *Amador Cnty., Cal. v. U.S. Dep't of the Interior*, 772 F.3d 901, 903 (D.C. Cir. 2014) (quoting *United States v. British Am. Tobacco Australian Servs. LTD.*, 437 F.3d 1235, 1238 (D.C. Cir. 2006)). Where a party is seeking to intervene when the Court has already entered judgment—or here, granted partial summary judgment followed by a Rule 54(b) final judgment—the intervention motion "will usually be denied where a clear opportunity for pre-judgment intervention was not taken." *Associated Builders & Contractors, Inc. v. Herman*, 166 F.3d 1248, 1257 (D.C. Cir. 1999) (quoting *Dimond v. District of Columbia*, 792 F.2d 179, 193 (D.C. Cir. 1986)).

Here, Proposed Intervenors had multiple "clear opportunit[ies]" to intervene in this action but failed to do so. Plaintiffs filed their complaint on January 12, 2021, more than twenty-two months ago. And this Court issued a preliminary injunction enjoining the application of the "Title 42 Process" to covered family units in September 2021. While Texas did attempt to intervene in the Court of Appeals regarding the government's interlocutory appeal, none of the Proposed Intervenors sought to intervene in this litigation before this Court at that time or even after CDC made clear in its April 1, 2022 Termination Order that the August 2021 Title 42 Order was no longer necessary to protect

the public health. 87 Fed. Reg. at 19,953. Instead, Proposed Intervenors chose to initiate their *own* litigation in the Western District of Louisiana to vindicate "Plaintiffs States' [purported] reliance interests in the continuation of the Title 42 policy." Compl. ¶ 139, *Louisiana v. CDC*, No. 6:22-CV-00885 (W.D. La. Apr. 3, 2022), ECF No. 1. They did so despite being fully aware that their interests could diverge from the federal government's in this case, in light of CDC's conclusion in the Termination Order.

Proposed Intervenors continued to take no action to intervene when the government notified them and the *Louisiana* court of Plaintiffs' motion for partial summary judgment and the relief that Plaintiffs were seeking, including vacatur of CDC's "Title 42 Policy." *See, e.g.*, Defendants' Monthly Report at 6 n.2, *Louisiana v. CDC*, No. 22-cv-00885 (W.D. La. Aug. 16, 2022), ECF No. 154; *see also* ECF No. 155 at 6 n.2; ECF No. 159 at 7 n.1; ECF No. 165 at 7–8. Instead of seeking to intervene at that time to defend their alleged interests, including to allow the parties to litigate Proposed Intervenors' Article III standing in an orderly fashion, Proposed Intervenors waited until this Court granted partial summary judgment, issued a permanent injunction, vacated and set aside the "Title 42 Policy," and now entered final judgment under Rule 54(b), to litigate the intervention issue on an emergency basis. The intervention motion is plainly untimely.

Proposed Intervenors nonetheless assert that their motion is timely because the "Federal Defendants [purportedly] have shifted course and abandoned their defense of Title 42." Mot. 1. And Proposed Intervenors allege that they "made this motion within six days of learning the Federal Defendants would not defend the legality of the Title 42 policy by seeking an appeal." Mot. 10. That the government did not seek a stay pending appeal—and has not yet concluded its decisionmaking on whether to seek an appeal—does not excuse Proposed Intervenors' tardiness in seeking to protect their claimed interests in this litigation. Indeed, once the Termination Order was issued in April 2022, Proposed Intervenors knew or should have known that the government might not seek a stay pending any appeal in the event of an adverse decision. That is because, to seek a stay pending appeal, the government would have to show, among other things, that it would be "irreparably injured absent a stay." *Nken v. Holder*, 556 U.S. 418, 434 (2009). Such a showing would have been challenging because

CDC already determined in April 2022 that the exercise of Title 42 authority is no longer necessary in the interest of public health. 87 Fed. Reg. at 19,951–52.

Because Proposed Intervenors had a clear opportunity to intervene in this case sooner, the cases on which they rely are readily distinguishable. *See* Mot. 9–10. In *Smoke v. Norton*, 252 F.3d 468 (D.C. Cir. 2001), the D.C. Circuit allowed proposed intervenors to intervene because they had "no occasion to intervene" to protect their interests before judgment was entered. *Id.* at 469. Rather, prior to judgment, the proposed intervenors' interests were "fully consonant with those of the Government." *Id.* at 471. But that is hardly the case here, where Proposed Intervenors chose to sue the government in another forum to protect their alleged interests months before seeking intervention in this case, despite being fully aware by mid-August at the latest that this Court could grant Plaintiffs' requested relief. Similarly, in *Cameron v. EMW Women's Surgical Ctr., P.S.C.*, 142 S. Ct. 1002 (2022), the Supreme Court held that intervention was timely where a State's Attorney General sought to intervene "as soon as it became clear" that the State's interests would no longer be protected by the parties. *Id.* at 1012. Again, given CDC's April 1, 2022, Termination Order, it should have been clear that the government might not seek a stay pending any appeal if this Court issued an adverse decision. Yet Proposed Intervenors waited until recently to seek to intervene, while choosing to prosecute their own suit against the government in another forum.

Proposed Intervenors are also wrong that their tardiness will not prejudice the parties. Mot. 10. Proposed Intervenors' motion has *already* prejudiced the parties. In seeking to intervene at the eleventh hour, Proposed Intervenors attach some 900 pages of exhibits in support of their allegations of standing. ECF Nos. 168-2 to 168-14. These exhibits consist of, among other things, deposition transcripts and declarations from other proceedings, a guidance memorandum issued by U.S. Border Patrol, and voluminous briefing and exhibits from at least two other cases. *Id.* As explained above, Proposed Intervenors ask the Court to credit this evidence—produced for the first time after this Court's grant of summary judgment—in finding that they have Article III standing. Because of the "emergency" nature of Proposed Intervenors' motion, the parties will not have a meaningful opportunity to challenge this alleged evidence or provide contrary evidence of their own.

This rushed briefing and consideration of Proposed Intervenors' standing could have been avoided if Proposed Intervenors had filed their motion sooner, either immediately after CDC issued its April 1 Termination Order or, at a minimum, after the government notified Proposed Intervenors of Plaintiffs' motion for partial summary judgment in mid-August. Because they did not take these clear opportunities to intervene, Proposed Intervenors' motion is untimely.

C. Defendants Adequately Represent Any Interests That Proposed Intervenors Might Have in This Litigation

Proposed Intervenors also are not able to satisfy their burden to show that the government does not adequately represent their interests. Although that burden is "minimal," *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972), "[a] mere difference of opinion concerning the tactics with which litigation should be handled" does not amount to inadequate representation, *Jones v. Prince George's Cnty., Maryland*, 348 F.3d 1014, 1020 (D.C. Cir. 2003). The government has vigorously defended the lawfulness of CDC's Title 42 regulation and orders, and Proposed Intervenors apparently agree with the government that those orders and the regulation are not arbitrary and capricious.

Proposed Intervenors do not dispute that the government previously protected their interests. But they contend that the adequacy of the government's representation changed recently when they "learn[ed] the Federal Defendants would not defend the legality of the Title 42 policy by seeking an appeal." Mot. 10. As explained above, however, all that has occurred so far is that the government has sought a temporary stay of the Court's November 15 Order. And although the government is still in the process of deciding whether to appeal, disagreement over litigation strategy does not demonstrate inadequate representation. *See Jones*, 348 F.3d at 1020 ("If disagreement with an existing party over trial strategy qualified as inadequate representation, the requirement of Rule 24 would have no meaning.").

It is especially important for the Court to enforce Rule 24's limits where, as here, the legal questions exclusively concern the APA's requirements for federal agencies and the requested relief would bind only the federal government. It is the federal agency's administrative record and

decisionmaking that is the focal point of the Court's review; Proposed Intervenors are not the proper litigants to defend that record and decisionmaking. Moreover, Congress has entrusted the Department of Justice to control "litigation in which the United States, an agency, or officer thereof is a party." 28 U.S.C. § 516; *see also* 5 U.S.C. § 3106; 28 U.S.C. § 519. In representing the United States, the Department relies on the views of other entities within the government as well as its own "broad[] view of litigation in which the Government is involved throughout the state and federal court systems." *Fed. Election Comm'n v. NRA Political Victory Fund*, 513 U.S. 88, 96 (1994). Permitting intervention as a matter of right solely because of a difference in litigation strategy on a matter exclusively within the federal government's province would encroach on the government's statutory discretion to exercise this litigation judgment and complicate the administration of importance cases involving federal policies.

II. PROPOSED INTERVENORS' REQUEST FOR PERMISSIVE INTERVENTION SHOULD BE DENIED

The Court should likewise deny Proposed Intervenors' request for permissive intervention. Mot. 17. "Movants' lack of standing renders them ineligible for permissive intervention." *Keepseagle*, 307 F.R.D. at 245–46. Moreover, permissive intervention requires a timely motion, *EEOC v. Nat'l Children's Ctr., Inc.*, 146 F.3d 1042, 1046 (D.C. Cir. 1998), but Proposed Intervenors' motion is untimely for the reasons stated above. Regardless, "permissive intervention is an inherently discretionary enterprise." *Id.* Because Proposed Intervenors lack standing or any legally protected interest in this case, because their motion is untimely, because the government adequately represents Proposed Intervenors' interests, and because allowing intervention would be prejudicial at this time, the Court should exercise its discretion to deny permissive intervention.

CONCLUSION

For the foregoing reasons, the Court should deny Proposed Intervenors' motion to intervene.

Dated: November 29, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, *et al.,* *Plaintiffs*, v. ALEJANDRO MAYORKAS, Secretary of Homeland Security, in his official capacity, *et al.,* *Defendants*.	No. 1:21-cv-00100-EGS

PLAINTIFFS' OPPOSITION TO PROPOSED INTERVENORS' MOTION TO INTERVENE

TABLE OF CONTENTS

INTRODUCTION 1

RELEVANT PROCEDURAL HISTORY 2

I. The Initiation Of This Case And The First Appeal 2

II. CDC's Efforts To Narrow Or Eliminate The Title 42 Process, And The States' Efforts To Enjoin Those Actions 3

III. Recent Developments In This Case 4

LEGAL STANDARD 4

ARGUMENT 5

I. THE STATES LACK STANDING. 5

II. THE STATES ARE NOT ENTITLED TO INTERVENTION AS OF RIGHT 12

A. The States' Motion Is Untimely. 12

B. The States Lack A Legally Protectable Interest. 19

C. The States' Interests Are Adequately Represented. 20

III. PERMISSIVE INTERVENTION IS NOT WARRANTED. 23

CONCLUSION 23

TABLE OF AUTHORITES

Cases

Amador Cnty., Cal. v. U.S. Dep't of the Interior,
772 F.3d 901 (D.C. Cir. 2014) ..... passim

Amalgamated Transit Union International, AFL-CIO, et al., v Donovan
771 F.2d 1551 (D.C. Cir. 1985) 13, 23

Arizona v. Biden,
40 F.4th 375 (6th Cir. 2022) 6, 10

Arpaio v. Obama,
797 F.3d 11 (D.C. Cir. 2015) ..... passim

Associated Builders & Contractors, Inc. v. Herman,
166 F.3d 1248 (D.C. Cir. 1999) 12

Biden v. Missouri,
142 S. Ct. 647 (2022) 11

Bldg. & Const. Trades Dep't, AFL-CIO v. Reich,
40 F.3d 1275 (D.C. Cir. 1994) 21

California v. Texas,
141 S. Ct. 2104 (2021) 8, 10

Cameron v. EMW Women's Surgical Ctr., P.S.C.,
142 S. Ct. 1002 (2022) 18

Clapper v. Amnesty Int'l USA,
568 U.S. 398 (2013) 9

Conservation Law Found. of New England, Inc. v. Mosbacher,
966 F.2d 39 (1st Cir. 1992) 21

Cook Cnty., Illinois v. Texas,
37 F.4th 1335 (7th Cir. 2022) 14

Ctr. for Biological Diversity v. U.S. Dep't of Interior,
563 F.3d 466 (D.C. Cir. 2009) 10, 11

Ctr. for Biological Diversity v. U.S. Fish & Wildlife Serv.,
340 F.R.D. 1 (D.D.C. 2021) 4

Del. Dep't of Nat. Res. & Env't Control v. EPA,
785 F.3d 1 (D.C. Cir. 2015) 6

Deutsche Bank Nat. Trust Co. v. FDIC,
717 F.3d 189 (D.C. Cir. 2013) 4, 5

Endangered Species Act Section 4 Deadline Litig.,
704 F.3d 972 (D.C. Cir. 2013) 23

Huisha-Huisha v. Mayorkas,
27 F.4th 718 (D.C. Cir. 2022) 3

Huisha-Huisha v. Mayorkas
560 F. Supp. 3d (D.D.C. 2021) 8, 9

Jones v. Prince George's Cnty., Md.,
348 F.3d 1014 (D.C. Cir. 2003) 4, 23

Louisiana v. CDC, __ F. Supp. 3d __,
2022 WL 1604901 (W.D. La. May 20, 2022) 4, 7, 9, 22

NAACP v. New York,
413 U.S. 345 (1973) 15, 17, 18

Pennsylvania v. Kleppe,
533 F.2d 668 (D.C. Cir. 1976) 6, 12

United States House of Represenatives v. Price,
2017 WL 3271445 (D.C. Cir. Aug. 1, 2017) 19, 21

Massachusetts v. United States Dep't of Educ.,
340 F. Supp. 3d 7 (D.D.C. 2018) 6

Roeder v. Islamic Republic of Iran,
333 F.3d 228 (D.C. Cir. 2003) 12

Smoke v. Norton,
252 F.3d 468 (D.C. Cir. 2001) 12, 15, 17, 18

State v. City of Chicago,
912 F.3d 979 (7th Cir. 2019) 13

Stone v. Mississippi,
101 U.S. 814 (1879) 20

Texas v. Biden,
589 F. Supp. 3d 595 (N.D. Tex. 2022) 3

Texas v. United States,
No. 21-16, 2022 WL 2109204 (S.D. Tex. June 10, 2022) 20

U.S. Tr. Co. of New York v. New Jersey,
431 U.S. 1 (1977) 20

United Airlines, Inc. v. McDonald,
432 U.S. 385 (1977) 18

United States v. All Assets Held at Credit Suisse (Guernsey) Ltd.,
45 F.4th 426 (D.C. Cir. 2022) 21

United States v. Brit. Am. Tobacco Australia Servs.,
437 F.3d 1235 (D.C. Cir. 2006) 12, 14, 15, 19

United States v. Philip Morris USA Inc.,
566 F.3d 1095 (D.C. Cir. 2009) 21

United States v. Philip Morris USA Inc.,
No. 99-2496, 2005 WL 1830815 (D.D.C. July 22, 2005) 21

Utah Ass'n of Cntys. v. Clinton,
255 F.3d 1246 (10th Cir. 2001) 21

Wittman v. Personhuballah,
578 U.S. 539 (2016) 5

Regulations

86 Fed. Reg. 42,828 (Aug. 5, 2021) 12

87 Fed. Reg. 15,243 (Mar. 17, 2022) 3, 8

Other Authorities

Governor Abbott Issues Executive Order Prohibiting Vaccine Mandates By Any Entity, Adds Issue To Special Session Agenda, Off. of the Tex. Gov. (Oct. 11, 2021), https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-prohibiting-vaccine-mandates-by-any-entity-adds-issue-to-special-session-agenda ..... 11|

States' COVID-19 Public Health Emergency Declarations and Mask Requirements, National Academy for State Health, https://www.nashp.org/governors-prioritize-health-for-all/ 11

Texas Executive Order GA-38, https://perma.cc/BGM8-EV6E..... 11

INTRODUCTION

Twenty-one months after this suit was filed, a group of States seeks to intervene for the first time at the district court level. ECF No. 168 ("Mot.").[1] This Court should reject the States' belated motion. The States lack standing, as well as any protectable legal interest, both of which are required for intervention. The D.C. Circuit has repeatedly rejected similar theories of standing based on conjecture and downstream consequences of the federal government's policies. *See, e.g.*, *Arpaio v. Obama*, 797 F.3d 11, 14 (D.C. Cir. 2015).

Even if they had standing, the States' motion is untimely because they waited until the eleventh hour to intervene. The States try to suggest that they are only now first having doubts about the adequacy of the federal government's capacity to represent them. Yet in October 2021, one of the proposed intervenors, the State of Texas, *expressly* stated that it believed the federal government was not adequately representing its interests in this Title 42 litigation. The States' delay in seeking intervention threatens to upend the transition from Title 42 processing—for which this Court reluctantly granted a temporary stay—and prejudice Plaintiffs by forcing them to litigate both intervention and stay proceedings on an unduly expedited basis to avoid further delay of the end of the Title 42 policy.

The States' entire argument on adequacy is premised on the notion that Defendants do not intend to appeal this Court's order, even though Defendants have said no such thing. Regardless, this Court can deny intervention based on their lack of standing or untimeliness, without deciding whether Defendants are adequately representing the States' interests.

[1] Citations to electronic filings are to the PDF page number.

RELEVANT PROCEDURAL HISTORY

I. The Initiation Of This Case And The First Appeal

In January 2021, Plaintiffs initiated this class action challenging the legality of the Title 42 policy. ECF No. 1. In September 2021, this Court preliminarily enjoined the application of the Title 42 Process to the Plaintiff Class, and the federal government appealed.

In October 2021, the State of Texas—one of the proposed intervenors here—filed a motion to intervene at the D.C. Circuit. Motion to Intervene as Intervenor-Defendant, *Huisha-Huisha v. Mayorkas*, No. 21-5200 (D.C. Cir. Oct. 11, 2021) ("Texas Intervention"). Texas stated that its goal was to "defend the lawfulness of the 'Title 42 Process,'" which it described as "a fundamental part of the broader national toolkit that is necessary to secure the border and to protect the health and well-being" of U.S. and Texas residents. *Id.* at 1. Texas asserted that it would "suffer[] tremendous and irreparable injury" if the policy were enjoined. *Id.* Texas also stated that it "no longer believes Defendants can or will adequately represent the State's significant interests in this case." *Id.* at 10. Plaintiffs argued that Texas should not be allowed to intervene for the first time on appeal, noting Texas's reliance on a number of untested and unfounded factual assertions with respect to the State's claimed injuries. *See generally* Plaintiffs-Appellees' Opposition, *Huisha-Huisha*, No. 21-5200 (D.C. Cir. Oct. 15, 2021). The D.C. Circuit denied Texas's motion to intervene, finding Texas had not satisfied the heightened "standards for intervention on appeal." Order at 1, *Huisha-Huisha*, No. 21-5200 (D.C. Cir. Oct. 26, 2021).

Ultimately, the D.C. Circuit affirmed this Court's preliminary injunction order in part and remanded for resolution of the merits. In doing so, the Circuit pointedly noted that the Title 42 policy appeared to be a "relic" and that on remand this Court could address "Plaintiffs' claim that the § 265 Order is arbitrary and capricious" (which had not yet been addressed because the

administrative record had not yet been filed). *Huisha-Huisha v. Mayorkas*, 27 F.4th 718, 734-35 (D.C. Cir. 2022); *see also id*. at 735 (D.C. Circuit noting that the policy appeared not to serve "any purpose"). Despite this indication of the likely course of proceedings on remand, neither Texas nor any other State sought to intervene until *after* this Court ruled on Plaintiffs' summary judgment motion—six months after the Circuit issued its mandate, *see* ECF No. 136.

II. CDC's Efforts To Narrow Or Eliminate The Title 42 Process, And The States' Efforts To Enjoin Those Actions

In the meantime, CDC undertook a series of reevaluations of the Title 42 Process, and the proposed intervenor States challenged those actions in other courts. After CDC temporarily excepted unaccompanied children from the Title 42 Process on February 11, 2021, Texas sued to block that move in the Northern District of Texas, and also challenged CDC's alleged exemption of certain families. *See* Mot. 14-15 (describing Texas's lawsuit). Texas's filings show it was well aware that the legality of Title 42 was at issue in this Court. *See, e.g.*, Amended Complaint at 25, ECF No. 62, *Texas v. Biden*, No. 21-579 (N.D. Tex. Aug. 23, 2021) (citing declaration filed in this case); Complaint at 1, ECF No. 1, *Texas*, No. 21-579 (N.D. Tex. Apr. 22, 2021) (citing *P.J.E.S.* litigation).[2] The *Texas* court issued a preliminary injunction, *see Texas v. Biden*, 589 F. Supp. 3d 595 (N.D. Tex. 2022), after which CDC terminated all prior Title 42 orders to the extent they applied to unaccompanied children, 87 Fed. Reg. 15,243, 15,253 (Mar. 17, 2022).

After CDC issued an order on April 1, 2022, terminating *all* prior Title 42 orders issued pursuant to 42 U.S.C. § 265, a number of States—including all the proposed intervenor States here—challenged the termination order in the Western District of Louisiana, again citing this

[2] The same is true of other proposed intervenor States. *See* Amicus of Arizona, *et al*. at *2, *Texas v. United States*, No. 21-40618 (5th Cir. Aug. 31, 2021), 2021 WL 4126281 (citing declaration from this case).

litigation in their own court filing. Memorandum in Support of Motion for Preliminary Injunction at 38, ECF No. 13-1, *Louisiana v. CDC*, No. 22-885 (W.D. La. Apr. 14, 2022). That court issued a preliminary injunction on notice-and-comment grounds, which the federal government has appealed. *See Louisiana v. CDC*, __ F. Supp. 3d __, 2022 WL 1604901 at *23 (W.D. La. May 20, 2022), *appeal pending*, No. 22-30303 (5th Cir.).

III. Recent Developments In This Case

After remand from the D.C. Circuit, this litigation proceeded without any attempt by the States to join the case. On August 15, 2022, Plaintiffs filed a motion for partial summary judgment, ECF No. 144, of which the federal government specifically notified the States the next day, Notice at 7, ECF No. 154, *Louisiana*, No. 22-885 (W.D. La. Aug. 16, 2022), and which this Court granted on November 15, 2022, ECF No. 165. Finally, on November 21, 2022, the proposed intervenors filed this motion, over a year after Texas's attempt to intervene on appeal was denied, and nearly eight months after CDC sought to end the Title 42 policy.

LEGAL STANDARD

To prevail on their motion to intervene, the States must establish that they have Article III standing. *Deutsche Bank Nat. Trust Co. v. FDIC*, 717 F.3d 189, 193 (D.C. Cir. 2013). They also "must satisfy all four elements" of Federal Rule of Civil Procedure 24(a) to intervene as of right: "timeliness, interest, impairment of interest, and adequacy of representation." *Jones v. Prince George's Cnty., Md.*, 348 F.3d 1014, 1017, 1019 (D.C. Cir. 2003). Whether to grant permissive intervention under Rule 24(b) is committed to the Court's discretion. *Ctr. for Biological Diversity v. U.S. Fish & Wildlife Serv.*, 340 F.R.D. 1, 6 (D.D.C. 2021) (Sullivan, J.).

ARGUMENT

I. THE STATES LACK STANDING.

The States' effort to inject themselves into this litigation fails at the outset because they lack Article III standing. Such standing is a prerequisite for intervention in this Circuit, regardless of whether intervention is sought as a plaintiff or defendant. *Deutsche Bank*, 717 F.3d at 193. The Circuit's "rule requiring all intervenors to demonstrate Article III standing prudently guards" against the risk that a proposed intervenor "with only a philosophic identification with a defendant—or a concern with a possible unfavorable precedent—could attempt to intervene and influence the course of litigation." *Id*. at 195-96 (Silberman, J., concurring); *see also Wittman v. Personhuballah*, 578 U.S. 539, 543-44 (2016) (holding that where party seeks to appeal in place of another, intervenor must "independently fulfill[] the requirements of Article III") (cleaned up).

The States rely on a jumble of assertions and conclusory statements without clearly explaining how any of them satisfies the required "showing of injury-in-fact, causation, and redressability." *Deutsche Bank*, 717 F.3d at 193. Their central theory appears to be that (1) the end of Title 42 will increase the number of undocumented noncitizens in the United States and, in particular, in these States; (2) the States will, as a result, have increased downstream costs as part of providing general services like healthcare and education; and (3) the States should therefore be able to intervene now to avoid potentially paying for those future services at some point. Mot. 10-13. That argument is speculative and incorrect.

The States' theory is both limitless and inconsistent with this Circuit's precedent. On the States' view, they would have standing to challenge *every* federal policy, of any sort, which *could* result in more or fewer residents, as any such policy could be tied either to more use of state services or a reduction of state income. "If such allegations were routinely accepted as sufficient

to confer standing, courts would be thrust into a far larger role of judging governmental policies than is presently the case, or than seems desirable." *Arpaio v. Obama*, 797 F.3d 11, 25 (D.C. Cir. 2015) (internal quotation marks omitted).

In *Arpaio*, the D.C. Circuit rejected a strikingly similar argument that an immigration policy would result in more noncitizens living in the county, and impose more costs on the county in the form of crime. *Arpaio*, 797 F.3d at 14–15. The Circuit explained that "the likelihood of any injury actually being inflicted is too remote to warrant the invocation of judicial power." *Id*. at 22 (cleaned up). Likewise, in *Pennsylvania v. Kleppe*, the Circuit rejected a state's effort to rely on a downstream reduction in tax revenues for standing, explaining that "this is the sort of generalized grievance about the conduct of government, so distantly related to the wrong for which relief is sought, as not to be cognizable for purposes of standing." 533 F.2d 668, 672 (D.C. Cir. 1976); *see also id.* (explaining why "impairment of state tax revenues should not, in general, be recognized as sufficient injury in fact to support state standing"). Where, as here, the impact on the state's fisc "is largely an incidental result of the challenged action," the state lacks standing. *Id*.; *see Massachusetts v. United States Dep't of Educ.*, 340 F. Supp. 3d 7, 17 (D.D.C. 2018) (applying *Kleppe* to reject state standing argument based on increased costs).[3]

In *Arizona v. Biden*, 40 F.4th 375 (6th Cir. 2022), a case challenging federal immigration policy, the Sixth Circuit recently rejected the standing of Arizona, Montana, and Ohio (all proposed intervenors here). As Chief Judge Sutton put it: "Are we really going to say that any

[3] By contrast, in *Del. Dep't of Nat. Res. & Env't Control v. EPA*, 785 F.3d 1 (D.C. Cir. 2015), the State claimed injury based on harm to its "air quality," which would impair its ability to comply with its federal statutory obligations. *Id*. at 8. Here, the States assert no such damage to their ability to fulfill their legal obligations. Moreover, in that case the Circuit found standing only as to *some* of the State's claims, and deemed its evidence as to another claim "strikingly weak." *Id.* at 10. As explained below, the evidence here is similarly weak.

federal regulation of individuals . . . that imposes peripheral costs on a State creates a cognizable Article III injury for the State to vindicate in federal court? If so, what limits on state standing remain?" *Id*. at 386. In response, the States here rely on two district court decisions in the Fifth Circuit which found State standing to challenge the termination and limitation of Title 42. Mot. 10.[4] But that view of seemingly limitless state standing is an outlier. *See Louisiana*, 2022 WL 1604901, at *13 (one of the States' cited cases, noting that "*Arizona v. Biden* is inconsistent with" the Fifth Circuit's approach).[5]

In any event, even if some such tangential costs could establish standing, here the States' evidence is too speculative. Consider the States' claim that the end of Title 42 will result in more undocumented noncitizens within the United States, including within their State boundaries. Mot. 11-12. First, any suggestion that the end of Title 42 will attract more migration is pure speculation. Even assuming that border policies *might* impact "the complex decisions made by non-citizens of the United States before they risk[] life and limb to come here," a contention the States have not proven, "so, too, might the myriad economic, social, and political realities in the United States and in foreign nations." *Arpaio*, 797 F.3d 21; *see also* ECF No. 118-23 at 1 (expert declaration explaining that migration is driven by "conditions in migrants' countries of origin," rather than U.S. immigration policy). The States offer no contrary evidence—just cursory testimony suggesting that a change in policy could be one factor. Indeed, their argument points the other

[4] The States indirectly rely on the Fifth Circuit litigation regarding the DAPA program. Mot. 14 (citing *Texas v. United States*, 809 F.3d 134, 155-56 (5th Cir. 2015)). But the D.C. Circuit in *Arpaio* declined to adopt the Fifth Circuit's expansive view of standing, and also distinguished it from cases like this one, where the asserted harms are so speculative and indirect. *Arpaio*, 797 F.3d at 23.

[5] The Supreme Court has granted certiorari to assess, *inter alia*, the Fifth Circuit's application of state standing in an immigration case. *United States v. Texas*, No. 22-58 (argued Nov. 29, 2022).

way: If, as the States contend, "unprecedented" numbers of noncitizens are coming to the country "right now" during Title 42, Mot. 11, the policy has not been deterring migration.[6]

Second, the States' theory is largely predicated on long-term costs like general healthcare and education expenditures. Even if there were some short-term increase in entries as the government transitions from Title 42 to Title 8, it is pure speculation that the result would be an increase in long-term presence of undocumented noncitizens in the relevant States. Because Title 42 generally involves expulsion to Mexico and carries no legal consequences, noncitizens may seek safety by "cross[ing] the border multiple times, sometimes 10 times or more," *Huisha-Huisha*, 560 F. Supp. 3d at 176 (cleaned up), until they gain entry. By contrast, Title 8 procedures involve removal backed by significant criminal and civil penalties for those who unlawfully reenter—which the federal government has noted may have "a greater deterrent effect than expelling a migrant to Mexico under Title 42." Opposition to Motion for Temporary Restraining Order at 6, ECF No. 27, *Louisiana*, No. 22-885 (W.D. La. Apr. 22, 2022); *see id.* ECF No. 27-1 at 4-6. And which Title 8 procedures will be used, and what the outcome of those procedures will be individually or collectively, involve many contingencies and intervening discretionary decisions not at issue here—rendering the States' standing even more speculative. *See California v. Texas*, 141 S. Ct. 2104, 2117 (2021) (explaining that "where a causal relation between injury and challenged action depends upon the decision of an independent third party,"

[6] The Termination Order does not bolster the States' argument. *See* Mot. 21. CDC explained that it expected termination to lead to more noncitizens "being processed in DHS facilities," 87 Fed. Reg. at 19,956—unsurprising, since Title 42 authorizes expulsions without processing at DHS facilities. But the States do not allege any injuries as a result of more processing *at those facilities* as opposed to in the field. Nor do DHS's expectations in *April* about overall encounters based on "seasonal migration patterns" bear on the situation *in December*. *Id.* And CDC did not say it was affording time to "prepare for the resulting surge," as the States claim, Mot. 11, but rather that it was providing "additional time to ready . . . operational plans and prepare for full resumption of regular migration under Title 8," 87 Fed. Reg. at 19,956.

standing "is ordinarily substantially more difficult to establish"); *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 412-13 (2013) (rejecting standing theory predicated on speculation regarding government's choices among its legal authorities). Moreover, the result of Title 8 procedures is sometimes that noncitizens become *documented*—for example by receiving asylum, permanent resident status, or even citizenship. Title 42 procedures provide no such opportunity.

Third, the impact of any potential increase in the population of undocumented noncitizens on the States' budgets is "pure speculation." *Arpaio*, 797 F.3d at 22. The overarching problem with the States' evidence regarding alleged healthcare and other costs is that they are associated with undocumented noncitizens or immigrants *in general*, with no demonstration as to how the end of Title 42 would impact those costs. Mot. 22-24. Health care costs, like crime, "are affected by numerous factors, such as the local economy, population density, access to jobs, education, and housing, and public policies that directly and indirectly affect" access to care. *Arpaio*, 797 F.3d at 22. The States also rely on a conjectural increase in education costs, but the States have not shown that the Court's decision will cause any likely significant change in undocumented child populations, much less a net drain on educational budgets: Unaccompanied minors are already exempted from Title 42 (and Texas's challenge as to those children is over, *see Texas*, No. 21-579 (N.D. Tex.)), and a large majority of children arriving with families have been processed under Title 8 for well over a year. *See Huisha-Huisha*, 560 F. Supp. 3d at 175. And even the court in *Louisiana*, considering the same evidence the States put forward here, declined to rely on the States' speculative allegations of increased criminal activity. 2022 WL 1604901, at *15.

The States also contend that they spend money to rescue migrants entering between ports, Mot. 23, but the lack of access to regular processing at ports of entry *because of Title 42* may *encourage* noncitizens to cross between ports—and, as explained above, Title 42 leads to *repeated*

crossings. So, again, any claim that the end of the policy will increase the States' costs is speculative. They also point to the cost of healthcare provided to noncitizens in ICE custody, Mot. 23-24, but how the end of Title 42 might impact the number of noncitizens in ICE custody (rather than released or deported), overall or in any of these specific States, is speculative and subject to independent decisions by federal authorities as to whether and where to detain noncitizens. *See California*, 141 S. Ct. at 2117.[7]

Faced with these problems, the States fall back on a claim that they are entitled to "special solicitude in the standing analysis." Mot. 24 (citing *Massachusetts v. EPA*, 549 U.S. 497, 519-520 (2007)). That is wrong. As Chief Judge Sutton explained in rejecting the same argument from three of the States, while under *Massachusetts* states are "sometimes are entitled to 'special solicitude' in this area because they may incur 'quasi-sovereign' injuries that private parties cannot," the kind of "indirect fiscal burdens allegedly flowing from" changes to federal immigration policy are not "uniquely sovereign harm[s]." *Arizona*, 40 F.4th at 385-86. Here, the States claim an essentially boundless reading of *Massachusetts*, asserting that it grants states special standing in *every* case touching on immigration policy. Mot. 25 (citing *Texas v. United States*, 50 F. 4th 498, 516 (5th Cir. 2022)). But, like the Sixth Circuit, the D.C. Circuit has emphasized the "uniqueness" of the circumstances in *Massachusetts* and its "limited holding." *Ctr. for Biological Diversity v. U.S. Dep't of Interior*, 563 F.3d 466, 476-77 (D.C. Cir. 2009). What is more, unlike here, *Massachusetts* did not involve intervention as a defendant.

[7] The States quote from a declaration submitted in another case by an immigration services nonprofit, which they cite to show that incoming noncitizens will travel to their States. Mot. 21-22 (citing ECF No. 168-14). Plaintiffs have no dispute with the general notion that noncitizens move and travel throughout the United States. What the States fail to show is either any concrete injury or that any of the harms they assert are fairly traceable to the end of Title 42, rather than the "complex decisions" migrants are forced to make or other factors. *Arpaio*, 797 F.3d at 21.

And even if *Massachusetts* did apply, it does not lift the requirement to show a concrete injury in fact—a burden the States have failed to carry. *See Ctr. for Biological Diversity*, 563 F.3d at 477. Indeed, the States emphasize their supposed "quasi-sovereign interest" in *possible* future CDC orders relating to *possible* future diseases—and the *possible* effect those orders *might* have on migration and indirectly on state coffers. Mot. 25. That is a far cry from the direct and concrete injury required under Article III.

Finally, it bears noting what the States do *not* advance—any real interest in intervening to address COVID-19, the only ostensible reason for the Title 42 policy. That is hardly surprising, as the leadership of these States have long been calling for the elimination of all other COVID-19 restrictions. Indeed, almost all of the proposed intervenors have ended their COVID-19-related public health emergencies, often citing changed circumstances like the increased availability of vaccines and other treatments.[8] Texas has even barred local governments, schools, and many private businesses from taking basic precautions to stop the spread of COVID-19, and banned any entity in the State from mandating vaccines for workers or customers.[9] The proposed intervenors have filed multiple lawsuits seeking to stop other COVID-19 measures, such as vaccine and mask requirements on airlines and other conveyances. *See, e.g.*, *Biden v. Missouri*, 142 S. Ct. 647, 651 (2022); Complaint, ECF No. 1, *State of Florida v. Walensky*, 22-718 (M.D. Fl. Mar. 29, 2022).

[8] Arizona, Louisiana, Alabama, Alaska, Kentucky, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, Utah, Virginia, and Wyoming all ended their public health emergencies last year or earlier in 2022. *See* States' COVID-19 Public Health Emergency Declarations and Mask Requirements, National Academy for State Health, https://www.nashp.org/governors-prioritize-health-for-all/.

[9] *Governor Abbott Issues Executive Order Prohibiting Vaccine Mandates By Any Entity, Adds Issue To Special Session Agenda*, Off. of the Tex. Gov. (Oct. 11, 2021), https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-prohibiting-vaccine-mandates-by-any-entity-adds-issue-to-special-session-agenda; Texas Executive Order GA-38, https://perma.cc/BGM8-EV6E.

That the States are so transparently interested in Title 42 as a restriction on immigration and asylum rather than a supposed public health measure further undermines any claim to "some fairly direct link between" their alleged downstream harms connected to *immigration* policy, and the actual "administrative action being challenged," namely the end of an alleged public health measure. *Kleppe*, 533 F.2d at 672.[10]

II. THE STATES ARE NOT ENTITLED TO INTERVENTION AS OF RIGHT.

A. The States' Motion Is Untimely.

Even if they could show standing, the States' motion is untimely and that is an independently sufficient basis for denying the motion. *See Amador Cnty., Cal. v. U.S. Dep't of the Interior*, 772 F.3d 901, 903 (D.C. Cir. 2014) ("If the motion is untimely, the explicit language of [Rule 24] dictates that 'intervention must be denied.'").

Courts examine "when the prospective intervenor 'knew or should have known that any of its rights would be directly affected by the litigation,'" *Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 233 (D.C. Cir. 2003), and "when the 'potential inadequacy of representation [comes] into existence,'" *Amador Cnty.*, 772 F.3d at 904 (quoting *Smoke v. Norton*, 252 F.3d 468, 471 (D.C. Cir. 2001)). "A motion for intervention after judgment will usually be denied where a clear opportunity for pre-judgment intervention was not taken." *Associated Builders & Contractors, Inc. v. Herman*, 166 F.3d 1248, 1257 (D.C. Cir. 1999) (cleaned up); *see also United States v. Brit. Am. Tobacco Australia Servs.*, 437 F.3d 1235, 1239 (D.C. Cir. 2006) (denying intervention where movant "received multiple early warnings of danger" to its interest); *State v. City of Chicago*, 912

[10] Relatedly, the States can get no mileage out of the CDC's general observations over a year ago about then-current "trends in healthcare and community resources" as it related to COVID (not general healthcare costs). 86 Fed. Reg. 42,828, 42,835 (Aug. 5, 2021); *see* Mot. 15 (wrongly suggesting CDC had "tacitly confirmed" their standing). They must establish standing *now*, and do not even try to ground that standing on current COVID conditions.

F.3d 979, 985 (7th Cir. 2019) ("we measure from when the applicant has reason to know its interests *might* be adversely affected, not from when it knows for certain that they will be").

1. First, and critically, the State of Texas claimed *over a year ago* that it "no longer believe[d] Defendants can or will adequately represent the State's significant interests in this case." Texas Intervention at 10. Texas made this assertion in its attempt to intervene for the first time on appeal. The D.C. Circuit denied that motion because Texas had not met "the standards for intervention *on appeal*," Order at 1, *Huisha-Huisha*, No. 21-5200 (D.C. Cir. Oct. 26, 2021) (emphasis added), citing *Amalgamated Transit Union Int'l, AFL-CIO v. Donovan*, which requires a heightened showing of "exceptional circumstances supported by imperative reasons," 771 F.2d 1551, 1553 (D.C. Cir. 1985).

Although Texas could have then filed a motion to intervene at the district court, where different standards govern, neither Texas nor any of the other States did so. And they have been aware of this case since its inception, given that they have repeatedly cited filings and decisions from this case in their own litigation. *See, e.g.*, Memorandum in Support of Motion for Preliminary Injunction at 38, ECF No. 13-1, *Louisiana v. CDC*, No. 22-885 (W.D. La. Apr. 14, 2022); Amicus of Arizona, *et al*. at *2, *Texas v. United States*, No. 21-40618 (5th Cir. Aug. 31, 2021), 2021 WL 4126281; Amended Complaint at 25, ECF No. 62, *Texas v. Biden*, No. 21-579 (N.D. Tex. Aug. 23, 2021) (citing declaration filed in this case).

Indeed, the States were specifically notified of Plaintiffs' summary judgment motion the day after it was filed. Notice at 7, ECF No. 154, *Louisiana*, No. 22-885 (W.D. La. Aug. 16, 2022);

see also Notice at 7 n.2, ECF No. 155, *Louisiana*, No. 22-885 (W.D. La. Sept. 16, 2022); Notice at 7 n.1, ECF No. 159, *Louisiana*, No. 22-885 (W.D. La. Oct. 18, 2022).[11]

That the States have had clear doubts about the federal government's adequacy for over a year, yet failed to protect their alleged interests at the district court, dooms their Motion. *See Amador Cnty.*, 772 F.3d at 905 (explaining that a Native American Tribe's statement in a 2005 brief "that '[t]he presence of the United States in this case does not fully protect the Tribe's interests' . . . demonstrates that the Tribe knew in 2005 . . . that the United States might not adequately represent the Tribe's interest"); *cf. Brit. Am. Tobacco*, 437 F.3d at 1239 (where party "had already intervened once in the suit" on narrower issue, its "dilatory conduct" in not sooner seeking broad intervention was "all the more inexcusable"); *Cook Cnty., Illinois v. Texas*, 37 F.4th 1335, 1342 (7th Cir. 2022) (holding district court intervention untimely in part because States waited two months after failed attempt to intervene on appeal).

Second, on April 1, 2022, CDC issued its termination notice, explaining that Title 42 was no longer justified in the interest of public health and would be ended. CDC's conclusion should have alerted the States that the federal government might not keep the program in place. Yet the States still declined to seek timely intervention before this Court. *See Amador Cnty*, 772 F.3d at 905 (explaining that the Tribes "all but admit[ted]" that they expected inadequate representation

[11] To the extent the States suggest that they were hindered in monitoring this litigation, that is false. The States assert that Plaintiffs' "summary judgment briefing is . . . inexplicably sealed" and that Plaintiffs failed to file a redacted version. Mot. 17 n.2. Plaintiffs' briefs were filed under seal pursuant to the protective order in this case. *See* ECF No. 97-1. The redacted versions are available at ECF Nos. 150 and 153, and Plaintiffs had filed their redacted summary judgment memorandum even *before* the Court so directed them. Plaintiffs' briefs were available to the public at all times, and the redactions amount to a handful of lines total.

from the government when they stated "'earlier concerns about a potential conflict of interest in the United States' representation'").[12]

2. In addition, the States' unjustified delay prejudices Plaintiffs, the Court, and the public—further reason to deny their motion. *See Brit. Am. Tobacco*, 437 F.3d at 1239. Had the States sought to intervene earlier, their motion could have been decided in an orderly manner, and (if denied) the States could have immediately appealed. *See Smoke*, 252 F.3d at 470. Intervention could have been resolved, one way or the other, before final judgment.

That matters because their tardy motion now threatens real world consequences. The States have explained that they anticipate seeking a stay pending appeal of this Court's order. ECF No. 169 at 2. This Court granted a five-week stay to allow the government to transition to Title 8 processing in an orderly way. But because the intervention question is being raised only now, the States propose to jam intervention litigation as well as stay proceedings at the Circuit and the Supreme Court into that five-week period. Plaintiffs will now be forced to litigate those stay proceedings on extremely expedited schedules, and the States will likely seek administrative stays of this Court's order beyond the existing five-week stay, threatening Plaintiffs with further irreparable injury. If the States had sought intervention previously, the issue could have been put to bed by now. *Cf. NAACP v. New York*, 413 U.S. 345, 369 (1973) (finding intervention untimely where it created "potential for seriously disrupting the State's electoral process"); *Amador Cnty.*,

[12] The States say that the prospect of vacatur was only raised in Plaintiffs' reply brief, suggesting that the Court's remedy caught them off guard. Mot. 17. As Plaintiffs explained, *see* ECF No. 159 at 4 n.2, that is incorrect, as Plaintiffs sought vacatur in their initial summary judgment filings. The government also notified the States of that fact the day after those filings. Notice at 7, ECF No. 154, *Louisiana*, No. 22-885 (W.D. La. Aug. 16, 2022) ("The *Huisha-Huisha* plaintiffs seek entry of an order vacating and setting aside Defendants' 'Title 42 policy'"). In any event, the States were undoubtedly on notice that this Court might order some remedy that might impact their alleged interests.

772 F.3d at 906 (finding delay prejudicial where allowing intervention would only "delay[] a decision on the merits"). Indeed, had the States intervened earlier, Plaintiffs might have opposed any stay of the Court's order at all, and this Court might well have denied any such stay—contrary to the States' goals. *See* Minute Order dated Nov. 16, 2022 (granting unopposed five-week stay "WITH GREAT RELUCTANCE"). The States cannot delay seeking intervention until the last minute and then reap the benefits.

In addition, the States' delay seriously hinders Plaintiffs' ability to develop a factual record regarding intervention. As noted above, the States' standing arguments are legally flawed, but they also raise a plethora of factual questions regarding their purported injuries and the alleged connection between those harms and the Title 42 policy. Had the States timely sought intervention, Plaintiffs could have probed or disputed their evidence—indeed, many of these States and the federal government have been engaged in such jurisdictional discovery in other pending immigration cases. *See, e.g.*, Motion for Limited Jurisdictional Discovery, ECF No. 82, *Arizona v. Garland*, No. 22-1130 (W.D. La. Oct. 14, 2022). And the States were on notice that Plaintiffs might seek to contest such factual assertions, as one of the arguments Plaintiffs made in opposing Texas's intervention in the Circuit was that it was unfair to raise disputed factual issues for the first time on appeal, denying Plaintiffs any opportunity "to gather and submit evidence in opposition to Texas' arguments." Plaintiffs-Appellees' Opposition at 20-21, *Huisha-Huisha*, No. 21-5200 (D.C. Cir. Oct. 15, 2021). Precisely the same is true now: Because the States have waited until after judgment, Plaintiffs had to agree to an expedited schedule with no opportunity to develop the record given the threat that, otherwise, the States would seek to further delay the Court's order.

3. In response to all this, the States assert that their motion is timely because it was filed shortly after "learning the Federal Defendants would not defend the legality of the Title 42 policy by seeking an appeal." Mot. 20. As an initial matter, Defendants have *not* said they will forego an appeal. Rather, Defendants only indicated that they would transition from Title 42 to Title 8 processing; on that understanding, Plaintiffs did not oppose the government's motion for a five-week stay. ECF No. 166. Appealing, but declining to seek a full stay pending appeal, is common in litigation. Indeed, in the *Louisiana* litigation the federal government did not seek a stay but has pursued an appeal. ECF No. 144-1 at 3; *cf. Jones*, 348 F.3d at 1020 (courts do not grant intervention based on mere "differences of opinion concerning the tactics with which litigation should be handled") (cleaned up). Regardless, Texas expressed its doubts about the government's adequacy when it sought to intervene in the D.C. Circuit *even though* Defendants were pursuing an appeal of this Court's preliminary injunction. Thus, the States' claim that they are only now having doubts about whether the federal government will adequately protect their rights rings hollow.

Indeed, even if Defendants had announced their intention to forego an appeal, the result would be the same. As the States themselves note, Mot. 19, timeliness is assessed "in consideration of *all* the circumstances." *Smoke*, 252 F.3d at 471 (emphasis added). The Supreme Court's decision in *NAACP v. New York* is instructive. 413 U.S. at 345. That case involved litigation by the State of New York, which sought a judgment that the State's use of a literacy test had not violated the Voting Rights Act. *Id.* at 357-58. The federal government filed an answer indicating it was "without knowledge or information" regarding New York's allegations. *Id*. at 359. Two and a half weeks later, the federal government consented to the entry of a declaratory judgment that New York was not liable for its use of a literacy test. *Id*. at 360.

The NAACP and other parties sought to intervene after that judgment, but the Supreme Court held the district court had not abused its discretion in finding the motion untimely. *Id*. at 366. The federal government's answer, the Court said, made it "obvious that there was a strong likelihood that" the government's and the NAACP's interests would diverge. *Id.* at 360, 367. That the federal government later consented to judgment did not matter; instead, the critical question was when events "should have alerted the would-be intervenors about the United States' likely course of action." *Cameron v. EMW Women's Surgical Ctr., P.S.C.*, 142 S. Ct. 1002, 1013 (2022) (cited by the States, discussing *NAACP*). Here, Texas itself proclaimed over a year ago that it "no longer believes Defendants can or will adequately represent the State's significant interests in this case." Texas Intervention at 10. That, combined with CDC's conclusion that the policy was not justified by public health, put the States on notice long ago.

The States rely on *Cameron*, but that case involved unique circumstances not present here, including one arm of the State (the Attorney General) seeking to take over the defense of a state statute from another arm of the State (a state agency); inadequacy that became clear only after the agency told the Attorney General it would not seek rehearing en banc of an adverse decision; and the conclusion that "intervention would not have produced anything like the disruption that the Court cited in [*NAACP*.]" 142 S. Ct. at 1011-13. Here, of course, Texas stated it believed the federal government was an inadequate representative when it sought intervention on appeal, and intervention would be seriously disruptive. The States' other cases simply confirm that to be timely, intervention must be sought "*as soon as it became clear*" that the intervenors' interests "would no longer be protected." *United Airlines, Inc. v. McDonald*, 432 U.S. 385, 394 (1977); *Smoke*, 252 F.3d at 471 (where "the *potential* inadequacy of representation came into existence only at the appellate stage," motion was timely filed after government declined appeal) (emphasis

added, internal quotation marks omitted); *U.S. House of Representatives v. Price*, 2017 WL 3271445, at *2 (D.C. Cir. Aug. 1, 2017) (unpublished) (finding motion timely where States filed once "their *doubts* about adequate representation arose due to accumulating public statements by high-level officials both about a potential change in position and the [defendant]'s joinder . . . in an effort to terminate the appeal") (emphasis added).

In short, intervention for purposes of appeal is timely post-judgment *only* if the proposed intervenor was not already on notice of the asserted interest and potential lack of representation. Here, the States have themselves raised "multiple early warnings of danger" to their interests for many months, and have provided no justification for this late filing to the prejudice of Plaintiffs and the Court. *Brit. Am. Tobacco*, 437 F.3d at 1239. Their motion is untimely.

B. The States Lack A Legally Protectable Interest.

For the same reasons that the States lack standing, they also lack a legally protectable interest that would be impaired under Rule 24(a). *See supra*.

Perhaps seeking to bolster their tenuous claim to any concrete interest in this litigation, the States emphasize their preliminary injunction in *Louisiana*, suggesting that the government is seeking to "circumvent[] APA notice-and-comment requirements." Mot. 11. But the States' choice to bring a procedural APA challenge to the termination decision, which is not at issue here, cannot supply the missing legally protected interest in *this* case. Plaintiffs have been challenging the legality of the Title 42 policy since well before the *Louisiana* suit was even filed. The policy was arbitrary and capricious before the CDC's termination decision, and it remained so after that termination decision was enjoined. The States cannot manufacture a legally protected interest in this case merely because they have sued over that subsequent CDC termination decision.

Nor can the States rely on certain agreements signed by an outgoing Trump Administration DHS official just days before the Biden Administration took office. *See* Mot. 24 n.3 (relying on these "MOUs"). Those extraordinary documents purported to bind DHS to various commitments and representations, the sum total of which was to hand all immigration policymaking authority from the federal government to certain states. ECF No. 168-7 at 188-197, 262-70. The agreements are void and unenforceable, as a government may not "enter into an agreement that limits its power to act in the future" where the agreement "surrenders an essential attribute of its sovereignty." *U.S. Tr. Co. of New York v. New Jersey*, 431 U.S. 1, 23 (1977); *see Stone v. Mississippi*, 101 U.S. 814, 820 (1879). The States cannot now use these collusive, lawless, and anti-democratic documents to shoehorn themselves into this litigation. *See Texas v. United States*, No. 21-16, 2022 WL 2109204, at *42 (S.D. Tex. June 10, 2022) (refusing to rely on these agreements, noting the "profound constitutional implications" of holding that "an outgoing DHS official from a lame-duck administration can significantly constrain the incoming administration by giving individual states an enforceable right to weigh in before the incoming administration makes changes"); *see also* Amicus Br. of ACLU at 11-14, *Biden v. Texas*, No. 21A21 (U.S. Aug. 23, 2021) (addressing MOUs). In any event, the agreements address *immigration* authorities and not Title 42, which is purportedly a public health (not immigration) policy, and CDC is not even a putative party to them.

C. The States' Interests Are Adequately Represented.

The Court need not reach the adequacy issue, as the States lack Article III standing and cannot establish timeliness, both of which are independently sufficient to deny the States' motion. *See Amador Cnty.*, 772 F.3d at 906 (declining to reach arguments concerning adequacy because "the district court did not abuse its discretion on the threshold question of timeliness").

The States' argument with respect to adequacy is premised on the notion that Defendants do not intend to appeal this Court's decision. Defendants have not yet stated whether they intend to appeal. Plaintiffs are not in a position at this time to make any representations about the federal government's intentions, but make two brief points.

First, if the federal government does appeal, the States' interests will be more than adequately represented. *See, e.g.*, *Bldg. & Const. Trades Dep't, AFL-CIO v. Reich*, 40 F.3d 1275, 1282 (D.C. Cir. 1994) (affirming denial of intervention where proposed intervenor "offered no argument not also pressed by" federal government). The States' cited cases offer them no help in this regard. In *United States v. All Assets Held at Credit Suisse (Guernsey) Ltd.*, 45 F.4th 426, 432 (D.C. Cir. 2022), the Circuit actually *denied* intervention, explaining that the existing parties were adequately representing the proposed intervenors. In the unpublished *Price* case, the federal government joined with the plaintiffs to dismiss a pending appeal, and the Circuit identified no prejudice in allowing intervenors to join the case. 2017 WL 3271445, at *2. And, among other distinctions, *Utah Ass'n of Cntys. v. Clinton*, 255 F.3d 1246, 1256 (10th Cir. 2001), *Conservation Law Found. of New England, Inc. v. Mosbacher*, 966 F.2d 39, 44 (1st Cir. 1992), and *United States v. Philip Morris USA Inc.*, 566 F.3d 1095 (D.C. Cir. 2009), all involved cases where the federal government took no position on intervention.[13] In contrast, Defendants have already stated their intent to oppose the States' motion to intervene.

Second, to the extent that the States focus on the federal government's stay position, Defendants' request for a five-week stay rather than a stay pending appeal is not a basis to find inadequate representation. Indeed, the proposed intervenors here acknowledged the adequacy of

[13] *See United States v. Philip Morris USA Inc.*, No. 99-2496, 2005 WL 1830815, at *1 (D.D.C. July 22, 2005) (noting that federal government took no position on intervention).

the federal government's representation in their own lawsuit *Louisiana v. CDC*, which involved similar circumstances. There, the *Louisiana* district court entered a nationwide preliminary injunction forbidding CDC from rescinding the Title 42 Process on notice-and-comment grounds. *See* 2022 WL 1604901, at *17-20, 23. The federal government appealed the preliminary injunction to the Fifth Circuit, but did *not* seek *any* stay. *See* Notice of Appeal, ECF No. 92, *Louisiana*, No. 22-885 (W.D. La. May 20, 2022). An immigration services organization sought to intervene and moved for a stay pending appeal from the Fifth Circuit, arguing that the district court's nationwide injunction should have been geographically narrowed to apply only to the Plaintiff States. *See* Motion for Stay, *Louisiana*, No. 22-30303 (5th Cir. June 2, 2022). After the Fifth Circuit denied the stay, the federal government continued to oppose intervention, arguing that it was sufficiently representing the immigration nonprofit's interests because, among other reasons, it was pursuing an appeal. Federal Government's Response to Proposed Intervenor's Opening Brief at 11, 13-14, *Louisiana*, No. 22-30303 (5th Cir. Aug. 24, 2022). Notably, the States adopted the federal government's arguments in whole. States' Consolidated Answering Brief at 111, *Louisiana*, No. 22-30303 (5th Cir. Aug. 31, 2022) ("The States agree with CDC that [immigration organization] Law Lab failed to establish that Federal Defendants did not adequately represent their interests for the reasons explained in CDC's Answering Brief.").

Thus, in the *Louisiana* case, the States who seek to intervene here took the position that the federal government's appeal adequately represented the interests of the nonprofit intervenor, even though there the federal government sought no stay at all. The States cannot now claim that the failure to seek a stay pending appeal renders the federal government's representation inadequate.

In sum, the States cannot show inadequate representation merely because the federal government sought a five-week stay rather than a stay pending appeal—regardless of whether Defendants decide to appeal. That is particularly so because, as previously explained, pursing a stay pending appeal might have yielded no stay at all given this Court's reluctance to grant the five weeks the government sought. *Jones*, 348 F.3d at 1020 (explaining that a "difference of opinion concerning the tactics with which litigation should be handled" does not show inadequacy).

III. PERMISSIVE INTERVENTION IS NOT WARRANTED.

Finally, permissive intervention under Fed. R. Civ. P. 24(b) should also be denied. This Court has "wide latitude" to decide whether such intervention is appropriate. *In re Endangered Species Act Section 4 Deadline Litig.*, 704 F.3d 972, 980 (D.C. Cir. 2013).

First, the States lack standing or a protected interest in their own right. *See supra*. Second, their motion is untimely. *See supra*. Third, permitting the States "to lay in wait" throughout this litigation, despite obviously being on notice regarding their interest in it, "before deciding whether to participate" only after summary judgment "would be entirely unfair." *See Amalgamated Transit Union*, 771 F.2d at 1553; *see also supra*. In sum, sound discretion weighs heavily in favor of denying intervention here.

CONCLUSION

Intervention should be denied.

Dated: November 29, 2022

Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated, *et al*., Plaintiffs, *v.* ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al*., Defendants.	Civ. A. No. 21-100 (EGS)

REPLY MEMORANDM IN SUPPORT OF MOTION TO INTERVENE BY THE STATES OF ARIZONA, LOUISIANA, ALABAMA, ALASKA, KANSAS, KENTUCKY, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, OHIO, OKLAHOMA, SOUTH CAROLINA, TEXAS, TENNESSEE, UTAH, VIRGINIA, WEST VIRGINIA, AND WYOMING

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

INTRODUCTION 1

ARGUMENT 4

I. The States Have Satisfied All Requirements for Interevention as of Right 4

A. The States Have Protectable Interests And Article III Standing Here 5

1. The States Have A Protectable Interest In The *Louisiana* Injunction They Obtained, Which Would Be Destroyed By This Court's Judgment 5

2. The States Have Protectable Procedural Rights 8

3. The States Have Article III Standing And Protectable Interests In This Suit. 9

B. The States' Motion to Intervene Is Timely. 15

1. Petitioners Timely Sought To Intervene After The Federal Government Stopped Vigorously Defending The Title 42 Orders 16

2. Existing Parties Will Not Suffer Any Cognizable Prejudice From The States' Intervention 20

C. The States' Interests Are Not Adequately Represented. 21

II. Permissive Intervention Is Warranted. 24

CONCLUSION 25

TABLE OF AUTHORITIES

CASES

Accrediting Council for Indep. Colleges & Sch. v. Devos,
No. CV-16-2448, 2017 WL 11579470 (D.D.C. Aug. 31, 2017) 21

Alfred L. Snapp & Son, Inc. v. Puerto Rico,
458 U.S. 592 (1982).....14

Americans for Prosperity Found. v. Bonta,
141 S. Ct. 2373 (2021).....7

Anthoine v. N. Cent. Cntys. Consortium,
605 F.3d 740 (9th Cir. 2010) 10

Anza v. Ideal Steel Supply Corp.,
547 U.S. 451 (2006).....12

Arizona v. Biden,
40 F.4th 375 (2022).....13

Arizona v. San Francisco,
142 S. Ct. 1926 (2022).....2

Arizona v. United States,
567 U.S. 387 (2012).....14

Arpaio v. Obama,
797 F.3d 11 (D.C. Cir. 2015).....11, 12

Biden v. Texas,
142 S. Ct. 2528 (2022).....13

Cameron v. EMW Women's Surgical Ctr., P.S.C.,
142 S. Ct. 1002 (2022).....4, 19, 20

CDC v. Louisiana,
No. 22-30303 (5th Cir. Jun. 13, 2022).....23

Connecticut v. DOI,
344 F.Supp.3d 279 (D.D.C. 2018).....10

Davis v. United States,
670 F.3d 48 (1st Cir. 2012).....10

Day v. Apoliona,
505 F.3d 963 (9th Cir. 2007) 13, 21

Department of Commerce v. New York,
139 S. Ct. 2551 (2019).....10, 12

Dimond v. District of Columbia,
792 F.2d 179 (D.C.Cir.1986) 22

Foster v. Gueory,
655 F.2d 1319 (D.C. Cir. 1981) 10

Fund For Animals, Inc. v. Norton,
322 F.3d 728 (D.C. Cir. 2003) 21, 22

Georgia v. Tenn. Copper Co.,
206 U.S. 230 (1907) 14

Grand Canyon Tr. v. Bernhardt,
947 F.3d 94 (D.C. Cir. 2020) 10

Huisha Huisha v. Mayorkas,
21-cv-5200 (D.C. Cir. Oct. 11, 2021) 18

Huisha-Huisha v. Mayorkas,
27 F.4th 718 (D.C. Cir. 2022) 18, 25

Inst. of Cetacean Rsch. v. Sea Shepherd Conservation Soc'y,
774 F.3d 935 (9th Cir. 2014) 8

Lexmark Int'l, Inc. v. Static Control Components, Inc.,
572 U.S. 118 (2014) 12

Lindland v. U.S. Wrestling Ass'n, Inc.,
227 F.3d 1000 (7th Cir. 2000) 6

Louisiana v. CDC,
__ F.Supp.3d __, 2022 WL 1604901 (W.D. La. May 20, 2022) 1, 5, 10, 12, 15, 24

Louisiana v. CDC,
No. 22-CV-00885 (W.D. La. May 20, 2022) 23

Massachusetts v. EPA,
549 U.S. 497 (2007) 13, 14, 15

NAACP v. New York,
413 U.S. 345 (1973) 16

NBA v. Minn. Pro. Basketball, Ltd. P'ship,
56 F.3d 866 (8th Cir. 1995) 3, 5, 6

New Hampshire v. Maine,
532 U.S. 742 (2001) 18

New Jersey v. EPA,
989 F.3d 1038 (D.C. Cir. 2021) 13

Sierra Club v. Espy,
18 F.3d 1202 (5th Cir. 1994) 20

Texas v. Biden,
20 F.4th 928 (5th Cir. 2021) 13

Texas v. United States,
__ F.Supp.3d __, 2022 WL 2109204 (S.D. Tex. June 10, 2022).....5

Trbovich v. United Mine Workers,
404 U.S. 528 (1972).....22

U.S. ex rel. McGough v. Covington Techs. Co.,
967 F.2d 1391 (9th Cir. 1992) 17, 20

United Airlines, Inc. v. McDonald,
432 U.S. 385 (1977).....4, 16, 17

United States v. Christie Indus., Inc.,
465 F.2d 1002 (3d Cir. 1972).....8

United States v. Texas,
No. 22-58 (U.S. Sept. 12, 2022) 2

United States v. United Mine Workers of Am.,
330 U.S. 258 (1947).....6

Youakim v. McDonald,
71 F.3d 1274 (7th Cir. 1995) 8

STATUTES

13 U.S.C. § 221 12

RULES

Fed. R. Civ. P. 24(a)(2) 19, 22

INTRODUCTION

For most of 2022, it has been clear that CDC/DHS wanted three things: (1) to end Title 42, (2) to do so with a delayed effective date so that DHS could prepare for the *enormous* challenges that termination would cause—with DHS projecting that it would lead to an increase in attempted unlawful border crossings from around 7,000 per day to as much as 18,000 per day, and (3) to effectuate such termination without complying with APA notice-and-comment rulemaking procedures.

CDC's first attempt to achieve these objectives came in the April 1 Termination Order, 87 Fed. Reg. 19,941 (2022). But 24 States challenged that Termination Order as violating the APA's notice-and-comment requirements and successfully obtained a preliminary injunction against implementation of the Termination Order on that basis. *See Louisiana v. CDC,* __ F.Supp.3d __, 2022 WL 1604901 (W.D. La. May 20, 2022). Although CDC/DHS appealed that decision, they did not seek a stay pending appeal or expedition, and thus that *Louisiana* injunction remains in full force to this day.

Then came this Court's November 15 Order, when Defendants hatched Plan B to obtain their objectives. Sensing an opportunity in their litigation defeat, Defendants sought to achieve through collusion what they could not through rulemaking: a delayed end to Title 42 without APA notice-and-comment compliance. Defendants thus agreed with Plaintiffs on a collusive arrangement in which the parties jointly sought a 5-week stay that effectively recreates the Termination Order but without the burden of APA compliance. In return, it is apparent that Defendants intend to avoid taking any steps to obtain a stay that would prevent Title 42 from ending on December 21—and indeed they have taken *no such steps* since this Court's November 16 entry of the stay until this day. Left to their own devices, Defendants have given *every* indication

that Title 42 will end, as planned, on December 21.

Nor is this the first time that DHS has pulled this trick of employing strategic surrender to eliminate unwanted rules without complying with the APA. The agency previously employed this artifice to rid itself of the Public Charge Rule, and did so "with military precision to effect the removal of the issue from [the Supreme Court's] docket and to sidestep notice-and-comment rulemaking" for repealing the unwanted rule. Transcript,[1] *Arizona v. San Francisco*, 142 S. Ct. 1926, 45-46 (2022) (Alito, J.); *see also id.* at 48 ("The real issue to me is the evasion of notice-and-comment. And, I mean, basically, the government bought itself a bunch of time [through the acquiesced-in vacatur] where the rule was not in effect.") (Kagan, J.). The same military precision is at work here.

To give a sense of the magnitude of the collusion at play here, consider the contradictions in DHS's/DOJ's positions. Those Departments have argued in the Supreme Court *this year* that both (1) the APA does not authorize vacatur as a remedy[2] and (2) nationwide injunctions are impermissible.[3] Yet this Court's order granted *both* a vacatur and a nationwide injunction. *See* Doc. 165. And Defendants have given every indication that they intend to acquiesce in *both* of those remedies that they are simultaneously arguing to the Supreme Court are categorically unlawful. Except, apparently, when the Federal Government favors entry of them. Defendants' "it's legal when we say it's legal" premise violates bedrock rule-of-law principles.

The fundamental problem for Defendants' attempted APA circumvention is that the

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[1] *Available at* https://bit.ly/3VDDOfZ.

[2] *See* Brief for Federal Defendants at 40-44, *United States v. Texas*, No. 22-58 (U.S. Sept. 12, 2022), *available at* https://bit.ly/3Uotirj (arguing that the APA "Does Not Authorize Vacatur").

[3] *Transcript*, *Arizona v. San Francisco*, at 71 (statement of U.S. Deputy Solicitor General that the Federal Government has "pretty consistently" argued that "district courts lack the power to issue nationwide injunctions").

Federal Rules specifically provide a mechanism for outside parties to thwart collusive arrangements like this one: intervention under Rule 24. And the States here satisfy all of the requirements for both intervention as of right and permissive intervention.

As to intervention of right, potential impairment appears undisputed if the States possess a protectable interest here. Which they do. While Plaintiffs and Defendants (collectively, "Existing Parties") spill much ink wrongly contending that the States lack Article III standing in the underlying suit, this issue can be readily resolved on a far simpler ground: the *Louisiana* injunction that the States obtained. It is undisputed that once this Court's judgment/vacatur/injunction goes into effect, it will effectively moot—*i.e.* destroy—the *Louisiana* injunction. And that *Louisiana* injunction creates rights for the States, which will be incontestably impaired if intervention is denied and Defendants' planned acquiescence takes effect. *See*, *e.g.*, *NBA v. Minn. Pro. Basketball, Ltd. P'ship*, 56 F.3d 866, 871-72 (8th Cir. 1995) ("A preliminary injunction confers important rights."). The *de facto* destruction of the rights that the States possess under the *Louisiana* injunction thus readily satisfies the protectable interest and potential impairment requirements. And that threatened destruction likewise establishes standing.

But, in any event, the States possess Article III standing in this controversy based on all of the evidence that they have submitted—particularly when weighed against the *complete absence* of contrary evidence offered by Existing Parties, including the evidence from *two prior cases* that found State(s) had standing in Title 42 challenges, and the Ortiz Deposition. And the States further have protectable interests in securing compliance with APA notice-and-comment rulemaking requirements *before* Title 42 is Terminated, which they have already vindicated with the *Louisiana* injunction.

The States' motion to intervene is also timely under the Supreme Court's decisions in

United Airlines, Inc. v. McDonald, 432 U.S. 385 (1977) and *Cameron v. EMW Women's Surgical Ctr., P.S.C.*, 142 S. Ct. 1002 (2022). Here the States moved to intervene a mere six days after it became apparent that Defendants "would no longer" defend Title 42 meaningfully, and instead intended to acequisce in a delayed termination beginning on December 21. *United Airlines,* 432 U.S. at 394. And the States' motion was filed a day *before* the deadline to appeal began running, and thus was plainly "within the time period in which the named plaintiffs could have taken an appeal." *Id*. at 395-96.

The States' minimal burden in demonstrating the inadequacy of Federal Defendants' representation here is also readily satisfied: Federal Defendants have expressly disavowed seeking a stay pending appeal, and have instead acquiesced in termination of Title 42 occuring on December 21, which will cause the States' extensive harms (which Federal Defendants conceded in the *Louisiana* case). That knowing infliction of harms upon the States readily satisfies their minimal burden here.

Finally, permissive intervention should be granted even if the requirements for intervention as of right were not satisfied. All the requirements for permissive intervention are met here, and a favorable exercise is warranted so that this case can be decided on the merits, rather than through the expedient of collusive surrender.

ARGUMENT

I. THE STATES HAVE SATISFIED ALL REQUIREMENTS FOR INTEREVENTION AS OF RIGHT

Here the States have established all of the requirements for intervention as of right here. Notably, the potential impairment requirement does not appear to be contested. And the protectable interest/Article III standing, timeliness, and inadequate representation factors are all readily satisfied here too.

A. The States Have Protectable Interests And Article III Standing Here

The issue of whether termination of Title 42 will cause the States cognizable harm does not come to this on a blank slate. Instead, that *precise issue* was hotly contested in the *Louisiana* case, and squarely resolved in the States' favor in a lengthy opinion. 2022 WL 1604901, at *10-16. The States have provided that same evidence here, as well as the evidence found sufficient to create standing in *Texas v. Biden*, 589 F. Supp. 3d 595, 610-13 (N.D. Tex. 2022), and also 30(b)(6) deposition testimony of Border Patrol Chief Raul Oritz, who provided party admissions binding against DHS that further support the States' standing here. The combination of all of this evidence makes plain that the States have Article III standing to challenge the *de facto* termination of Title 42 occasioned by this Court's judgment, and presently stayed until December 21.

But this Court need not even reach that issue because the States' protectable interests here can be resolved even more readily based on the *Louisiana* preliminary injunction alone. That injunction conveys rights to the States that this Court's judgment will concededly impair. That alone resolves the "protectable interest" inquiry in favor of the States here. Moreover, the States' rights under the APA to participate in notice-and-comment rulemaking—a right they were entitled to exercise *before* termination of Title 42 and which the *Louisiana* injunction protects—further provides a protectable interest supporting standing.

1. The States Have A Protectable Interest In The *Louisiana* Injunction They Obtained, Which Would Be Destroyed By This Court's Judgment

The Moving States here have rights under the *Louisiana* injunction, which Existing Parties concede would be mooted/eliminated if this Court's judgment becomes effective. That readily resolves the protectable interest and potential impairment requirements for intervention as of right.

The *Louisiana* injunction creates important rights for the States—rights enforceable even through contempt. *See*, *e.g.*, *NBA*, 56 F.3d at 871-72 ("A preliminary injunction confers important

rights."); *Lindland v. U.S. Wrestling Ass'n, Inc.*, 227 F.3d 1000, 1003 (7th Cir. 2000); *In re Y & A Grp. Sec. Litig.*, 38 F.3d 380, 382 (8th Cir. 1994) ("[T]he All Writs Act indirectly confers on injunction beneficiaries the right to judicial enforcement."). Indeed, the *Louisiana* injunction is even a judgment under Rule 54 and it creates rights strong enough to justify injunctions against parallel suits notwithstanding the Anti-Injunction Act. *NBA*, 56 F.3d at 871-72.

Notably, the rights that the States possess under the *Louisiana* injunction are independent from the underlying merits—Federal Defendants are bound to that injunction even if the Western District of Louisiana's standing holding were erroneous (which it was not): "An injunction duly issuing out of a court of general jurisdiction with equity powers … must be obeyed by [the enjoined parties], however erroneous the action of the court may be, even if the error be in the assumption of the validity of a seeming, but void law going to the merits of the case." *United States v. United Mine Workers of Am.*, 330 U.S. 258, 293-94 (1947) (cleaned up). Ultimately, "until [the injunction] decision is reversed for error by orderly review, either by itself or by a higher court, its orders based on its decision are to be respected, and disobedience of them is contempt of its lawful authority, to be punished." *Id.* at 294.

Thus, even if all of Existing Parties' standing arguments were correct (which they are not), the rights that the States possess under the *Louisiana* injunction continue to exist until either the Fifth Circuit or Supreme Court reverses that injunction. Until then, the States hold rights under the *Louisiana* injunction that qualify as protectable interests, which could be impaired—indeed will be effectively destroyed—by this Court's judgment if it becomes operative.

The States thus possess a protectable interest here, and further possess Article III standing given the cognizable injury that mooting of the *Louisiana* injunction will necessarily occasion.

Existing Parties' responses to these protectable interests are scant and unavailing. Federal Defendants contend (at 14) that "[t]he fact that the *Louisiana* suit could be rendered moot by this Court's November 15 order by no means shows that Proposed Intervenors' procedural rights are impaired." But that contention is offered *completely* without any supporting citation, and is nothing more than a naked *ipse dixit*. Moreover, that argument ignores that it is not merely the "*Louisiana* suit [that] could be rendered moot," but rather also the *injunction* issued in that suit that would also be mooted. And that injunction further secures the States' underlying interests here.

Federal Defendants never explain why the *Louisiana* injunction does not establish protectable rights. But what could they say?

Plaintiffs similarly contend (at 19) that "[t]he States cannot manufacture a legally protected interest in this case merely because they have sued over that subsequent CDC termination decision." But once again, it is not "merely" that the States "have sued," but that they have done so *and obtained an injunction*, which is an indendent source of rights. Plaintiffs never explain how that injunction does not create protectable interests, instead pretending that the States have done nothing more than "merely" bringing suit.

A simple example demonstrates the flaw in Existing Parties' arguments. Suppose that the Fifth Circuit were to reverse issuance of the *Louisiana* injunction. Under Existing Parties' arguemnts, that reversal would cause the States no cognizable injury and they thus would lack standing to seek Supreme Court review because they had no protectable/cognizable interests in the injunction that they originally obtained but was subsequently reversed by the intermediate appellate court. But that is simply not the law. Indeed, standing to seek Supreme Court review is so self-evident in that posture so as to be beyond the need for analysis or even mention. *See*, *e.g.*, *Americans for Prosperity Found. v. Bonta*, 141 S. Ct. 2373, 2381 (2021) (reversing Ninth Circuit's

reversal of injunction issued by district court without even mentioning whether Plaintiffs, whose injunction was eliminated by the Ninth Circuit's decision, had Article III standing to seek Supreme Court review).

So it is here too: the potential destruction of the *Louisiana* injunction, and the rights that the States possess under it, that this Court's judgment would effectuate establishes both Article III standing for, and the protectable interests of, the States.

2. The States Have Protectable Procedural Rights

The States also have protectable interests in participating in notice-and-comment rulemaking and preventing Federal Defendants from circumventing APA notice-and-comment requirements. That same interest supported entry of the *Louisiana* injunction.

Because that injunction has issued, the States also have protectable procedural interests in preventing Defendants from using procedural artifices to circumvent that injunction and the APA notice-and-comment requirements it is enforcing: An injunction cannot "be avoided on merely technical grounds" so long as its thrust gives litigants "fair warning of the acts that it forbids." *United States v. Christie Indus., Inc.*, 465 F.2d 1002, 1007 (3d Cir. 1972). Indeed, a court may "find a breach of the decree in a violation of the spirit of the injunction, even though its strict letter may not have been disregarded." *Inst. of Cetacean Rsch. v. Sea Shepherd Conservation Soc'y*, 774 F.3d 935, 949 (9th Cir. 2014); *accord Youakim v. McDonald*, 71 F.3d 1274, 1283 (7th Cir. 1995) (A party's conduct may "violate an injunction if it threatens the spirit if not the literal language of the earlier order").

Here, Defendants' actions violate the States' protectable interests in securing APA notice-and-comment compliance before the Title 42 orders are terminated, as well as their procedural interest in avoiding circumvention of the *Louisiana* injunction that they obtained.

It would be one thing if Federal Defendants were litigating this case to judgment and

through the chain of federal courts, and acquiesced in defeat only after full appellate review. That would not violate the spirit and thrust of the *Louisiana* injunction, and would not constitute an improper end-run around notice-and-comment requiremnets.

But that has not occurred here. Instead, through collusive agreement with Plaintiffs, Federal Defendants have managed to recreate the enjoined Title 42 Termination Order to a "T": that agreement not only provides for effective termination of Title 42, but also secures a delayed effective date of the termination that DHS always insisted upon—*just like the Termination Order*. And also just like the Termination Order, Federal Defendants have secured that preferred outcome without undergoing notice-and-comment rulemaking.

Through their collusive bargain that recreates all of the essential features of the (enjoined) Termination Order, Defendants have violated both the spirit and thrust of the *Louisiana* injunction, as well as the underlying procedural interests in participating in notice-and-comment rulemaking that the *Louisiana* injunction was issued to secure.

Plaintiffs are thus wrong in contending (at 19) that "the States' choice to bring a procedural APA challenge to the termination decision, which is not at issue here, cannot supply the missing legally protected interest in *this* case." The States' interest in securing Defendants' compliance with APA notice-and-comment requirements, which is secured by the *Louisiana* injunction, applies to all actions that violate the spirit of that injunction—including Defendants' end-run around notice-and-comment rulemaking through the expedient of strategic surrender here.

3. The States Have Article III Standing And Protectable Interests In This Suit

Even aside from the States' rights under the *Louisiana* injunction and their procedural interests in securing CDC compliance with APA notice-and-comment requirements and avoiding circumvention of the spirit of the *Louisiana* injunction, the States also have Article III standing in

the underlying case here. Notably, the Western District of Louisiana has already squarely held that termination of the Title 42 Orders would injure the States in a manner that confers Article III standing. *Louisiana*, 2022 WL 1604901, at *13-14. The same result should obtain here *a fortiori* given: (1) the applicable standard of review, which requires accepting the States' allegations as true, (2) the additional evidence submitted here and lack of *any* contrary evidence, and (3) the lack of response to the Ortiz deposition. And Existing Parties' request for this Court to reach a different determination on an even stronger record based on putative differences in circuit precedent is unavailing. As is Existing Parties' attempt to deny that the States enjoy "special solicitude" in the standing analysis here.

Standard of Review. Existing Parties' arguments notably flout the applicable standard of review here. "Courts are to take all well-pleaded, nonconclusory allegations in the motion to intervene, the proposed complaint or answer in intervention, and declarations supporting the motion as true absent sham, frivolity or other objections." *Connecticut v. DOI*, 344 F.Supp.3d 279, 296 (D.D.C. 2018) (citation omitted); *accord Foster v. Gueory*, 655 F.2d 1319, 1324 (D.C. Cir. 1981) ("[M]otions to intervene are usually evaluated on the basis of well pleaded matters in the motion, the complaint, and any responses of opponents to intervention.").

This has particular force here as most of Defendants' challenges to the States' standing deal with traceability. "Article III [traceability] 'requires no more than *de facto* causality.'" *Department of Commerce v. New York*, 139 S. Ct. 2551, 2566 (2019) (citation omitted). And the States' allegations and arguments, if accepted as true, easily establish that much, particularly as "[t]he 'but-for causation inquiry' is 'purely a question of fact.'" *Anthoine v. N. Cent. Cntys. Consortium*, 605 F.3d 740, 752 (9th Cir. 2010) (citation omitted); *accord Davis v. United States*, 670 F.3d 48, 53 (1st Cir. 2012); *Grand Canyon Tr. v. Bernhardt*, 947 F.3d 94, 96 (D.C. Cir. 2020).

As a result, *all* of Existing Parties' arguments that refuse to accept the truth of the States' allegations/arguments/evidence are simply out of bounds for present purposes.

Additional Evidence and Lack of Contrary Evidence. The States' evidence is notably even stronger here than it was in *Louisiana*, as it is supplemented by the (1) *Texas* standing evidence, (2) the Manning Declaration, and (3) the Ortiz deposition. Neither Plaintiffs nor Defendants even attempt to answer the Ortiz declaration, which alone demonstrates the States' standing as previously explained (at 11-12). Nor do either attempt to address any of the *Texas* evidence. *See* Mot. at 12-13.

Federal Defendants protest (at 16) that, given the timing, "the parties will not have a meaningful opportunity to challenge this alleged evidence or provide contrary evidence of their own." That is specious. Federal Defendants were also defendants in *Louisiana* and *Texas*, as well as the suit that the Ortiz declaration was taken in, and had ready access to all of the evidence in all of those cases. They could easily have assembled and submitted their own evidence from those cases here had they been so inclined. They simply weren't, and instead elected to allow *all* of the States' evidence to go entirely unrebutted by *any* evidence from Existing Parties. In doing so, Existing Parties have all but conceded Article III standing.

Governing Law. Existing Parties do not appear to contest meaningfully that the States have Article III standing to challenge the termination of Title 42 under Fifth Circuit precedent. But they suggest that D.C. Circuit precedent is somehow fundamentally different. *See* Fed Opp. at 10-13; ACLU Opp. at 5-12. It is not.

Existing Parties place heavy reliance on *Arpaio v. Obama*, 797 F.3d 11, 14 (D.C. Cir. 2015). But that case is both distinguishable and, if Existing Parties' reading of it were correct, overruled by intervening authority. In *Arpaio*, the plaintiff, an Arizona county sheriff, challenged

DACA and DAPA and argued that he had standing based on what he alleged would be a resulting increase in migration *by those to whom DACA and DAPA did not apply* and, in turn, alleged concomitant increase in crime. *Arpaio*, 797 F.3d at 21-22. That rested on unsupported speculation that migrants ineligible for DACA or DAPA status would nonetheless migrate illegally into the United States as a result of policies that did not apply to them.

No such speculation is required here. The Supreme Court has made plain that states can establish Article III standing based on the "predictable effect of Government action on the decisions of third parties." *New York*, 139 S. Ct. at 2566. And here *DHS itself* has made just such a prediction, estimating that elimination of the Title 42 system "will result in an increase in daily border crossings and that this increase could be as large as a three-fold increase to 18,000 daily border crossings." *Louisiana*, 2022 WL 1604901, at *22. Where Federal Defendants *themselves* have admitted that a particular injury-causing result is the "predictable effect of Government action on the decisions of third parties," *New York*, 139 S. Ct. at 2566, there simply is no basis for denying standing here. And to the extent that *Arpaio* might provide differently (although correctly read, it doesn't), it would have been overruled by *New York*'s unanimous "predictable effect" standard. Moreover, the States' injuries here are *far* less downstream than in *New York*.[4]

[4] In *New York*, the plaintiff states asserted that the inclusion of a citizenship question on the Census form would lead to those states losing federal funds. *Id.* at 2565. But several things would have to happen first for that to occur. First, individuals would have to refuse to fill out the Census—which is a federal crime. 13 U.S.C. §221. And the criminal actions of third parties often eliminate proximate cause, *Anza v. Ideal Steel Supply Corp.*, 547 U.S. 451, 457-58 (2006), but not standing. *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 134 n.6 (2014) ("Proximate causation is not a requirement of Article III standing[.]").

But even non-completion would cause New York and the other plaintiff states no harm on its own. Second, Congress or federal agencies would need to adopt funding formulas based on Census data. *New York,* 139 S. Ct. at 2565. And even then, third, New York would likely only be harmed if the non-completion rates were *relatively* higher in New York than the rest of the U.S. If, for example, the challenged question caused completion rates to go down nationally by 10% but only down 5% in New York, New York would likely receive *more* federal funds as a result of its

Once the Defendants' own estimates of surging migration are considered, it is simple math that the States will have to spend additional moneys on education, healthcare, and law enforcement. *See*, *e.g.*, *Texas v. Biden*, 20 F.4th 928, 969 (5th Cir. 2021) *overruled on other grounds* 142 S. Ct. 2528 (2022) (Explaining that "if the total number of in-State aliens increases, the States will spend more on healthcare" (cleaned up)). Such costs readily establish standing.[5]

More generally, D.C. Circuit precedent is also highly favorable to establish the States' standing here. That court, for example, has permitted downstream injuries resulting from third party actions to suffice, finding state standing based on "harm … due to unlawful emissions from upwind states." *New Jersey v. EPA*, 989 F.3d 1038, 1047 (D.C. Cir. 2021) (collecting cases). The D.C. Circuit further "has 'frequently upheld claims of standing based on allegations of a

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relatively greater population count. But despite being downstream of all of those contingencies and hypothesized third-party law breaking, the Supreme Court still *unanimously* held that the State had Article III standing. *Id.* at 2565.

[5] Existing Parties' reliance on *Arizona v. Biden*, 40 F.4th 375, 386 (6th Cir. 2022) is also unavailing. That decision denied standing because the States' injuries were "'capable of estimate in money.'" *Id.* at 386 (quoting *Massachusetts v. EPA*, 549 U.S. 497, 518-19 (2007)). But New York makes clear that is simply wrong, as the Supreme Court unanimously found standing premised on potential loss of federal funds—*i.e.*, *money*. *New York*, 139 S. Ct. at 2565.

More generally, money is fungible, and there is thus no difference in economic substance between losing federal funds and being forced to expend additional state funds as a result of illegal federal government action. Nor can the Sixth Circuit's "capable of estimate in money" reasoning withstand scrutiny. *Arizona*, 40 F.4th at 386. Notably, the Bay State's alleged injuries in *Massachusetts* were the alleged loss of coastal lands. But land is eminently "capable of estimate with money"—appraisers literally do that every day. On the flipside of the coin, the States' harms here are not so easily measurable in money either. If, for example, the forced diversion of State healthcare resources causes a diagnosis of treatable cancer in one of the States' citizens to be missed, is that resulting avoidable cancer death readily "capable of estimate with money"? The Sixth Circuit certainly thought so, but only by abstracting the injuries and improperly analogizing the States to mere private companies.

More fundamentally, the Sixth Circuit's States-are-no-different-than-private-companies reasoning would likely be perfectly correct for a unitary state, such as the United Kingdom or New Zealand. There, provincial and local governments really are nothing more than artificial legal entities chartered by the national government and completely subject to that government's control. But that is not our system.

'substantial risk' of future injury.'" *Id.* (citation omitted). Here, DHS's own projections of an enormous resulting surge in unlawful migration establish just such a "substantial risk of future injury." That is particularly true as States "bear[] many of the consequences of unlawful immigration." *Arizona v. United States*, 567 U.S. 387, 397 (2012).

Indeed, within this circuit it is now "well-established standing precedent [that] it suffices to point to 'third party conduct that is voluntary but reasonably predictable.'" *New Jersey*, 989 F.3d at 1049 (citation omitted). Here DHS has made such reasonable predictions, as has Border Patrol Chief Ortiz, whose admissions are binding on Federal Defendants as party admissions from his 30(b)(6) deposition.

Special Solicitude. The States are also entitled to "special solicitude" in the standing analysis here. *Massachusetts*, 549 U.S. at 520. Just as in *Massachusetts*, the States have a quasi-sovereign interest at stake: *i.e.*, their "quasi-sovereign interest[s] in the health and well-being—both physical and economic—of its residents in general." *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592, 607 (1982). By diverting the States' healthcare, education, and law enforcement resources as a result of the surge in unlawful immigration that *DHS predicts* will occur once Title 42 is terminated, those quasi-sovereign interest are impaired, just as in *Massachusetts*. 549 U.S. at 520 (permitting Massachusetts to assert its "stake in protecting its *quasi-sovereign interests"* and not merely sovereign interests (emphasis added)). Moreover, the States submitted evidence of environmental harm here. *See* Ex. 3, Mot. at 14 n.3. That further establishes the States' standing. *See Georgia v. Tenn. Copper Co.*, 206 U.S. 230, 237 (1907) ("[T]he state has an interest independent of and behind the titles of its citizens, in all the earth and air within its domain. It has the last word as to whether its mountains shall be stripped of their forests and its inhabitants shall breathe pure air.").

Federal Defendants' attempt (at 12) to limit *Massachusetts* to a state asserting an "interest in preserving its 'sovereign territory'" is thus unavailing: *Massachusetts* is perfectly clear that it extends to situations where, as here, the States assert "quasi-sovereign interests." *Id.*

Existing Parties appear to suggest that the chain of causation was less attenuated in *Massachusetts* than here. Not so. In *Massachusetts*, the state had premised standing on EPA's non-regulation of carbon emissions in the transportation sector over the course of the next *century*, which would allegedly affect Massachusetts's coastline in unknowable amounts and places, in the teeth of international carbon emissions beyond the scope of any conceivable federal regulation; moreover, the regulations that EPA would issue if Massachusetts won were completely unknown and unknowable (and still not all that clear 15 years later); but *all* of that uncertainty did not preclude Article III standing. *Massachusetts*, 549 U.S. at 521-26.

Massachusetts's injuries were thus not just downstream of innumerable third parties (*e.g.*, drivers' decisions and preferences, foreign nations' and corporations' decisions) and unknown federal regulations, but also of immense amounts of time. But Massachusetts's injuries were nonetheless cognizable because "U.S. motor-vehicle emissions [would] make a *meaningful contribution* to greenhouse gas concentrations." *Id.* at 525 (emphasis added).

Here, the causal chain is *far* less attenuated. DHS itself has projected that termination of Title 42 will, *almost instantly*, cause as much as a "three-fold increase to 18,000 daily border crossings." *Louisiana*, 2022 WL 1604901, at *22. Those harms are not traced over a century through unknowable regulations, foreign nations' actions, and innumerable other contingencies, as was the case in *Massachusetts*. Article III standing is thus established here *a fortiori*.

B. The States' Motion to Intervene Is Timely.

The States' motion to intervene meets each of the tests by which courts typically assess timeliness. *First*, the States quickly sought intervention after it became apparent that the Federal

Government would abandon its defense of Title 42, and did so well within the time for the parties to appeal. The Supreme Court's decisions in *United Airlines* and *Cameron* therefore compel a conclusion that the States' motion is timely here. *Second*, the parties were not prejudiced by the minimal time it took the States to seek intervention.

1. Petitioners Timely Sought To Intervene After The Federal Government Stopped Vigorously Defending The Title 42 Orders

Whether a putative intervenor has filed a timely motion under Rule 24(a) "is to be determined from all the circumstances." *NAACP v. New York*, 413 U.S. 345, 366 (1973). The proposition that the States should have sought to intervene *before* the United States abandoned defense of Title 42 contravenes the Supreme Court's decision in *United Airlines*. That decision recognizes two benchmarks to judge timeliness—both of which confirm that intervention was timely here.

The first *United Airline* benchmark focuses on the "critical fact" of how quickly would-be intervenors acted once it became clear that existing parties "would no longer" protect their interests. *United Airlines,* 432 U.S. at 394. In that case, a member of a putative class (Liane McDonald) learned that class counsel "plaintiffs did not now intend to file an appeal challenging the District Court's denial of class certification[.]" *Id.* at 390. McDonald therefore filed a motion to intervene shortly "after the District Court's final judgment." *Id.* In doing so, "she promptly moved to intervene" as "soon as it became clear to the respondent that the interests of the unnamed class members would no longer be protected by the named class representatives." *Id*. at 390, 394.

The States' motion is timely under this standard. Once it became apparent that Federal Defendants intended to acquiesce in a termination of Title 42 Orders beginning on December 21, the States moved to intervene within a mere *six days—i.e.*, even faster than in *United Airlines*. This *United Airlines* factor thus all-but compels a conclusion that the States' motion is timely.

So too does the other *United Airlines* benchmark, which considers whether a party "filed [its] motion *within the time period in which the named plaintiffs could have taken an appeal*," and if so, "the [party's] motion to intervene *was timely filed*[.]" *United Airlines,* 432 U.S. at 395-96 (emphasis added); *see also U.S. ex rel. McGough v. Covington Techs. Co.*, 967 F.2d 1391, 1394 (9th Cir. 1992) ("The 'general rule [is] that a post-judgment motion to intervene is timely if filed within the time allowed for the filing of an appeal.'").

Here, the States filed their motion to intervene one day *before* this Court entered final judgment on November 22. *See* Doc. 170. The States thus not only intervened "within the time period in which the named plaintiffs could have taken an appeal," *United Airlines*, 432 U.S. at 395-96, they actually moved so quickly that the appeal deadline clock had not even begun running.

United Airlines is thus entirely dispositive of the timeliness inquiry. But the Federal Government does not even mention *United Airlines* once, even though the States prominently cited it (at 9 & 10). And the Plaintiffs mention it only in passing (at 18), without meaningfully addressing how it makes clear that timeliness is measured by when it becomes clear that existing parties "would no longer" protect their interests. *United Airlines,* 432 U.S. at 394—which here was on November 15 (*see* Doc. 166), when Federal Defendants abandoned their vigorous defense of Title 42 orders and instead acquiesced in termination beginning on December 21.

If the Existing Parties had any way of answering or distinguishing *United Airlines*, they would have provided it. They don't, and instead silently ask this Court to violate it.

The Federal Government claims that the States' motion is untimely because the States should "ha[ve] filed their motion sooner, either immediately after CDC issued its April 1 Termination Order or, at a minimum, after the government notified Proposed Intervenors of Plaintiffs' motion for partial summary judgment in mid-August." (Doc. 174.) But at that point in

time, the States had no reason to believe that the Federal Government would stop defending itself in this action. Indeed, if the States had tried to intervene then, both Plaintiffs and Defendants undoubtedly would have opposed, arguing that the Federal Government adequately represented the States' interests, given the Federal Government's opposition to summary judgment. Nor do the parties even bother to argue otherwise or deny the Catch-22 inherent in their arguments.

Indeed, the Federal Government's prior actions in this case gave every indication that it intended to continue defending this case. When this Court issued an adverse ruling against the Federal Government on September 16, 2021 and granted the Plaintiffs' motion for preliminary injunction (Doc. 122 and 123), the Federal Government filed its notice of appeal the very next day. (Doc. 124.) And they then vigorously sought, and successfully obtained, both a stay pending appeal and reversal on the merits. *Huisha-Huisha v. Mayorkas*, 27 F.4th 718, 726 (D.C. Cir. 2022). The States were thus not on notice of their need to intervene until November 15, and intervened a mere six days later.

Furthermore, the State of Texas *did* attempt to intervene on the early timetable that the Plaintiffs and Defendants now advocate for (in hindsight). *Huisha Huisha v. Mayorkas*, 21-cv-5200, Doc. No. 1917572 (D.C. Cir. Oct. 11, 2021). There, both Existing parties argued that the Federal Government adequately represented Texas's interests. *See Huisha Huisha*, Docs. 1918396 & 1918415 (filed Oct. 15, 2021). And they *prevailed* on their opposition. Existing Parties' arguments that the States could have intervened earlier are thus likely barred by judicial estoppel. *See*, *e.g.*, *New Hampshire v. Maine*, 532 U.S. 742, 749 (2001) ("[J]udicial estoppel, 'generally prevents a party from prevailing in one phase of a case on an argument and then relying on a contradictory argument to prevail in another phase.'" (citation omitted)). And even if not, those were party admissions that intervening earlier would not have been possible, given their *successful*

opposition to earlier intervention.

The States thus had no reason to continue seeking intervention in a case in which their intervention had already been denied without a material change in circumstance. Such a change only occurred here on November 15, when Defendants refused to seek a stay for any purpose other than acquiescing in defeat and termination of Title 42 orders.

Additionally, if this Court were to find that the States should have intervened earlier—when the United States was still defending Title 42—it would invite inefficiencies, and essentially require would-be intervenors to seek intervention both early and often. This would not only be a substantial waste of resources for courts and parties, but it would likely also be barred by Rule 24 itself, which requires that an intervenor demonstrate that its interests are not adequately protected. *See* Fed. R. Civ. P. 24(a)(2). Even so, interested parties would likely feel compelled to move to intervene in a host of cases so that they cannot be later accused of intervening too late. If courts denied those motions, interested parties would then need to keep filing *seriatim* motions to intervene upon any new hint of inadequate representation. And they would do so until intervention was granted or the case reached final conclusion.

Because the States "sought to intervene 'as soon as it became clear' that [their] interests 'would no longer be protected' by the parties in the case," they thus satisfied the "most important circumstance relating to timeliness." *Cameron*, 142 S. Ct. at 1012. In *Cameron*, the Sixth Circuit denied intervention by Kentucky's attorney general as untimely, but the Supreme Court reversed by a lopsided 8-1 majority. There, as here, "the attorney general sought to intervene [as the State] 'as soon as it became clear' that the [State's] interests 'would no longer be protected' by the parties in the case." 142 S. Ct. at 1012. There, again as here, the motion to intervene was filed within the relevant deadline to seek further appellate review. *Id.* And further, as here, "[t]he attorney general's

need to seek intervention did not arise until [the defendant] ceased defending the ... law, and the timeliness of his motion should be assessed in relation to that point in time." *Id. Cameron* thus further compels a conclusion that the States' motion to intervene here is timely.

Furthermore, as Justice Kagan emphasized in *Cameron,* a court considering a government official's motion to intervene should take account of "real-world" facts, including the shifting sands of politics. *Cameron,* 142 S. Ct. at 1018 (Kagan, J., concurring). Here, as in *Cameron,* the State's motion to intervene was in "response to a major shift in the litigation," *id.* at 1018: the Federal Government's decision not to seek a stay pending appeal, coupled with its refusal to say whether it would seek further review. In light of those real-world facts, the States have a strong reason for intervening. To paraphrase Justice Kagan in *Cameron,* the States "belong[] in the suit, absent some good cause to exclude [them]." *Id.*

The Supreme Court's decisions in *United Airlines* and *Cameron* thus require a determination that the States' motion to interene is timely.

2. Existing Parties Will Not Suffer Any Cognizable Prejudice From The States' Intervention

More generally, this motion presents no prejudice to the other parties. *See Sierra Club v. Espy*, 18 F.3d 1202, 1205 (5th Cir. 1994) (holding that the "requirement of timeliness is ... a guard against prejudicing the original parties"). Intervention here only ensures that this case and others will be resolved on *the merits*, rather than through abdication. Denying the parties a potential opportunity to obtain their desired ends through the contrivance of surrender inflicts no cognizable prejudice. Instead, the parties' positions will be "essentially the same as it would have been" had the States intervened earlier in the proceedings. *U.S. ex rel McGough,* 967 F.2d at 1395.

The only prejudice Plaintiffs and Defendants even attempt to claim is "rushed briefing" (Doc. 174 at 17) and "delay of the end of the Title 42 policy" because the States intend to seek a

stay pending appeal. (Doc. 175 at 1, 21.). But they offer no citation for the proposition that an abbreviated briefing deadline constitutes actual prejudice. And the same type of briefing would have occurred, and the same arguments would have been made, if the States had intervened earlier.

Furthermore, even if the States had intervened earlier, they would still have sought a stay pending appeal, and thus potentially delayed the end of the Title 42. Earlier intervention by the States would not have changed this. And a supposed delay in finally resolving the case—due to the time needed to pursue further appellate review—does not constitute a cognizable prejudice. To the contrary, intervention is often *granted* precisely to *enable* a full appellate review. *E.g.*, *Day v. Apoliona*, 505 F.3d 963, 965-66 (9th Cir. 2007) (recognizing lack of prejudice from intervention after panel opinion was issued and stating "the practical result of [the State's] intervention—the filing of a petition for rehearing—would have occurred whenever the state joined the proceedings" and noting that allowing intervention "will ensure that our determination of an already existing issue is not insulated from review simply due to the posture of the parties.").

Finally, as already discussed above, the States are prejudiced by not being permitted to intervene, in three ways: procedurally in this litigation, administratively in future rulemakings, and fiscally through the costs the States must bear if Title 42 is rescinded.

C. The States' Interests Are Not Adequately Represented.

The States' interests will not be adequately represented by the Existing Parties. Even when "there may be a partial congruence of interests, that does not guarantee the adequacy of representation." *Fund For Animals, Inc. v. Norton*, 322 F.3d 728, 737 (D.C. Cir. 2003). This is especially so when there are "divergent state and federal interests at issue." *Accrediting Council for Indep. Colleges & Sch. v. Devos*, No. CV-16-2448, 2017 WL 11579470, at *5 (D.D.C. Aug. 31, 2017). And here, because there is not even a "partial congruence," the Existing Parties will not adequately represent the States' interests.

An intervenor's burden to show that its interests will not be adequately represented by existing parties, Fed. R. Civ. P. 24(a)(2), is "minimal" and "not onerous." *Fund For Animals, Inc.*, 322 F.3d at 735 (quoting *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n. 10 (1972) and *Dimond v. District of Columbia,* 792 F.2d 179, 192 (D.C.Cir.1986)). Thus, an intervenor need only show "that representation of [its] interest '*may* be' inadequate. *Id.* (quoting *Trbovich*, 404 U.S. at 538 n.10) (emphasis added). The States easily satisfy this forgiving standard here, where Plaintiffs' position has always been directly opposed to the States' interests and where the Federal Government has now unambiguously abdicated any further defense of Title 42, and indeed affirmatively acquiesced in termination effective December 21. The States' protectable interests in the continued application of Title 42 are thus not adequately represented by the Existing Parties.

Plaintiffs argue (at 21-23) that because the States agreed that the Federal Government would adequately represent the interests of a proposed intervenor in the *Louisiana v. CDC* case, that this somehow forecloses the States' ability to argue that the Federal Government will not represent the States' interests here. In Plaintiffs' telling, because the Federal Government did not seek a stay pending appeal in *Louisiana*, and because the States supported the Federal Government's decision there, the States cannot now argue here that the Federal Government's failure to seek a stay pending appeal in this case is inadequate representation. That argument is illogical for multiple reasons.

First, the States' interests here are different than the interests of the intervenors in *Louisiana*. The consequences of the Federal Government's decision not to seek a stay pending appeal in that case is not in any way comparable to the consequences here, where the Federal Government's own assessments predict that illegal border crossings could triple immediately and continue at that elevated level for a sustained period of time.

Second, there is a fundamental factual difference here as compared to *Louisiana*. In that case, the Federal Government filed a notice of appeal on the same day that the district court issued its preliminary injunction in that case. *See*, *Louisiana v. CDC*, No. 22-CV-00885, ECF Nos. 90 and 91 (W.D. La. May 20, 2022) (memorandum ruling and order granting preliminary injunction) and *Id.* ECF No. 92 (W.D. La. May 20, 2022) (Federal Government notice of appeal, filed the same day). Furthermore, the Federal Government committed to "vigorously defend[] the [Title 42] termination order" at issue in that case. *CDC v. Louisiana*, No. 22-30303, Doc. No. 00516355391 at 12 (5th Cir. Jun. 13, 2022) (Federal Government's Opposition to Proposed Intervenor's Motion for a Stay Pending Appeal). No such commitment is remotely discernable here.

On the other hand, in this case, the Federal Government has been coy about its intent to appeal. But even if it *were* to appeal, this would do nothing to avert the impending catastrophe at the border, since the Federal Government has made clear that it will not seek a stay pending appeal.

Moreover, the purported indecision that Federal Defendants portrayed to this Court about whether it intends to appeal appears to be nothing more than performance art. In a filing in the *Louisiana* case, the Federal Government tipped its hand and made clear it has no intent to appeal here. Rather, it stated explicitly that it intends to let Title 42 definitively expire, and that it *will expire* on December 21 without *any* disclosed contingencies, such as an appeal.

Specifically, the Federal Government made the following representations to the Western District of Louisiana: "Once the five-week stay expires and the *Huisha-Huisha* order becomes effective at midnight on December 21, 2022, CDC's Title 42 orders *will be vacated*, and there will thus be *no legal authority for the government to continue to enforce the Title 42 policy*. Accordingly, as of 12 A.M. EST on December 21, DHS will begin processing all noncitizens entering the United States pursuant to Title 8." *Louisiana,* No. 22-CV-00885, ECF No. 164

(emphasis added) (Notice of Decision Vacating Title 42 Orders). In doing so, Defendants did not even *hint* at the possibility of appeal, and instead cast the termination of Title 42 being effective on December 21 as an absolute certainty without any disclosed contingencies (such as them appealing).

It thus rings hollow for the federal government to claim that the Sates merely have a "difference of opinion" about "litigation strategy." (at 17-18 (citation omitted)). Complete abdication of defense of a case is not a "litigation strategy." Rather, it is a paradigmatic example of the kind of inadequate representation that Rule 24 is designed to address.

II. PERMISSIVE INTERVENTION IS WARRANTED.

As set forth in the States' Motion, all of the requirements for permissive intervention are satisfied here. Existing Parties' contrary arguments merely recycle their timeliness and standing/protectable interest arguments, which fail for the reasons set forth above.

A favorable exercise of discretion is also warranted here. Existing Parties never engage with the States' fundamental argument on permissive intervention: *i.e.*, that "the important issues in this case should be decided on the merits, rather than through surrender." Mot. at 17.

At its base, Federal Defendants are intentionally engaging in conduct that they *know*—and have elsewhere conceded—*will* impose costs on the States. See *Louisiana*, 2022 WL 1604901, at *6 (explaining that termination of Title 42 "will increase the state's costs for healthcare reimbursements. *Defendants did not dispute the facts supporting this finding.*" (emphasis added)). Defendants merely (and wrongly) deny the cognizability of those injuries, not their existence. But they nonetheless contend that the States should be powerless to challenge whether those injuries—which are concededly and knowingly being forced upon them—are lawful.

That fails first because the States are entitled to intervene as of right. But even if that were

not the case, this Court should grant permissive intervention so that the States can challenge the legality of the costs that Federal Respondents admit will be imposed on the States.

Those injuries are particularly problematic because they are being inflicted through collusive surrender, rather than through decision on the merits through appeal. As set forth above, Federal Defendants are attempting to exploit their litigation loss to achieve objectives that they could not obtain through rulemaking, given their persistent unwillingness to conduct the notice-and-comment rulemaking that the APA demands.

Indeed, Defendants previously recognized that the issues presented here were sufficiently important that they not only warranted taking an appeal, but also seeking (and obtaining) an emergency stay pending appeal. *See Huisha-Huisha*, 27 F.4th at 726. Defendants' prior appellate conduct thus underscores why this phase of the case should be subject to appellate review as well, and thereby militates in favor of granting permissive intervention to ensure that occurs.

A favorable exercise of discretion is thus warranted to permit the States to challenge the legality of costs being imposed upon them and to prevent collusive surrender from trumping the legal merits as the basis for final resolution of this case.

CONCLUSION

For the foregoing reasons, the States' motion to intervene should be granted.

Dated: December 2, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY GIMENA HUISHA-HUISHA, on behalf of herself and others similarly situated,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, Secretary of Homeland Security, et al.,

Defendants.

Civ. A. No. 21-100 (EGS)

NOTICE REGARDING DECISION TO APPEAL THE COURT'S NOVEMBER 15, 2022 ORDER AND NOVEMBER 22, 2022 FINAL JUDGMENT

In Defendants' opposition to the States' motion for intervention, Defendants explained that the government was considering whether to appeal this Court's November 15, 2022 memorandum opinion and order and November 22, 2022 final judgment. *See* ECF No. 174 at 2, 6, 17. Defendants now respectfully notify the Court that the Solicitor General has authorized an appeal. *See* 28 C.F.R. § 0.20(b). The government will be filing a notice of appeal forthwith. Defendants also respectfully notify the Court that the Department of Health and Human Services (HHS) and Centers for Disease Control and Prevention (CDC) have decided to undertake notice-and-comment rulemaking to replace 42 C.F.R. § 71.40, the regulation this Court vacated in its November 15 order.

Once the appeal is docketed, the government intends to move the D.C. Circuit to hold the appeal in abeyance pending (i) the Fifth Circuit's decision in *Louisiana v. CDC*, No. 22-30303 (5th Cir.), the government's appeal of the preliminary injunction enjoining implementation of CDC's April 1, 2022 Termination Order, and (ii) the forthcoming rulemaking to replace § 71.40. The government respectfully disagrees with this Court's decision and would argue on appeal, as it has argued in this Court, that CDC's Title 42 Orders were lawful, that § 71.40 is valid, and that this Court erred in vacating those agency actions. But an abeyance is warranted because other events may render it unnecessary for the D.C. Circuit to decide those questions.

This case is primarily a challenge to CDC's Title 42 Orders, and CDC itself has already terminated those orders because it has determined that they are no longer necessary to protect the public health. If the government prevails in the *Louisiana* litigation and the Termination Order takes effect, Plaintiffs' challenge to the Title 42 Orders will be moot. And although § 71.40 is not at issue in *Louisiana*, HHS and CDC have themselves decided to undertake a new rulemaking to reconsider the framework under which the CDC Director may exercise her authority under 42 U.S.C. § 265 to respond to dangers posed by future communicable diseases. The outcome of that rulemaking could likewise moot Plaintiffs' challenge to § 71.40 (to the extent they would even have standing to challenge the regulation alone, if the Title 42 Orders primarily at issue were terminated). The Supreme Court and the D.C. Circuit often place cases into abeyance where, as here, pending regulatory developments may render further litigation unnecessary. *See*, *e.g.*, *Biden* v. *Sierra Club*, 142 S. Ct. 46 (2021) (No. 20-138) (placing case in abeyance pending regulatory developments and subsequently vacating lower court decisions following change in policy); *Mayorkas v. Innovation Law Lab*, 141 S. Ct. 2842 (2021) (No. 19-1212) (placing case in abeyance pending further agency action and subsequently vacating lower court decisions following change in policy); *Whitman Walker Clinic v. HHS*, No. 20-5331 (D.C. Cir. Feb. 18, 2021) (granting abeyance in light of agency's decision to undertake rulemaking); *Samma v. Dep't of Def.*, No. 20-5320 (D.C. Cir. June 30, 2021) (appeal held in abeyance pending agency reconsideration).

Dated: December 7, 2022

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