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14 **UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 Jose Antonio PEREZ-FUNEZ;) Case No. CV 81-1457-ER
16 *et al.*,)

17 Plaintiffs,

18 v.

19 U.S. Department of Homeland
Security, *et al.*,

21 Defendants.

) **DEFENDANTS’ REPLY IN SUPPORT
OF MOTION TO TERMINATE
PERMANENT INJUNCTION AND
ADVISAL ORDER**

) Hearing Date: February 9, 2026
Time: 10:00AM
) Place: Courtroom 5A, First Street
Courthouse
) Honorable Michael W. Fitzgerald
United States District Judge

23

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1 **INTRODUCTION**

2 The Government’s Rule 60(b) motion seeks relief that is both legally
3 necessary and practically modest: permission to discontinue a decades-old, court-
4 ordered advisal mechanism that has been superseded by governing law, operational
5 realities, and modern statutory protections. Contrary to Plaintiffs’ portrayal, the
6 Government does not seek to dismantle statutory safeguards for unaccompanied
7 alien children or evade legal obligations. Rather, it seeks to terminate a specific
8 judicial remedy—the Form I-770 advisal—that was fashioned to address a legal and
9 factual landscape that no longer exists.

10 Continued enforcement of this extra-statutory requirement is not necessary to
11 remedy the due process concerns that animated this litigation in the 1980s. Today,
12 unaccompanied alien children are afforded robust protections through the
13 Trafficking Victims Protection Reauthorization Act (“TVPRA”) and the One Big
14 Beautiful Bill (“OB BB”). Consequently, the injunction’s ongoing operation serves
15 no remedial purpose; it improperly intrudes upon the Executive Branch’s authority
16 to administer immigration laws in accordance with congressional mandates. Rule
17 60(b) exists precisely to prevent outdated judicial remedies from ossifying into
18 permanent constraints on lawful government action. Because the Form I-770
19 requirement no longer addresses a current legal violation and conflicts with the
20 modern statutory framework, this Court should grant Defendants’ motion and
21 terminate this injunction.

1 **I. ARGUMENT**

2 Termination under Rule 60(b) is essential to align this Court’s orders with
3 controlling Supreme Court precedent and Congress’s intervening changes to the
4 Immigration and Nationality Act (“INA”). This Court’s decades-old injunction is
5 now obsolete for four distinct reasons. *First*, termination is warranted under Rule
6 60(b)(4) or 60(b)(5) because 8 U.S.C. § 1252(f)(1) strips this Court of jurisdiction
7 to maintain class-wide restraints on the INA’s inspection and removal provisions at
8 issue. *Second*, termination is warranted under Rule 60(b)(5) because the enactment
9 of the TVPRA and the OBBB has created a comprehensive statutory regime that
10 occupies the field, displacing the statutory vacuum the injunction was designed to
11 fill. *Third*, the motion to terminate is timely because it addresses the cumulative,
12 prospective effect of these evolving legal obligations, which now render the
13 injunction fundamentally inconsistent with federal law. *Fourth*, the synergy between
14 these statutory changes and the Government’s modernized intake and processing
15 operations confirms that the injunction’s equitable purpose has been fully satisfied,
16 making termination the only suitably tailored remedy.

17 **A. 8 U.S.C. § 1252(f)(1) AND ALEMAN GONZALEZ COUNSEL IN**
18 **FAVOR OF VACATING THE INJUNCTION.**

19 Rule 60(b) relief is warranted with respect to this Court’s permanent
20 injunction and advisal because the Court lacks jurisdiction to enjoin Defendants
21 under 8 U.S.C. § 1252(f)(1). The Supreme Court’s decision in *Garland v. Aleman*
22 *Gonzalez*, 596 U.S. 543 (2022), has resolved any doubt that § 1252(f)(1) divests this
23 Court of jurisdiction to restrain the operation of the enforcement and processing

1 provisions in the INA. Relief is thus warranted (1) under Rule 60(b)(5) due to a
2 change in decisional and statutory law and/or under Rule 60(b)(4) for lack of
3 jurisdiction. Indeed, “[a] court errs [under Rule 60(b)(5)] when it refuses to modify
4 an injunction or consent decree in light of” “changes in either statutory or decisional
5 law.” *Agostini v. Felton*, 521 U.S. 203, 215 (1997); *see California ex rel. Becerra v.*
6 *EPA*, 978 F.3d 708, 713-15 (9th Cir. 2020) (where a “new statute ... remove[s] the
7 legal basis for the continuing application of the court’s Order,” petitioners are
8 “entitled ... to relief under Rule 60(b)(5)”) (cleaned up).

9 Section 1252(f)(1) states that “[r]egardless of the nature of the action or claim
10 ..., no court (other than the Supreme Court) shall have jurisdiction or authority to
11 enjoin or restrain the operation of the provisions of part IV of this subchapter, as
12 amended by the Illegal Immigration Reform and Immigrant Responsibility Act of
13 1996 (“IIRIRA”), other than with respect to the application of such provisions to an
14 individual alien against whom proceedings under such part have been initiated.” As
15 a result, § 1252(f)(1) divests lower federal courts of authority to enjoin or restrain
16 the operation of the detention and removal provisions of the INA, including those
17 under which the government processes class members. In 2022, the *Aleman*
18 *Gonzalez* Court held that “§ 1252(f)(1) generally prohibits lower courts from
19 entering injunctions that order federal officials to take or to refrain from taking
20 actions to enforce, implement, or otherwise carry out the specified statutory
21 provisions.” *Aleman Gonzalez*, 596 U.S. at 550; *id.* at 551 (“[I]njunctive relief on
22 behalf of an entire class of aliens is not allowed because it is not limited to remedying
23 the unlawful ‘application’ of the relevant statutes to ‘an individual alien.’”).

1 Section 1252(f)(1) codifies section 242(f)(1) of the INA, which refers to “the
2 provisions of chapter 4 of title II” of the INA (as amended by IIRIRA), i.e., sections
3 231 through 244 of the INA, 8 U.S.C. §§ 1221–1231. *See Galvez v. Jaddou*, 52 F.4th
4 821, 830 (9th Cir. 2022). These sections include the sources of ICE’s and CBP’s
5 authority to detain and process class members, specifically 8 U.S.C. § 1229c
6 (voluntary departure) and 8 U.S.C. § 1225 (inspection and withdrawal of application
7 for admission).

8 This Court’s injunction, and its continued enforcement, is precisely the type
9 of class-wide order § 1252(f)(1), as confirmed by *Aleman Gonzalez*, precludes. It is
10 a class-action that “restrain[s] the operation” of the INA—specifically, the
11 provisions relating to voluntary departure (codified at 8 U.S.C. § 1229c) and the
12 inspection and processing of aliens (codified at 8 U.S.C. § 1225). This Court’s
13 injunction restrains the operation of these provisions by imposing affirmative, extra-
14 statutory procedural hurdles that Defendants must clear before they can carry out the
15 voluntary departure provisions for any member of the plaintiff class.

16 Plaintiffs attempt to evade this jurisdictional bar by arguing that the injunction
17 operates solely on the TVPRA or the Constitution, and that any effect on the INA is
18 merely “collateral.” *Opp.* at 17–22. This argument fails because it ignores the
19 injunction’s text and the statutory reality of immigration processing. While the
20 TVPRA undoubtedly provides a framework for the treatment of unaccompanied
21 children, the actual legal mechanisms by which a child may be returned to their home
22 country are voluntary departure under 8 U.S.C. § 1229c, and the withdrawal of an
23 application for admission, under 8 U.S.C. § 1225(a)(4). Both § 1229c and § 1225

1 are indisputably located within the exact range of statutes that § 1252(f)(1) insulates
2 from class-wide judicial restraint: part IV of Subchapter II of the INA, which
3 encompasses 8 U.S.C. §§ 1221–1232. *Galvez*, 52 F.4th at 830-31.

4 The injunction explicitly precludes Defendants from using § 1229c or § 1225
5 to return a class member to their country of origin unless Defendants first comply
6 with non-statutory procedures mandated by this Court. By conditioning the
7 operation of 8 U.S.C. §§ 1225(a)(4) and 1229c’s statutory provisions on judicial
8 requirements, the injunction “restrain[s] the operation” of § 1252(f)(1)’s covered
9 provisions. *Aleman Gonzalez*, 596 U.S. at 550.

10 Plaintiffs argue that the injunction is immune from § 1252(f)(1) because it
11 supposedly “does not ‘enjoin or restrain the operation of’ a covered provision of the
12 INA.” Opp. at 17. They contend that the injunction only enforces the TVPRA.
13 Plaintiffs rely on *Galvez v. Jaddou*, 52 F.4th 821 (9th Cir. 2022), to argue that “[t]hat
14 conclusion disposes of the Government’s remedial-bar argument because ... the
15 TVPRA is not covered by Section 1252(f)(1).” Opp. at 19.

16 Plaintiffs’ reliance on *Galvez* is misplaced. There, the Ninth Circuit upheld an
17 injunction enforcing statutory adjudication deadlines for Special Immigrant Juvenile
18 (“SIJ”) status found within 8 U.S.C. § 1232 itself. The court reasoned that because
19 the provisions currently enacted under § 1232 were not codified at the time of §
20 1252(f)(1)’s promulgation, they could not fall under one of the “specified
21 provisions” listed, meaning the § 1252(f)(1) bar did not apply. *Id.* at 829–30. And
22 what’s more, the injunction at issue in *Galvez* merely enforced a timeline for a
23 benefit derived from a non-covered statute; it did not restrict the Government’s

1 ability to remove or return aliens under 8 U.S.C. § 1252(f)(1)'s covered statutory
2 scheme.

3 Here, conversely, the injunction impedes the operation of §§ 1225 and 1229c
4 by conditioning voluntary departure and the withdrawal of an application for
5 admission on procedural mandates. The fact that the TVPRA also governs
6 unaccompanied alien children does not grant a court license to hamper the INA's
7 underlying return authorities.

8 Plaintiffs next argue that § 1252(f)(1) is inapplicable because the injunction
9 is “premised not on statutory law of any kind, but rather on the Fifth Amendment
10 and the process due to unaccompanied children.” Opp. at 18. They suggest that “the
11 presumption that the judiciary may address constitutional claims” allows the
12 injunction to survive. *Id.* at 18 n.7. Plaintiffs’ argument is squarely foreclosed by
13 *Aleman Gonzalez*, which held that § 1252(f)(1) is a limit on the remedial authority
14 of lower courts, not a limit on the types of legal claims (i.e., statutory vs.
15 constitutional) that can be brought. The Court explained that while § 1252(f)(1)
16 generally prohibits class-wide injunctive relief, it does not bar individual relief. *See*
17 596 U.S. at 551. Section 1252(f)(1) therefore effectively strips courts of jurisdiction
18 to issue a specific type of remedy—a class-wide order restraining the operation of
19 covered provisions—regardless of whether the remedy stems from statutory or
20 constitutional concerns. It does not deny a forum for raising such claims on an
21 individual basis, rendering Plaintiffs’ invocation of the presumption that the
22 judiciary may address constitutional claims irrelevant. *See Opp.* at 18 n.7.

1 Finally, Plaintiffs argue that even if the injunction impacts covered provisions,
2 those impacts are merely “collateral” and thus permissible. Opp. at 21 (citing *Al Otro*
3 *Lado v. EOIR*, 138 F.4th 1102, 1125 (9th Cir. 2025)). They contend that “[n]umerous
4 courts have applied this doctrine where an injunction has potential ‘downstream
5 effects on removal proceedings.’” Opp. at 21 (quoting *RAICES v. Noem*, 793 F.
6 Supp. 3d 19, 107 (D.D.C. 2025)). Plaintiffs rely on *Gonzalez v. U.S. Immigration &*
7 *Customs Enforcement*, 975 F.3d 788 (9th Cir. 2020), and *United Farm Workers v.*
8 *Noem*, 785 F. Supp. 3d 672 (E.D. Cal. 2025) (“*UFW*”), in support for this contention.
9 Neither case supports maintaining the injunction.

10 To start, the Ninth Circuit in *Gonzalez* considered an injunction regarding
11 immigration detainers, holding that § 1252(f)(1) did not apply because the authority
12 to issue detainers flows from 8 U.S.C. § 1357, a provision located in Part IX of the
13 INA, and thus outside the scope of § 1252(f)(1)’s jurisdiction-stripping provisions.
14 *Gonzalez*, 975 F.3d at 812-14. Indeed, the Ninth Circuit reasoned that enjoining
15 § 1357 detainers did not directly restrain the operation of removal proceedings under
16 §§ 1221–1231, even if it had some downstream effect. *Id.*

17 The injunction at issue here does not regulate a preliminary enforcement
18 action, such as a detainer, for which statutory authority lies outside the provisions
19 included under § 1252(f)(1)’s jurisdictional bar. Rather, the injunction here regulates
20 the processing of the individual for return under §§ 1229c and 1225 – both of which
21 are subject to § 1252(f)(1)’s jurisdictional bar. The injunction here thus has a *direct*
22 effect on these sections, not a “collateral” one.

23

1 Plaintiffs similarly cite *UFW* for the proposition that an injunction is not
2 prohibited “even if there may be collateral effects upon a provision covered by
3 Section 1252(f)(1).” Opp. at 22 (quoting *UFW*, 785 F. Supp. 3d at 705–06). *UFW*
4 involved a challenge to “suspicionless stops” and “warrantless arrests” by Border
5 Patrol agents—actions primarily governed by the Fourth Amendment and 8 U.S.C.
6 § 1357(a). *UFW*, 785 F. Supp. 3d at 705–06. The court in *UFW* concluded that
7 enjoining unconstitutional stops was permissible because the injunction targeted the
8 stop itself, not the subsequent removal proceeding. *Id.* The injunction here, however,
9 targets the adjudication and processing phase of enforcement actions, dictating
10 Defendants’ procedural processes within the context of § 1229c voluntary departure
11 and withdrawal of application for admission under § 1225. This is not a distinct
12 “upstream” function of removal as in *UFW*, but a function of the return process itself.

13 Plaintiffs’ assertion that “[t]he injunction here is thus categorically distinct
14 from the classwide relief ... in *Aleman Gonzalez*,” Opp. at 18, is therefore
15 misplaced. In *Aleman Gonzalez*, the plaintiffs sought to impose a requirement—
16 bond hearings—that was not explicitly prescribed in 8 U.S.C. § 1231. The Supreme
17 Court held that the lower court could not “order federal officials to take . . . actions
18 that (in the Government’s view) are not required by [the statute].” 596 U.S. at 551.
19 That is precisely what this Court’s injunction imposes: it orders Defendants to take
20 actions not required by § 1225 or § 1229c before those statutes can operate.

21 In sum, because the injunction directly restrains the operation of the specific
22 statutory provisions Congress insulated from class-wide judicial review under
23

1 8 U.S.C. § 1252(f)(1), this Court would have lacked jurisdiction to issue it today as
2 to the class, making continued enforcement of the injunction no longer equitable.

3 **B. The TVPRA and OBBB Constitute Intervening Changes in Law**
4 **That Justify Termination of the Injunction**

5 Plaintiffs mischaracterize both the Government’s argument and the governing
6 Rule 60(b)(5) standard. The Government does not contend that the TVPRA or the
7 OBBB “validate conduct the injunction prohibits” in isolation. *See Opp.* at 23.
8 Rather, the Government has demonstrated that Congress enacted a comprehensive
9 statutory framework governing the processing, advisal, and disposition of
10 unaccompanied alien children that now occupies the field previously regulated by
11 the Court’s 1985 injunction, and thus enforcing the injunction is no longer equitable.

12 Plaintiffs base their entire opposition on the wrong legal standards. *First*,
13 Plaintiffs contend that “the Government must show that compliance with the
14 injunction has become ‘impermissible’” to justify vacating the injunction because of
15 a change in the law. *Opp.* at 23 (quoting *Flores v. Lynch*, 828 F.3d 898, 909–10 (9th
16 Cir. 2016)). But that is the standard for vacating or modifying a bargained-for
17 *consent decree* due exclusively to a change in the law, not a court-ordered
18 *injunction*—as Plaintiffs’ own cited cases make clear. *See Flores*, 828 F.3d at 909–
19 10 (discussing standard for modifying a “consent decree”); *California*, 978 F.3d at
20 714, 719 n.7 (distinguishing standards for modifying consent decrees versus
21 injunction based on changes in the law); *see also Flores v. Rosen*, 984 F.3d 720, 741
22 (9th Cir. 2020) (government must show that new “statutes make legal what the
23 [consent] decree was designed to prevent” to argue a change in law itself warrants

1 termination). Even if this Court were considering termination of a consent decree,
2 Plaintiffs' standard would be too high. Where a change in the law does not expressly
3 contradict the terms of a consent decree, courts can still consider the change in
4 determining whether the continued enforcement of such a decree remains equitable.
5 It just may not be the *exclusive* reason for modifying a decree, given that consent
6 decrees are the product of a bargained-for exchange. *See Rufo v. Inmates of Suffolk*
7 *Cty. Jail*, 502 U.S. 367, 389 (1992); *see id.* at 390 (“acknowledging that “while a
8 decision that clarifies the law will not, in and of itself, provide a basis for modifying
9 a decree, it could constitute a change in circumstances that would support
10 modification” under certain circumstances). *Third*, Plaintiffs assert that a change in
11 the law can only justify modifying an injunction when the new law “permit[s] what
12 was previously forbidden.” *Opp.* at 23 (quoting *California*, 978 F.3d at 719).
13 Plaintiffs miss that their own case includes that as one basis for modifying an
14 injunction based on a change in law, but not the exclusive basis for doing so. *See*
15 *California*, 978 F.3d at 719-20 (providing examples where injunctions should be
16 modified, including “a shift in the legal landscape that removes the basis for an
17 order”).

18 Contrary to Plaintiffs' claims, Rule 60(b)(5) relief is appropriate where an
19 *injunction* has been rendered obsolete because subsequent legislation has displaced
20 the legal predicates on which it rested—even if the statutes do not expressly
21 authorize conduct once forbidden. The relevant inquiry is whether continued
22 enforcement of the injunction remains equitable in light of intervening law, not
23 whether Congress has explicitly repudiated each provision of the decree.

1 Plaintiffs claim the TVPRA “does not validate conduct that the injunction
2 prohibits,” but make no argument that enforcing the injunction remains equitable in
3 light of the TVPRA’s changes. Any such argument is thus waived. To the extent
4 Plaintiffs’ arguments can be characterized otherwise, they fail. Plaintiffs attempt to
5 characterize the TVPRA as merely codifying return procedures for certain children
6 but ignore the statute’s broader effect. The TVPRA established detailed, mandatory
7 rules governing screening, advisals, access to counsel, custody transfers, and
8 removal proceedings for unaccompanied children. 8 U.S.C. § 1232. Where Congress
9 has enacted a comprehensive statutory regime addressing the same subject matter as
10 an injunction, the statute supplants the need for court-imposed procedural rules by
11 prescribing binding federal standards and continued judicial supervision premised
12 on pre-statutory equitable assumptions is no longer warranted.

13 Plaintiffs likewise misinterpret the role of the OBBB. The Government does
14 not argue that the OBBB silently repeals the TVPRA or authorizes conduct
15 forbidden by statute. Rather, the OBBB reflects Congress’s contemporary judgment
16 regarding the scope and funding of DHS’s processing and withdrawal authority
17 under existing law. Congress’s decision to appropriate funds specifically for
18 withdrawals pursuant to 8 U.S.C. § 1225(a)(4) confirms that such authority is
19 operative and expected to be exercised within the statutory framework Congress has
20 established. That Congress acted through appropriations does not render those
21 actions legally irrelevant for Rule 60(b)(5) purposes; to the contrary, appropriations
22 are a core mechanism by which Congress implements statutory policy. The
23 Government’s position rests not on repeal by implication, but on the reality that

1 Congress has affirmatively structured and funded a regime that now governs the
2 same conduct the injunction sought to regulate decades earlier.

3 Plaintiffs are similarly incorrect that Rule 60(b)(5) relief requires the
4 Government to show that regulations “permit what the injunction forbids.” *See* Opp.
5 at 9. The Government does not assert that regulations alone justify termination, nor
6 that rulemaking can override a court order. Instead, the regulations underscore that
7 Congress’s statutory framework is being implemented through ordinary
8 administrative processes that further diminish the need for judicially imposed
9 procedural mandates. The injunction was intended to fill a statutory vacuum; that
10 vacuum no longer exists. Plaintiffs’ arguments regarding Form I-770 and alleged
11 regulatory noncompliance go to operational disputes, not to whether the injunction’s
12 equitable purpose remains necessary in light of intervening law. Rule 60(b)(5) does
13 not require the Government to demonstrate a “durable remedy” to every asserted
14 implementation concern where Congress itself has supplied the governing legal
15 framework.

16 Lastly, Plaintiffs’ reliance on Form I-770 and the *Flores* Settlement
17 Agreement is misplaced. Disputes over the continued use of a particular form or
18 compliance with separate settlement obligations do not determine whether the
19 injunction itself remains necessary or equitable under Rule 60(b)(5). Defendants’
20 request for termination rests on changed law, not on unilateral regulatory action or
21 operational preferences. Plaintiffs’ position improperly freezes the injunction in time
22 and treats congressional action as legally irrelevant unless it expressly authorizes
23 prohibited conduct. Because the TVPRA, together with the OBBB, constitutes a

1 comprehensive and controlling statutory scheme governing the advisal, processing,
2 and disposition of unaccompanied children, the equitable premises underlying the
3 injunction have been displaced and termination is warranted.

4 **C. Defendants’ Termination Request Is Timely**

5 Plaintiffs’ assertion that Defendants’ Rule 60(b)(5) motion is untimely is
6 meritless. *See Opp.* at 26. While Rule 60(b)(5) motions must be brought within a
7 “reasonable time,” that inquiry focuses on whether the party delayed effectively
8 asserting its rights after the grounds for relief became apparent, not merely on the
9 calendar age of the statutes involved. *See United States v. Holtzman*, 762 F.2d 720,
10 725 (9th Cir. 1985). The Government’s motion relies on the cumulative effect of
11 statutory developments—TVPRA and OBBB—that have fundamentally altered the
12 legal landscape governing treatment of unaccompanied children.

13 Plaintiffs’ focus on the enactment date of the TVPRA is myopic. The
14 Government does not rely on that statute in isolation, but on its operation in
15 conjunction with subsequent congressional action that has created overlapping and
16 redundant obligations. The “reasonable time” analysis in institutional reform
17 litigation is not a rigid statute of limitations; it must account for the evolving nature
18 of the statutory scheme. Timeliness is therefore properly measured from the point at
19 which the cumulative weight of these legislative changes rendered the injunction
20 undeniably obsolete, including the recent OBBB.

21 Finally, Plaintiffs’ reliance on “finality” and asserted prejudice is unavailing.
22 *Opp.* at 26. The principle of finality applies with far less force to prospective
23 injunctions, which remain subject to the continuing supervisory power of the Court.

1 Rule 60(b)(5) exists precisely to ensure that such decrees do not continue to bind the
2 Executive Branch after changes in law render them inconsistent with congressional
3 will. Plaintiffs identify no cognizable prejudice beyond the loss of a decree that no
4 longer reflects current law. Because the Government moved within a reasonable time
5 to align this Court’s order with the controlling statutory framework, the motion is
6 timely.

7 **D. Relevant Factual and Legal Changes Displace the Equitable
8 Purpose of the Injunction**

9 Plaintiffs assert that factual changes alone cannot justify termination because
10 Rule 60(b)(5) relief requires a “significant and unanticipated change in factual
11 conditions” and is warranted only in rare circumstances. Opp. at 27. This argument
12 misapplies the standard, however. Rule 60(b)(5) requires the Court to consider
13 whether changed circumstances—both factual and legal—have displaced the
14 equitable rationale underlying the injunction, not whether every operational change
15 was arguably foreseeable. Here, the synergy between statutory developments (the
16 TVPRA and OBBB) and updated operational practices (centralized recordkeeping,
17 interagency coordination, and modern intake procedures) has rendered the equitable
18 purpose of the 1985 injunction obsolete.

19 Plaintiffs next dismiss the Government’s evidence of technological and
20 operational modernization as “conclusory.” See Opp. at 17–19. This argument, too,
21 ignores the reality that these factual developments are the practical implementation
22 of intervening law, not merely minor procedural tweaks. Modern intake and
23 adjudication procedures exist precisely because of the statutory framework Congress

1 established through the TVPRA and the funding authorized by the OBBB. These
2 operational changes are inseparable from the statutory changes; together, they
3 confirm that the injunction’s pre-statutory equitable rationale—ensuring notice and
4 protections that did not otherwise exist—has been supplanted.

5 Finally, Plaintiffs’ contention that termination is not “suitably tailored” to
6 changed circumstances is incorrect. *See* Opp. at 29 (quoting *Rufo*, 502 U.S. at 383;
7 *Kelly v. Wengler*, 822 F.3d 1085, 1098 (9th Cir. 2016)). Termination is the only
8 suitably tailored remedy where a court order duplicates or conflicts with a
9 comprehensive statutory scheme. Granting the motion eliminates judicially imposed
10 requirements that are now redundant while leaving in place all substantive
11 obligations mandated by Congress in the TVPRA and OBBB. Maintaining the
12 injunction would impose unnecessary judicial oversight without providing
13 additional protection to children not already secured by federal statute.

14 The factual developments, viewed in conjunction with the legal changes,
15 fundamentally displace the injunction’s original equitable purpose. And this Court’s
16 remedial authority in this context has been significantly altered by subsequent
17 statutory and decisional law. Because the Government has demonstrated that
18 continued enforcement is no longer equitable, termination is warranted under Rule
19 60(b).

21 CONCLUSION

22 For the foregoing reasons, this Court should grant Defendants’ motion to
23 terminate the permanent injunction and advisal order.

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DATED: January 20, 2026

Respectfully submitted,

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