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13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA

15 L.T., SEVAK MESROBIAN, JOSE
 16 MAURO SALAZAR GARZA, AND J.M.,
 17 on behalf of themselves and all others
 18 similarly situated; COALITION FOR
 HUMANE IMMIGRANT RIGHTS,
 19 Plaintiffs,
 20 v.
 21 U.S. IMMIGRATION AND CUSTOMS
 ENFORCEMENT; TODD M. LYONS,
 22 Acting Director, U.S. Immigration and
 23 Customs Enforcement; JAIME RIOS, Acting
 Director of Los Angeles Field Office,
 24 Enforcement and Removal Operations, U.S.
 25 Immigration and Customs Enforcement; U.S.
 DEPARTMENT OF HOMELAND
 26 SECURITY; KRISTI NOEM, Secretary,
 27 U.S. Department of Homeland Security,
 28 Defendants.

Case No. 5:26-cv-00322-SSS-SPx

**PLAINTIFFS’ REPLY IN
 SUPPORT OF MOTION FOR
 PRELIMINARY INJUNCTION
 CLASS ACTION**

Date: April 10, 2026
Time: 2:00 p.m.
Ctrm: 2, 2nd Floor
 3470 12th Street
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 21 (June 17, 2025), [https://chu.house.gov/mediacenter/press-releases/rep-chu-sanchez-takano-](https://chu.house.gov/mediacenter/press-releases/rep-chu-sanchez-takano-kamlager-dove-and-rivassuccessfully-gain)
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23 *Adelanto ICE Facility Is Fifth Incident Since September*, LAist (Mar. 31, 2026),
 24 <https://laist.com/news/mexican-man-death-adelanto-ice-facility-fifth-incident-since-september> 1
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1 **I. INTRODUCTION**

2 The Constitution requires Defendants to provide life’s basic necessities, *i.e.*,
3 food, potable water, soap, and medical care, to the people they detain. Defendants’
4 Performance-Based National Detention Standards (“PBNDS”) implement these
5 constitutional mandates. But at the Adelanto ICE Processing Center (“Adelanto”),
6 these standards are not followed—food is inedible, water is undrinkable, and adequate
7 medical care is not provided.

8 Defendants do not dispute this, submitting only a conclusory declaration from
9 Rosa Quevedo (“Quevedo Decl.”) that explains what the operating standard *should*
10 be but that says little about *actual* compliance. *E.g.*, Quevedo Decl. ¶¶ 49, 51
11 (explaining food and water quality standards, but failing to address the deficiencies
12 with compliance). Instead, Defendants focus their efforts on shifting blame to The
13 GEO Group (“GEO”), which operates Adelanto at Defendants’ direction. Defendants’
14 theory is that because GEO manages the day-to-day operations at Adelanto, only GEO
15 is responsible for complying with the Constitution and the PBNDS. Of course,
16 Defendants cite no precedent permitting this abdication of constitutional
17 responsibility, nor do they explain why this Court should hold that Defendants have
18 no obligation to follow their own standards, a proposition soundly rejected by *United*
19 *States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267-68 (1954).

20 The expert and fact testimony demonstrating the need for injunctive relief stand
21 unrefuted. Medical neglect remains ongoing and, tragically, another person has died.¹
22 Defendants urge that the Court should not interfere with the unconstitutional
23 operation of Adelanto. But this Court is well within its power to remedy the unlawful,
24 systemic issues there. *See Stone v. City & Cnty. of S.F.*, 968 F.2d 850, 861 (9th Cir.
25 1992), *as amended on denial of reh’g* (Aug. 25, 1992) (“Federal courts possess

26 _____
27 ¹ Anthony Victoria, *Mexican Man’s Death in Adelanto ICE Facility Is Fifth Incident*
28 *Since September*, LAist (Mar. 31, 2026), <https://laist.com/news/mexican-man-death-adelanto-ice-facility-fifth-incident-since-september>.

1 whatever powers are necessary to remedy constitutional violations because they are
2 charged with protecting these rights.”); *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th
3 Cir. 2017) (ongoing “subpar medical” care requires injunctive relief as the
4 “harms ... will continue to occur needlessly on a daily basis”).

5 **II. ARGUMENT**

6 **A. PLAINTIFFS HAVE STANDING TO PURSUE THEIR CLAIMS.**

7 Defendants argue that because GEO, not Defendants, oversees the day-to-day
8 operation, administration, and maintenance of Adelanto, Plaintiffs’ injuries are
9 traceable to and redressable only by an injunction against GEO, not Defendants. Opp.
10 at 4-10. But as the entities detaining Plaintiffs, Defendants have a constitutional
11 obligation to provide for their “basic human needs,” including “food, clothing, shelter,
12 [and] medical care....” See *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489
13 U.S. 189, 200 (1989). Defendants cannot abdicate this duty and pass it onto GEO.
14 *West v. Atkins*, 487 U.S. 42, 56 (1988) (“Contracting out prison medical care does not
15 relieve the State of its constitutional duty to provide adequate medical treatment to
16 those in its custody....”); *Armstrong v. Brown*, 732 F.3d 955, 957 (9th Cir. 2013)
17 (government entities “cannot shirk obligations ... under federal law by housing
18 [plaintiffs] in facilities operated by [third-parties]”); cf. 8 U.S.C. § 1231(g)(1) (DHS
19 must “arrange for appropriate places of detention”). Any other rule would allow the
20 federal government to contract out its constitutional responsibilities of care in
21 limitless form and shirk all constitutional responsibility purely by engaging private
22 actors.²

23
24
25 _____
26 ² The cases Defendants do cite—*Geo Group, Inc. v. Newsom*, 50 F.4th 745 (9th Cir.
27 2022) (en banc), *United States v. New Mexico*, 455 U.S. 720, 736-38 (1982), *Rumsfeld*
28 *v. Padilla*, 542 U.S. 426 (2004), *Logue v. United States*, 412 U.S. 521 (1973), and
Minneci v. Pollard, 565 U.S. 118 (2012)—are inapposite. Those cases merely say the
federal government can engage private contractors.

1 Framed like this, Defendants’ standing arguments fall apart. The issue is not
2 what GEO’s role is at Adelanto, but what obligations Defendants owe Plaintiffs and
3 whether those obligations are being met. Under the Fifth Amendment, Defendants
4 must provide non-punitive conditions and adequate medical care, neither of which is
5 occurring, *infra* III.A-B. Likewise, under the Rehabilitation Act, Defendants must
6 provide disabled Plaintiffs meaningful access to benefits, which is not occurring, Mot.
7 at 17-18. And finally, under the Administrative Procedure Act (“APA”), Defendants
8 must follow their own regulations, which, again, is not occurring, *infra* III.C. In each
9 instance, Defendants’ actions (or inactions) have caused Plaintiffs’ harm, and an
10 injunction ordering Defendants to comply with the Constitution and federal law—
11 which is all Plaintiffs ask for, *infra* IV—would remedy this harm. As such, Plaintiffs
12 have standing to pursue their claims.

13 Finally, Defendants’ ripeness argument is baseless. Plaintiffs do not take issue
14 with speculative harms—they seek an injunction to remedy *ongoing* inhumane
15 conditions at Adelanto. **Right now** the water is dirty and undrinkable; the facilities
16 are filthy; food is spoiled; clothing is dirty; soap is inconsistently available; and
17 prompt medical care and disability accommodations are not provided. *See* Mot. at 2-
18 3 (collecting cites); Second Declaration of L.T. (“L.T. Decl.”) ¶¶ 3-9; Second
19 Declaration of Mesrobian (“Mesrobian Decl.”) ¶¶ 5-18; *see also Helling v. McKinney*,
20 509 U.S. 25, 33 (1993) (“demonstrably unsafe drinking water” could show harm
21 without need to “wait[] for an attack of dysentery”); *Graves v. Arpaio*, 623 F.3d 1043,
22 1047 (9th Cir. 2010) (ongoing inhumane conditions represent concrete harms). Not
23 only is this proved across the 23 declarations submitted in support of Plaintiffs’
24 motion, it is corroborated by contemporaneous investigations by members of
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1 Congress and the State of California.³ The Quevedo Declaration does not contest
2 these ongoing harms. *Supra* pp. 1.

3 **B. CHIRLA HAS ORGANIZATIONAL STANDING.**

4 Defendants contend CHIRLA lacks standing. *Opp.* at 11. But the conditions at
5 Adelanto have increased call volumes to CHIRLA, impacting its ability to screen
6 prospective clients' legal claims, and have impaired CHIRLA's representation.
7 Declaration of Nicolas Thompson-Lleras ¶¶ 28-30; Declaration of Angelica Salas
8 ¶¶ 31-34. This diversion of resources and impairment of core business activities
9 establishes standing. *See Immigrant Defenders Law Ctr. v. Noem*, 145 F.4th 972, 988
10 (9th Cir. 2025) (diversion of resources establishes organizational standing).

11 **C. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS.**

12 **1. The conditions at Adelanto are punitive.**

13 Under the Fifth Amendment, Defendants cannot subject Plaintiffs, who are
14 civil detainees, to punitive conditions. *E.g., Zadvydas v. Davis*, 533 U.S. 678, 690
15 (2001). Defendants agree. *Opp.* at 11. Defendants also agree that *Jones v. Blanas*, 393
16 F.3d 918 (9th Cir. 2004) creates the applicable standard. *See Opp.* at 11. Because
17 conditions at Adelanto are "more restrictive than" prison, they are presumptively
18 unconstitutional and are punitive because they are intended to punish, have no
19 legitimate purpose, and are excessive. *Jones*, 93 F.3d at 932 (cleaned up).

20 ***The Jones Presumption.*** In a cursory footnote, *Opp.* at 12 n.6, Defendants
21 contend that *Fraihat v. U.S. ICE*, 16 F.4th 613, 648 (9th Cir. 2021), prevents the *Jones*
22 presumption from applying to immigration cases. *Fraihat* does no such thing. Rather,
23 there, the court declined to decide whether the *Jones* presumption extended to federal
24

25 ³ *See* Brief of Amicus Curiae the State of California, Dkt. 44-1; *Reps. Chu, Sánchez,*
26 *Takano, Kamlager-Dove, and Rivas Successfully Gain Access to Adelanto ICE*
27 *Facility, Demanding Accountability and Answers*, U.S. Congresswoman Judy Chu
28 (June 17, 2025), <https://chu.house.gov/mediacenter/press-releases/rep-chu-sanchez-takano-kamlager-dove-and-rivas-successfully-gain>.

1 immigration detention and held that, regardless, the presumption could not be applied
2 as there was no record evidence to compare the overall conditions of the immigration
3 detention facility to prison conditions. *Id.* at 648-49; *see also Doe v. Becerra*, 732 F.
4 Supp. 3d 1071, 1080 & n.2 (N.D. Cal. 2024) (holding “[t]he logic of *Jones* ... applies
5 with equal force in the immigration context”); *Pablo Sequen v. Albarran*, 810 F. Supp.
6 3d 1084, 1128 (N.D. Cal. 2025) (applying *Jones* presumption to immigration
7 detention). Additionally, the circumstances in *Fraihat* are not present here. Plaintiffs
8 have submitted extensive testimony comparing the deplorable conditions at Adelanto
9 to those of prisons, *see* Mot. at 11 (collecting cites), giving this Court ample grounds
10 to apply the *Jones* presumption.

11 Defendants fail to respond to this testimony and thus concede application of
12 the *Jones* presumption. *Zheng v. Marin*, 2026 WL 508490, at *3 (C.D. Cal. Feb. 24,
13 2026) (deeming failure to respond as concession that preliminary injunction should
14 issue). Defendants therefore bear the burden of proving “(1) legitimate, non-punitive
15 interests justifying the conditions of ... confinement and (2) that the restrictions
16 imposed ... [are] not excessive in relation to these interests.” *King v. Cnty. of L.A.*,
17 885 F.3d 548, 557 (9th Cir. 2018). They show neither.

18 ***No Legitimate Interest Justifies the Excessive Conditions.***⁴ Defendants urge
19 in opposition that the conditions at Adelanto are not punitive because they are
20 necessary to “maintain[] jail security” and “most critically [to] effective[ly]
21 manage[] ... [the] facility,” Opp. at 13 (citing *Bell v. Wolfish*, 441 U.S. 520, 540
22 (1979)). As support, Defendants cite Plaintiffs’ criminal histories, which they
23 describe as “extensive” and “severe,” to suggest more robust security is needed.

24 But Plaintiffs’ criminal histories have no bearing on whether they are entitled
25 to humane, non-punitive conditions. Indeed, under longstanding precedent, the *only*

26 _____
27 ⁴ Defendants argue that they have “legitimate, non-punitive government interest[s] in
28 detention.” Opp. at 13. Plaintiffs do not argue to the contrary—they take issue with
the *conditions* of that detention.

1 relevant question is whether the conditions are “inherent [in the] discomfort of
2 confinement” *or* so excessive that they must be intended to punish. *See Demery v.*
3 *Arpaio*, 378 F.3d 1020, 1030 (9th Cir. 2004) (citing *Bell*, 441 U.S. at 537). The
4 inhumane conditions at Adelanto are not inherent in the discomfort of confinement.
5 Plaintiffs lack access to clean water, clean facilities, sanitary food, appropriate
6 bedding, clean clothing, medical care, soap, adequate sleep accommodations, and
7 outdoor spaces. Courts have found these basic necessities essential to provide “safe
8 and sanitary conditions,” *Flores v. Barr*, 934 F.3d 910, 915 (9th Cir. 2019), and
9 deprivation of these conditions is beyond the discomfort inherent in confinement.
10 *Pablo Sequen*, 810 F. Supp. 3d at 1127-31 (punitive conditions demonstrated by cold
11 temperatures, continuous lighting, lack of beds, mattresses, blankets, hygiene supplies
12 and clean clothing; and failure to provide prompt emergency medical care and
13 medical intake to ensure continuity of care); *cf. Bell*, 441 U.S. at 537, 543, 557-58
14 (searches and shared housing are inherent discomforts). Indeed, courts have
15 repeatedly found comparable conditions illegitimate under the more demanding
16 Eighth Amendment standard, *see Keenan v. Hall*, 83 F.3d 1083, 1089-92 (9th Cir.
17 1996) (lack of exercise; ventilation; access to soap, clean linens, and sanitary food
18 and water; and constant illumination violated Eighth Amendment as these conditions
19 deprived plaintiff of “the minimal civilized measure of life’s necessities”); *Graves v.*
20 *Arpaio*, 2008 WL 4699770 (D. Ariz. Oct. 22, 2008) (same), meaning they *must* be
21 illegitimate under the Fifth Amendment, *Stone v. City & County of San Francisco*,
22 968 F.2d 850, n.10 (9th Cir. 1992) (pretrial detainees entitled to greater constitutional
23 rights than prisoners), and therefore cannot serve legitimate interests.

24 Further, undisputed expert testimony establishes the conditions are untethered
25 to Defendants’ stated interests—security and facility management, Opp. at 13. *See*
26 Adams Decl. ¶¶ 45, 57, 69, 82, 94, 104, 114, 122, 136, 149 (no penological purpose
27 for harsh conditions). Notably, these interests appear to be pretextual. Defendants are
28 on record stating the true purpose of the conditions is to punish and deter illegal entry,

1 a point Defendants do not dispute and an interest that *is not legitimate*. See Mot. at
2 12; *Demery*, 378 F.3d at 1030-31 (retribution and deterrence are “not
3 legitimate ... governmental objectives”).

4 ***Alternative, Less Harsh Methods Exist.*** Defendants appear to cite their
5 operating standards, the PBNDS, as proof that Adelanto operates pursuant to set
6 standards. Opp. at 13. But standards are only as good as their enforcement, which the
7 record shows Defendants are not doing. See Mot. at 2-3 (collecting cites); cf. *Quevedo*
8 Decl. ¶¶ 49, 52-54, 58-71, 73 (failing to provide evidence that clean water, food,
9 clothing, and bedding are available, among other conditions). And Defendants’
10 citation to the PBNDS proves that alternative, less harsh methods could be used to
11 ensure “jail security” and “effective management of ... [the] facility.” Opp. at 13.

12 **2. The medical care at Adelanto is indisputably inadequate.**

13 Because Plaintiffs are civil detainees, the Fifth Amendment governs, and the
14 Court employs an objective standard to determine whether medical care is adequate.
15 See *Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1120, 1122-25 (9th Cir. 2018).

16 Adequate medical care requires “a system of ready access to medical care,”
17 through which patients can alert medical staff to their problems, and staff can
18 diagnose and treat those problems or refer patients to others who can. *Hoptowitz v.*
19 *Ryan*, 682 F.2d 1237, 1253 (9th Cir. 1982). This requires medical screenings to
20 identify individuals’ health needs and risk factors; systems to support continuity of
21 care, including provision of necessary medications and medical devices; timely
22 responses to routine or emergent health care needs; and adequate and qualified staff.
23 *Ruiz v. ICE*, 2026 WL 851980, at *7 (N.D. Cal. Mar. 27, 2026) (collecting cases).

24 A “system of ready access” does not exist at Adelanto, Mot. at 5-7, 15-17
25 (detailing long wait times, failure to provide medications, failure to timely respond to
26 medical emergencies, and failure to adequately screen detainees), a point Defendants
27 do not rebut. On this basis alone, Plaintiffs have shown likely success on the merits.
28 *Zheng*, 2026 WL 508490, at *3. Regardless, Defendants’ conclusory rebuttals—first,

1 that Plaintiffs “received care, just not on their preferred timeline,” and second, that
2 Plaintiffs need only receive “life’s necessities,” Opp. at 14—do not move the needle.
3 *First*, Plaintiffs did not and *still* are not receiving care. Mot. at 5-7; Decl. of L.T. ¶¶
4 3-9 Mesrobian Decl. ¶¶ 5-13. *Second*, the “life’s necessities” language, taken from
5 *Wilson v. Seiter*, 501 U.S. 294, 298 (1991), describes the higher Eighth Amendment
6 standard, which does not govern this case. But even if it did, failure to provide timely
7 medical care, adequate intake, and adequate staff *does* constitute a deprivation of
8 “life’s necessities.” *Hoptowit*, 682 F.2d at 1253; *Brown v. Plata*, 563 U.S. 493, 501-
9 03 & n.3 (2011) (overcrowding caused severe backlog for medical treatment and
10 increased risk for transmission of infectious illness, which evidenced “systemwide
11 deficiencies in the provision” of adequate medical care). The Court need only look to
12 the multiple deaths that have occurred to find a deprivation of “life’s necessities” at
13 Adelanto.

14 **3. Defendants’ conduct violates the Administrative Procedure Act.**

15 The APA establishes a “presumption of judicial review” of agency action.
16 *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1905 (2020).
17 Despite this presumption, Defendants incorrectly argue their decision not to comply
18 with their own standards is not final or arbitrary.

19 *First*, a final agency action “marks the consummation of the agency’s decision-
20 making process,” from which “legal consequences ... flow.” *Bennett v. Spear*, 520
21 U.S. 154, 156 (1997). Defendants argue their recent “good” rating of Adelanto is not
22 final action because GEO, not Defendants, is bound by the PBNDS. But the PBNDS
23 are *Defendants’* rules, which *Defendants* applied when awarding Adelanto a “good”
24 rating. As the author and enforcer of these standards, Defendants are obligated to
25 follow them.⁵ *E.g.*, *Torres v. U.S. Dep’t of Homeland Security*, 411 F. Supp. 3d 1036,

26 _____
27 ⁵ Defendants make a misplaced agency discretion argument. Opp. at 18-19. Plaintiffs
28 are not arguing that Defendants must issue rules confining their discretion, only that
they must *follow* the rules and regulations already issued, here, the PBNDS.

1 1068-69 (C.D. Cal. 2019) (DHS and ICE must follow the PBNDS and failure to do
2 so constitutes “final agency action”); *Emami v. Nielsen*, 365 F. Supp. 3d 1009, 1019-
3 20 (N.D. Cal. 2019) (agencies must follow their own rules and guidelines) (collecting
4 cases). Their decision to repopulate Adelanto without adequate staff and then, in an
5 annual congressionally-mandated performance evaluation, bless the facility’s
6 operation despite the predictable and well-documented deficient conditions plainly
7 contravenes the PBNDS, Mot. at 19, to Plaintiffs’ detriment. This is a final agency
8 action reviewable under 5 U.S.C. § 704.

9 *Second*, it is contrary to law and arbitrary and capricious for an agency to
10 disregard its own regulations and policies. *Church of Scientology of Cal. v. United*
11 *States*, 920 F.2d 1481, 1487 (9th Cir. 1990) (“Pursuant to the *Accardi* doctrine, an
12 administrative agency is required to adhere to its own internal operating
13 procedures.”). Plaintiffs identified numerous PBNDS violations at Adelanto, Mot. at
14 20-21, all of which should have prohibited a “good” rating. Failing to respond to these
15 issues, Defendants focus their analysis on the changed rating, urging it is a “new
16 policy” entitled to deference under *FCC v. Fox Television Stations, Inc.*, 556 U.S.
17 502, 515 (2009). Opp at 19-20. But Plaintiffs do not take issue with the downgrading,
18 they take issue with the evaluation itself, which was plainly arbitrary given the
19 ongoing and well-documented violations of the PBNDS, Mot. at 20-22. Plaintiffs
20 merely ask the Court to require Defendants to follow their own standards, as required
21 by *Accardi*. *E.g., Torres*, 411 F. Supp. 3d at 1068-69 (agency must follow its own
22 regulations).⁶

23
24 _____
25 Regardless, Congress has mandated congressional oversight of detention facilities to
26 ensure PBNDS compliance, and thus this review is not committed to Defendants’
27 discretion. *See Consolidated Appropriations Act, 2022*, Pub. L. 117-103, Div. F, Tit.
28 II, 136 Stats. 322-23.

⁶ Defendants argue they are not subject to the Rehabilitation Act and that Plaintiffs
fail to satisfy the relevant standard. But “because of their responsibility ... overseeing
conditions of immigration detention,” *Avirmed v. U.S. Dep’t of Homeland Sec.*, 2025

1 **D. PLAINTIFFS DO NOT SEEK A “SWEEPING” INJUNCTION.**⁷

2 Finally, Defendants argue that Plaintiffs seek a “sweeping” injunction. Not so.
3 To afford them the complete relief to which they are entitled, Plaintiffs seek an
4 injunction that remedies systemic deficiencies at Adelanto. *See Vasquez Perdomo v.*
5 *Noem*, 148 F.4th 656, 687 (9th Cir. 2025) (upholding a district-wide temporary
6 restraining order as necessary to provide “complete” relief).

7 **III. CONCLUSION**

8 For the foregoing reasons, Plaintiffs respectfully request that the Court enter the
9 [Proposed] Order Granting Plaintiffs’ Motion for Preliminary Injunction.⁸

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20 WL 1953230 (S.D. Cal. July 16, 2025), Defendants are subject to the Rehabilitation
21 Act and Plaintiffs have met the standard as they show they were unable “to enjoy
meaningful access to the benefits,” *id.* at *5, Mot. at 18-19.

22 ⁷ Plaintiffs seek a prohibitory, rather than “mandatory injunction.” *Hernandez v.*
23 *Sessions*, 872 F.3d 976, 998 (9th Cir. 2017) (an injunction that “prevents future
24 constitutional violations [is] a classic form of prohibitory injunction.”). In evaluating
25 a nearly identical injunction, the *Ruiz* court did not apply the mandatory injunction
26 standard and such a standard makes little sense where, as here, all Plaintiffs seek is
27 an injunction *prohibiting* Defendants from violating the Constitution and other federal
law. But even if the mandatory injunction standard applies, Plaintiffs show that the
law clearly favors their position.

28 ⁸ As detailed in their motion, Plaintiffs satisfy the other injunction factors. Mot. at 22-
23. Neither of Defendants’ contrary arguments, Opp. at 20-21, change the analysis.

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Dated: April 6, 2026

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PAGE COUNT CERTIFICATE

The undersigned counsel of record for Plaintiffs certifies that this Reply is 10 pages, which complies with this Court’s standing order.

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