

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PUBLIC COUNSEL
REBECCA BROWN (SBN 345805)
rbrown@publiccounsel.org
SOPHIA WRENCH (SBN 354416)
swrench@publiccounsel.org
AMELIA PIAZZA (SBN 342473)
apiazza@publiccounsel.org
VANESSA RAE YOUNG (SBN 352693)
vyoungviniegra@publiccounsel.org
ELIZABETH HERCULES-PAEZ (SBN 320944)
eherculespaez@publiccounsel.org
610 South Ardmore Avenue
Los Angeles, CA 90005
Tel: 213-385-2977

Attorneys for Plaintiffs
Additional Counsel Listed on Following Page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

L.T., SEVAK MESROBIAN, JOSE
MAURO SALAZAR GARZA, AND J.M.,
on behalf of themselves and all others
similarly situated; COALITION FOR
HUMANE IMMIGRANT RIGHTS,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS,
Acting Director, U.S. Immigration and
Customs Enforcement; JAIME RIOS, Acting
Director of Los Angeles Field Office,
Enforcement and Removal Operations, U.S.
Immigration and Customs Enforcement; U.S.
DEPARTMENT OF HOMELAND
SECURITY; KRISTI NOEM, Secretary,
U.S. Department of Homeland Security,

Defendants.

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

**NOTICE OF MOTION AND
MOTION FOR CLASS
CERTIFICATION AND
APPOINTMENT OF CLASS
COUNSEL; MEMORANDUM OF
POINTS AND AUTHORITIES**

CLASS ACTION

Date: May 29, 2026
Time: 2:00 p.m.
Ctrm: 2, 2nd Floor
3470 12th Street
Riverside, CA 92501
Hon. Sunshine Sykes

1 IMMIGRANT DEFENDERS LAW CENTER
2 ALVARO M. HUERTA (SBN 274787)
3 ahuerta@immdef.org
4 CARSON ADRIANNA SCOTT (SBN 337102)
5 cscott@immdef.org
6 ALISON STEFFEL (SBN 346370)
7 asteffel@immdef.org
8 634 S. Spring Street, 10th Floor
9 Los Angeles, CA 90014
10 Tel: 213-634-0999

11 COALITION FOR HUMANE IMMIGRANT RIGHTS
12 CARL BERGQUIST (*pro hac vice*)
13 cbergquist@chirla.org
14 2351 Hempstead Road
15 Ottawa Hills, OH 43606
16 Tel: 310-279-6025

17 ADAM REESE (SBN 362898)
18 areese@chirla.org
19 2533 West Third Street, Suite 101
20 Los Angeles, CA 90057
21 Tel: 213-353-1333

22 WILLKIE FARR & GALLAGHER LLP
23 NICHOLAS REDDICK (SBN 288779)
24 nreddick@willkie.com
25 STEPHEN HENRICK (SBN 310539)
26 shenrick@willkie.com
27 ALYXANDRA VERNON (SBN 327699)
28 avernon@willkie.com
JACOB KARIM (SBN 340376)
jkarim@willkie.com
333 Bush Street, 34th Floor
San Francisco, CA 94104
Tel: 415-858-7400

Attorneys for Plaintiffs

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD**

2 **PLEASE TAKE NOTICE** that at on May 29, 2026, at 2:00 p.m., or soon
3 thereafter as may be heard before Honorable Sunshine Sykes in Courtroom 2 of the
4 United States Courthouse for the Central District of California, 3470 Twelfth St.,
5 Riverside, CA 92501, Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar Garza,
6 and J.M., on behalf of themselves and all others similarly situated, hereby move the
7 Court for an entry of an Order:

8 1. Certifying that this action is maintainable as a class action under Federal
9 Rules of Civil Procedure 23(a), 23(b)(1), and 23(b)(2);

10 2. Certifying a Plaintiff Class (the “Adelanto Class”) consisting of, “All
11 persons who are now, or in the future will be, in the legal custody of U.S. Immigration
12 and Customs Enforcement and detained at the Adelanto ICE Processing Center”;

13 3. Certifying Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar Garza,
14 and J.M. as representatives of the Class;

15 4. Certifying a Plaintiff Subclass (the “Disability Subclass”) consisting of,
16 “All members of the Adelanto Class who have disabilities within the meaning of the
17 Rehabilitation Act, 29 U.S.C. § 701 et seq.”;

18 5. Certifying Plaintiffs L.T., Sevak Mesrobian, and Jose Mauro Salazar
19 Garza as representatives of the Subclass;

20 6. Appointing Plaintiffs’ counsel of record as Class Counsel for the Class
21 and Subclass; and

22 7. Directing the parties, pursuant to Rule 23(c)(2)(A), to confer and submit
23 a proposed notice to the Class and Subclass, and the proposed method of distribution
24 of that notice, within 30 days of the order certifying the Class and Subclass.

25 This Motion is based on the following:

26 1. Plaintiffs’ Complaint;

1 2. This Notice of Motion and Motion and the accompanying Memorandum
2 of Points and Authorities;

3 3. The concurrently filed Declarations of Alvaro M. Huerta, (“ImmDef
4 Decl.”), Rebecca Brown (“Public Counsel Decl.”), Nicholas Reddick (“Willkie
5 Decl.”), and Carl Bergquist (“CHIRLA Decl.”);

6 4. The concurrently filed sworn Declarations of Plaintiffs L.T., Sevak
7 Mesrobian, Jose Mauro Salazar Garza, and J.M.;

8 5. Such other oral or documentary evidence as may be presented at or prior
9 to the hearing of this Motion.

10 This motion is made following the conference of counsel pursuant to L.R. 7-3.
11 The conference took place on April 2, 2026 by video conference. Present at the
12 conference were Plaintiffs’ attorneys Alvaro M. Huerta, Alisson B. Steffel, Rebecca
13 Brown, Amelia Piazza, and Nadim Houssain, and Defendants’ attorney, Pushkal
14 Mishra. The parties discussed Plaintiffs’ Motion for Class Certification and
15 Appointment of Class Counsel and were unable to reach a resolution to eliminate the
16 necessity of a hearing on this motion. *See* Huerta Decl. ¶ 11

17 Dated: April 9, 2026

Respectfully Submitted,

18 IMMIGRANT DEFENDERS LAW CENTER

19
20 By: /s/ Carson Adrianna Scott
Carson Adrianna Scott
21 Alvaro M. Huerta
22 Alison Steffel

23 WILLKIE FARR & GALLAGHER LLP

24
25 By: /s/ Nicholas Reddick
Nicholas Reddick
26 Stephen Henrick
27 Alyxandra Vernon
Jacob Karim

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PUBLIC COUNSEL

By: /s/ Rebecca Brown
Rebecca Brown
Sophia Wrench
Amelia Piazza
Vanessa Rae Young
Elizabeth Hercules-Paez

COALITION FOR HUMANE IMMIGRANT RIGHTS

By: /s/ Carl Bergquist
Carl Bergquist
Adam Reese

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- I. INTRODUCTION 1
- II. STATEMENT OF FACTS..... 2
 - A. The Conditions of Confinement at Adelanto Are Inhumane 2
 - B. The Individual Plaintiffs Have Suffered and Continue to Suffer Ongoing Harm..... 6
- III. LEGAL STANDARD 9
- IV. ARGUMENT..... 9
 - A. Plaintiffs Satisfy the Requirements of Rule 23(a) 9
 - 1. The Adelanto Class and Disability Subclass Are Numerous and Joinder Would Be Impractical 9
 - B. The Proposed Classes Share Common Questions of Law and Fact 11
 - 1. First Claim: Punitive Conditions of Confinement..... 11
 - 2. Second Claim: Inadequate Medical and Mental Health Care 13
 - 3. Third Claim: Failure to Provide Disability Accommodations ... 15
 - C. Individual Plaintiffs’ Claims Are Typical of the Claims of the Proposed Classes 16
 - D. Individual Plaintiffs and Class Counsel Will Fairly and Adequately Represent the Interests of the Class 17
 - E. The Class Should Be Certified Because Rule 23(b) Is Satisfied 19
 - 1. The Proposed Class Should Be Certified Under Rule 23(b)(2) . 19
 - 2. The Proposed Class May Alternatively Be Certified Under Rule 23(b)(1) 20
 - F. The Class and Subclass Are Ascertainable 21
- V. CONCLUSION 22

TABLE OF AUTHORITIES

Page(s)

Cases

A.B. v. Hawaii State Department of Education,
30 F.4th 838 (9th Cir. 2022)..... 11

Armstrong v. Davis,
275 F.3d 849 (9th Cir. 2001)..... 15, 16, 17

Ashker v. Governor of California,
2014 WL 2465191 (N.D. Cal. June 2, 2014) 20

Brown v. Plata,
563 U.S. 493 (2011) 13

Coleman through Bunn v. D.C.,
306 F.R.D. 68 (D.D.C. 215) 10

Coleman v. Wilson,
912 F. Supp. 1282 (E.D. Cal. 1995)..... 20

Gomez Ruiz v. ICE, No. 3:25-cv-09757-MMC, ECF 72 (N.D. Cal Feb. 10, 2026)
..... 13, 19

Gray v. County of Riverside,
No. EDCV 13-00-444 CAP (Opx), 2014 WL 5304915 (C.D. Cal. Sept. 2, 2014)
..... 20

Greater L.A. Agency on Deafness, Inc. v. Reel Servs. Mgmt. LLC,
No. CV 13–7172 PSG (ASx), 2014 WL 12561074 (C.D. Cal. May 6, 2014)..... 21

Hanlon v. Chrysler Corp.,
150 F.3d 1011 (9th Cir. 1998)..... 17

Healthy Futures of Tex. v. HHS,
326 F.R.D. 1 (D.D.C 2018) 19

1 *Hernandez Roman v. Wolf*,
 2 829 F. App’x 165 (9th Cir. 2020).....2
 3 *Hernandez v. Cnty. of Monterey*,
 4 305 F.R.D. 132 (N.D. Cal. 2015).....10, 11, 17
 5 *In re Tesla Advanced Driver Assistance Sys. Litig.*,
 6 No. 22-CV05240-RFL, 2025 WL 2532185 (N.D. Cal. Sept. 3, 2025).....20
 7 *In re Yahoo Mail Litig.*,
 8 308 F.R.D. 577 (N.D. Cal. 2015).....21
 9 *Inland Empire-Immigrant Youth Collective v. Nielsen*,
 10 No. EDCV 17-2048 PSG (SHKx), 2018 WL 1061408 (C.D. Cal. Feb. 26, 2018)
 1120, 21
 12 *Johnson v. California*,
 13 543 U.S. 499 (2005) 15
 14 *Keegan v. Am. Honda Motor Co., Inc.*,
 15 284 F.R.D. 504 (C.D. Cal. 2012)21
 16 *L.H. v. Schwarzenegger*,
 17 No. CIV. S-06-2042 LKK.GGH, 2007 WL 662463 (E.D. Cal. Feb 28, 2007) 15
 18 *Lynch v. Rank*,
 19 604 F. Supp. 30 (N.D. Cal. 1984) 18
 20 *McDonald v. Heckler*,
 21 612 F. Supp. 293 (D. Mass. 1985) 10
 22 *Orantes-Hernandez v. Smith*,
 23 541 F. Supp. 351 (C.D. Cal 1982).....9
 24 *Pablo Sequen v. Albarran*,
 25 810 F.Supp.3d 1084 (N.D. Cal. Nov. 25, 2025) 13
 26 *Pappas v. D.C.*,
 27 No. CV 19-2800 (RC), 2024 WL 1111298 (D.D.C. Mar. 14, 2024)..... 10
 28

1 *Parsons v. Ryan*,
 2 754 F.3d 657 (9th Cir. 2014)..... 1, 13, 16, 19
 3 *Rannis v. Recchia*,
 4 |380 Fed. App’x 646 (9th Cir. 2010)..... 9
 5 *Rodriguez v. Hayes*,
 6 591 F.3d 11105 (9th Cir. 2010)..... 19
 7 *Roman v. Wolf*,
 8 5:20-cv-00768-TJH-PVC Dkt. 2708..... 3
 9 *Roman v. Wolf*,
 10 977 F.3d 935 (9th Cir. 2020)..... 2
 11 *Roman v. Wolf*,
 12 No. EDCV 20-00768 TJH (PVCX), 2020 WL 1952656 (C.D. Cal Apr. 23, 2020)
 13 2
 14 *Roman v. Wolf*, 2020 WL 3869729 at *2 (C.D. Cal. April 23, 2020) 13, 19, 21
 15 *Wal-Mart Stores, Inc. v. Dukes*,
 16 564 U.S. 338 (2011) 9, 11, 19
 17 **Statutes**
 18 29 U.S.C. § 701 1
 19 Rehabilitation Act § 504 1, 14, 21
 20 **Other Authorities**
 21 “*They Treat Us Like Dogs in Cages*”: *Inside the Adelanto ICE Processing Center*,
 22 Disability Rights California (July 17, 2025),
 23 [https://www.disabilityrightsca.org/drcadvocacy/investigations/inside-the-](https://www.disabilityrightsca.org/drcadvocacy/investigations/inside-the-adelanto-ice-processing-center)
 24 [adelanto-ice-processing-center](https://www.disabilityrightsca.org/drcadvocacy/investigations/inside-the-adelanto-ice-processing-center) 6
 25 Brittney Mejia and Ruben Vives, *As Fourth Man Dies at Adelanto Detention*
 26 *Center, Mexican Officials Call for Investigation*, LA Times (March 30, 2026),
 27
 28

1 [https://www.latimes.com/california/story/2026-03-30/as-fourth-man-dies-at-](https://www.latimes.com/california/story/2026-03-30/as-fourth-man-dies-at-adelanto-ice-detention-center-mexican-officials-call-for-investigation)
2 [adelanto-ice-detention-center-mexican-officials-call-for-investigation](https://www.latimes.com/california/story/2026-03-30/as-fourth-man-dies-at-adelanto-ice-detention-center-mexican-officials-call-for-investigation) 3
3 *Detention Facilities Average Daily Population*, Transactional Recs. Access
4 Clearinghouse (TRAC), (Nov. 28, 2025)
5 <https://tracreports.org/immigration/detentionstats/facilities.html>..... 3, 10, 11
6 *Immigration Detention in California: A Comprehensive Review with a Focus on*
7 *Mental Health*, Cal. Dep’t of Just., 26 (2025),
8 <https://oag.ca.gov/system/files/media/immigration-detention-2025.pdf> 2
9 Jenny Jarvie & Nathan Solis, *Moldy Food, Dirty Towels: Critics Warn of*
10 *Inhumane Conditions at California’s Largest Detention Center*, L.A. Times (June
11 20, 2025),
12 [https://www.latimes.com/california/story/2025-06-20/unsanitaryovercrowded-](https://www.latimes.com/california/story/2025-06-20/unsanitaryovercrowded-and-inhumane-red-flags-raised-about-conditions-in-adelantodetention-center)
13 [and-inhumane-red-flags-raised-about-conditions-in-adelantodetention-center](https://www.latimes.com/california/story/2025-06-20/unsanitaryovercrowded-and-inhumane-red-flags-raised-about-conditions-in-adelantodetention-center)..... 3
14 Megan Garvey, *Adelanto ICE Facility’s Use of Solitary Confinement Is Among 10*
15 *Highest in US, Data Shows*, LAist (Apr. 3, 2026),
16 <https://laist.com/news/politics/adelanto-solitary-confinement-data> 7
17 Mobley, *Adelanto ICE Processing Center started the year with three detainees.*
18 *Now, there are 1,200*, Victorville Daily Press (June 17, 2025),
19 [https://www.vvdailypress.com/story/news/local/2025/06/17/adelanto-](https://www.vvdailypress.com/story/news/local/2025/06/17/adelanto-iceprocessing-center-now-at-1200-detainees/8424649600)
20 [iceprocessing-center-now-at-1200-detainees/8424649600](https://www.vvdailypress.com/story/news/local/2025/06/17/adelanto-iceprocessing-center-now-at-1200-detainees/8424649600)..... 2
21 Research suggests that over forty percent of detained immigrants have chronic
22 conditions, many of which may constitute disabilities. See Patler & Saadi, *Risk of*
23 *Poor Outcomes with COVID-19 Among U.S. Detained Immigrants: A Cross-*
24 *Sectional Study*, J. Immigr. Minority Health 23, 863–866 (2021),
25 <https://doi.org/10.1007/s10903-021-01173-z>..... 10
26
27
28

1 **I. INTRODUCTION**

2 Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar Garza, and J.M.
3 (hereinafter “Individual Plaintiffs”), on behalf of themselves and all others similarly
4 situated (the “Proposed Classes”), by and through their attorneys, respectfully submit
5 this Memorandum of Law in support of their Motion for Class Certification and
6 Appointment of Class Counsel. The Individual Plaintiffs ask this Court to certify the
7 following Proposed Classes, which satisfy the governing standards under Federal
8 Rules of Civil Procedure 23(a) and 23(b)(2):

9 **Adelanto Class:** All persons who are now, or in the future will be, in the legal
10 custody of U.S. Immigration and Customs Enforcement and detained at the
11 Adelanto ICE Processing Center (the “Class” or “Adelanto Class”); and

12 **Disability Subclass:** All members of the Adelanto Class who have disabilities
13 within the meaning of the Rehabilitation Act § 504, 29 U.S.C. § 701 et seq. (the
14 “Subclass” or “Disability Subclass”).

15 Certification of these proposed classes is appropriate for the following reasons.
16 *First*, both the Adelanto Class and Disability Subclass are sufficiently numerous, with
17 over 1,800 Adelanto Class members and over fifty Disability Subclass members.
18 *Second*, the Proposed Classes present common questions of law or fact—e.g., whether
19 Defendants’ “specified [facility-]wide policies and practices” expose the Adelanto
20 Class and Disability Subclass “to a substantial risk of harm.” *Parsons v. Ryan*, 754
21 F.3d 657, 678 (9th Cir. 2014); *see also* Compl. ¶¶ 146–47. *Third*, as demonstrated by
22 the evidentiary record in this case, the Individual Plaintiffs’ claims are typical of those
23 faced by the Adelanto Class and Disability Subclass because all face harm from
24 Defendants’ facility-wide policies and practices. *Fourth*, the Individual Plaintiffs can
25 fairly and adequately protect the interests of the Proposed Classes and do not have
26 material conflicts with putative class members. Counsel for the Proposed Classes are
27 also well-qualified and prepared to represent Proposed Class members’ interests.

1 *Finally*, Defendants have acted or refused to act on grounds that apply generally to
2 all members of the Proposed Classes—namely failing to provide humane conditions
3 and basic necessities at Adelanto that comply with Defendants’ own standards and
4 the U.S. Constitution. Certification of a Rule 23(b)(2) class is therefore appropriate.

5 **II. STATEMENT OF FACTS**

6 **A. The Conditions of Confinement at Adelanto Are Inhumane**

7 Adelanto ICE Processing Center (“Adelanto”) is a for-profit immigration
8 detention center contracted to detain over 1,900 people.¹ Adelanto has been the
9 subject of numerous investigations, complaints, and lawsuits challenging its
10 inhumane conditions of confinement. *See* Compl. at ¶¶ 29–37. In April 2020, a
11 district court ordered Immigration and Customs Enforcement (“ICE”) to reduce
12 Adelanto’s detained population due to “callous disregard of [] detainees’
13 constitutional right to reasonable safety” during the COVID-19 pandemic. *Roman v.*
14 *Wolf*, No. EDCV 20-00768 TJH (PVCX), 2020 WL 1952656, at *8, 12 (C.D. Cal.
15 Apr. 23, 2020), *aff’d in part, vacated in part sub nom. Hernandez Roman v. Wolf*, 829
16 F. App’x 165 (9th Cir. 2020), *and supplemented*, 2020 WL 5797918 (C.D. Cal. Sept.
17 29, 2020). The Ninth Circuit largely affirmed, finding that ICE’s “inadequate
18 response [to the pandemic] reflected a reckless disregard for detainee safety[.]”
19 *Roman v. Wolf*, 977 F.3d 935, 943 (9th Cir. 2020). By November 2023, Adelanto’s
20 population had been reduced to seven detained individuals and, at the start of 2025,
21 there were only three detained individuals.² On June 11, 2025, the Court approved a
22 settlement, lifting restrictions on new intakes at Adelanto. *Roman v. Wolf*, 5:20-cv-

23
24 ¹ *See Immigration Detention in California: A Comprehensive Review with a Focus on Mental*
25 *Health*, Cal. Dep’t of Just., 26 (2025), [https://oag.ca.gov/system/files/media/immigration-](https://oag.ca.gov/system/files/media/immigration-detention-2025.pdf)
26 [detention-2025.pdf](https://oag.ca.gov/system/files/media/immigration-detention-2025.pdf) [hereinafter *Immigration Detention in California*].

27 ² *Immigration Detention in California*, *supra* note 1, at 26; Mobley, *Adelanto ICE Processing*
28 *Center started the year with three detainees. Now, there are 1,200*, Victorville Daily Press (June
17, 2025), [https://www.vvdailynews.com/story/news/local/2025/06/17/adelanto-iceprocessing-](https://www.vvdailynews.com/story/news/local/2025/06/17/adelanto-iceprocessing-center-now-at-1200-detainees/8424649600)
[center-now-at-1200-detainees/8424649600](https://www.vvdailynews.com/story/news/local/2025/06/17/adelanto-iceprocessing-center-now-at-1200-detainees/8424649600).

1 00768-TJH-PVC Dkt. 2708. Adelanto’s population skyrocketed from 153 to over
2 1,200 detained individuals within a single week.³ As of February 5, 2026, the facility
3 is holding approximately 1,800 individuals.⁴

4 Defendants were, and remain, grossly underprepared to handle this population
5 surge, leading to dangerous and abusive conditions.⁵ Since June 2025, detained
6 individuals have been subjected to “(1) inadequate medical care; (2) a lack of
7 reasonable accommodations; and (3) punitive conditions that are worse than prison.”
8 Compl. ¶ 46. As of the filing of this motion, four people detained at Adelanto have
9 died in Defendants’ custody within the last few months.⁶

10 ***Punitive Conditions.*** Defendants subject detained individuals to punitive
11 conditions that are worse than the conditions that exist in state and federal prisons.
12 *See* Compl. ¶¶ 80–130; *see also* ECF 34-26, Salazar-Garza Declaration in Support of
13 Plaintiffs’ Motion for a Preliminary Injunction (“ISO PI”). ¶¶ 22–35; ECF 34-03,
14 Adams Decl. ISO PI ¶¶ 22–29. Defendants serve class members spoiled,
15 unappetizing, insufficiently nutritious food and provide drinking water that is dirty
16 and unsanitary. ECF 34-21, Karamychev Decl. ISO PI ¶ 26 (“The water at Adelanto
17 tastes . . . like sewage.”). The clothing and bedding are threadbare, dirty, and often
18 come back from the laundry still damp. ECF 34-23, L.T. Decl. ISO PI ¶ 28. Soap is
19

20 ³ *See Detention Facilities Average Daily Population*, Transactional Recs. Access Clearinghouse
21 (TRAC), (Nov. 28, 2025) <https://tracreports.org/immigration/detentionstats/facilities.html>
[hereinafter TRAC Report].

22 ⁴ *See Detention Facilities Average Daily Population*, Transactional Recs. Access Clearinghouse
23 (TRAC), (February 5, 2026) <https://tracreports.org/immigration/detentionstats/facilities.html>
[hereinafter TRAC Report].

24 ⁵ Jenny Jarvie & Nathan Solis, *Moldy Food, Dirty Towels: Critics Warn of Inhumane Conditions*
25 *at California’s Largest Detention Center*, L.A. Times (June 20, 2025),
<https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelantodetention-center>

26 ⁶ Brittney Mejia and Ruben Vives, *As Fourth Man Dies at Adelanto Detention Center, Mexican*
27 *Officials Call for Investigation*, LA Times (March 30, 2026),
<https://www.latimes.com/california/story/2026-03-30/as-fourth-man-dies-at-adelanto-ice-detention-center-mexican-officials-call-for-investigation>.

1 inconsistently available, the kitchens are unclean, and mold grows on the walls. ECF
2 34-24, Mesrobian Decl. ISO PI ¶ 40; ECF 34-26, Salazar-Garza Decl. ISO PI. ¶¶ 23,
3 25, 28; ECF 34-23, L.T. Decl. ISO PI ¶ 24; ECF 34-14, Arnold Decl. ISO PI. ¶ 31.

4 Unlike in prison, there is no social programming available, and detained
5 individuals are only permitted one-hour-long, limited-contact visits in which they
6 cannot hold their loved ones. *Compare* P.I. at 3–4; ECF 34-03, Adams Decl. ISO PI
7 ¶¶ 24, 28, 95–104; *with* ECF 54-1, Quevedo Decl. ¶ 63 (acknowledging the PBNDS
8 requires programming, but only alleging undefined “MHU” has classes). Detained
9 individuals only receive one hour of outdoor time and are locked in their cells six
10 times a day for headcounts that last over an hour. *See* P.I. at 3. Staff regularly use
11 solitary confinement to punish detained individuals who speak out about the
12 inhumane conditions. *See* P.I. at 4.

13 ***Inadequate Medical Care.*** Defendants subject detained individuals to grossly
14 inadequate medical care, often with life threatening consequences. ECF 34-2, Saadi
15 Decl. ISO PI ¶¶ 24–27. Medical staff fail to identify medical needs during the intake
16 assessments at Adelanto. *Id.* at ¶¶ 20–25; ECF 34-24, Mesrobian Decl. ISO PI ¶ 4
17 (never received treatment for shoulder dislocated by ICE during arrest); ECF 34-11,
18 A.K. Decl. ISO PI ¶¶ 15–16 (missed antibiotics treatment despite being pregnant);
19 ECF 34-29, Winfield Decl. ISO PI ¶¶ 8–11 (no treatment for growing skin cancer);
20 ECF 34-29, A.A.A.A. Decl. ISO PI ¶ 16 (no medications for chronic conditions for
21 six or more weeks). Detained individuals make multiple requests for medical care for
22 serious and painful conditions, often to no avail. *See* ECF 34-2, Saadi Decl. ISO PI
23 ¶¶ 32, 46; ECF 34-16, Ding Decl. ISO PI at ¶ 13 (detained person submitted nearly
24 100 medical requests); ECF 34-10, A.A.A.A. Decl. ISO PI ¶¶ 14–15; ECF 34-29,
25 Winfield Decl. ISO PI ¶¶ 18–20 (necessary surgery not scheduled despite repeated
26 requests); ECF 34-9, A.A. Decl. ISO PI ¶ 36 (thirty minute delay in helping detainee
27 who collapsed, urinated themselves, and stopped breathing). Even if they do receive
28

1 treatment, it often comes too late. *See* ECF 34-26, Salazar-Garza Decl. ISO PI ¶¶ 8–
2 11 (months delay in treating painful infection).

3 Further, there is an inadequate number of medical professionals at Adelanto. ECF
4 34-24, Mesrobian Decl. ISO PI ¶ 22 (“[T]here are not enough doctors for 2,000
5 detainees.”); ECF 34-29, Winfield Decl. ISO PI ¶ 5 (Adelanto nurse stated only one
6 doctor for 1,500 individuals).

7 Detained individuals have been repeatedly hospitalized because of new ailments
8 they developed, or experienced significant worsening of preexisting chronic
9 conditions because of Defendants’ inability to provide continuity of care. ECF 34-
10 24, Mesrobian Decl. ISO PI ¶ 10 (hospitalized five times in six months while brain
11 scans show damage due to worsening seizures since detained at Adelanto); ECF 34-
12 22, Lopez Decl. ISO PI ¶¶ 11–36 (three hospitalizations due to neglected medical
13 needs); ECF 34-15, Rodriguez-Arzola Decl. ISO PI ¶¶ 5–17 (hospitalized after lack
14 of medical care for diabetes); ECF 34-4, Saadi Decl. ISO PI ¶¶ 58–71 (detained
15 individuals are not timely administered medications and do not receive needed
16 specialty care). Detained individuals are also ignored in the midst of medical crises.
17 ECF 34-13, Pereira-Amaya Decl. ISO PI ¶ 13 (two hours to respond to bleeding
18 head); ECF 34-24, Mesrobian Decl. ISO PI ¶ 9 (hospitalized five times because of
19 neglect during seizures). These harms are ongoing. *See* Declaration of L.T. ISO
20 Motion for Class Certification (“L.T. Decl. ISO MCC”) ¶ 4–5; Declaration of J.M.
21 ISO Motion for Class Certification (“J.M. Decl. ISO MCC”) ¶¶ 6–7; Declaration of
22 Jose Mauro Salazar Garza ISO Motion for Class Certification (“Salazar Decl. ISO
23 MCC”) ¶¶ 6–7; Declaration of Sevak Mesrobian ISO Motion for Class Certification
24 (“Mesrobian Decl. ISO MCC”) ¶¶ 6–7.

25 ***Lack of Disability Accommodations.*** Defendants fail to give detained individuals
26 with disabilities the accommodations they need to participate in daily life at Adelanto.
27 ECF 34-23, L.T. Decl. ISO PI ¶¶ 12, 14–15; ECF 34-21, Karamychev Decl. ISO PI ¶

1 5; ECF 34-16. Detained individuals with mobility issues are assigned to units and
2 bunks that are difficult for them to access and must forego specialty shoes, accessible
3 showers, assistive devices, and physical therapy. ECF 34-23, L.T. Decl. ISO PI ¶¶ 12,
4 14–15; ECF 34-21, Karamychev Decl. ISO PI ¶ 6; ECF 34-24, Arnold Decl. ISO PI
5 ¶¶ 6–7. Detained individuals with mental disabilities or chronic disorders, such as
6 epilepsy, are also denied accommodations. ECF 34-26, J.M. Decl. ISO PI ¶ 21; ECF
7 34-24, Mesrobian Decl. ISO PI ¶ 13. In June 2025, Disability Rights California
8 (“DRC”), a non-profit agency with federal protection and advocacy authority, toured
9 Adelanto and concluded that detained individuals with disabilities were being
10 subjected to abuse and neglect within the facility.⁷

11 **B. The Individual Plaintiffs Have Suffered and Continue to Suffer**
12 **Ongoing Harm**

13 Individual Plaintiffs L.T., Sevak Mesrobian, Jose Mauro Salazar Garza, and
14 J.M. have volunteered to represent the interests of the Adelanto Class. In addition,
15 Individual Plaintiffs L.T., Sevak Mesrobian, and Jose Mauro Salazar Garza have
16 volunteered to represent the interests of the Disability Subclass.

17 Individual Plaintiffs experience the same inhumane conditions as other class
18 members, including grossly inadequate medical care, unsanitary housing conditions,
19 lack of access to clean water and nutritious food, limited-contact and limited-duration
20 visits, limited outdoor recreation, and lack of disability accommodations. *See* L.T.
21 Decl. ISO CC ¶¶ 3–5; Salazar Garza Decl. ISO CC ¶¶ 5–7; Mesrobian Decl. ISO CC
22 ¶¶ 5–7; J.M. Decl. ISO CC ¶¶ 5–7. These unconstitutional policies and practices are
23 applied to all detainees at Adelanto and are designed to coerce detained individuals
24 into agreeing to their own deportation. *See* ECF 1, Compl. ¶ 81 (“Defendants have
25

26 ⁷ *“They Treat Us Like Dogs in Cages”*: Inside the Adelanto ICE Processing Center, Disability
27 Rights California (July 17, 2025),
<https://www.disabilityrightsca.org/drcadvocacy/investigations/inside-the-adelanto-ice-processing-center>.

1 suggested the purpose of detention is in part to punish’); *see also* ECF 34, PI at 5;
2 ECF 34-24, Mesrobian Decl. ISO PI ¶ 45 (placed in solitary for protesting broken
3 showers).⁸

4 L.T. is a 61-year-old California resident with serious medical issues, including
5 paralysis on the right side of his body as a result of a stroke. ECF 1, Compl. ¶ 14.
6 L.T. has been denied reasonable accommodations for his mobility issues, is
7 administered his medication at inconsistent times, went over four weeks without a
8 medication for his diabetes, and was housed in a unit with mold growing on the walls,
9 among other harms. ECF 34-23, L.T. Decl. ISO PI ¶¶ 10–15, 19–20, 23. L.T.’s body
10 is getting stiffer and atrophying from continued lack of appropriate post-stroke
11 rehabilitation care. *Id.* at ¶14. L.T.’s clothes often come back dirty and damp from
12 the laundry. *Id.* at ¶ 26, 28. L.T.’s harms are ongoing, as there are not enough showers
13 with benches for disabled individuals, and he is only allowed one pillow and a thin
14 mattress, forcing him to put his clothes underneath him when he lays down to alleviate
15 pain in his back. ECF 56-1, Second Decl. of L.T. ISO PI, at ¶¶ 6, 8; LT Decl. ISO
16 CC at ¶¶ 4–5.

17 Mr. Mesrobian is a California resident who has lived in the United States since
18 1990 and suffers from epilepsy and seizures for which he requires prescription
19 medication. ECF 1, Compl. ¶ 15; EFC 34-24, Mesrobian Decl. ISO PI ¶ 9. Since his
20 detention at Adelanto, his seizures have increased in frequency and intensity, he has
21 been hospitalized five times in six months, and his brain is showing damage due to
22 the lack of timely medical attention for his seizures. *Id.* at ¶¶ 9–21. He also describes
23 everything as dirty at Adelanto, including the cafeteria (where their food is prepared),
24 and the drinking water. *Id.* at ¶¶ 40, 47, 56–57. He continues to experience ongoing
25

26 _____
27 ⁸ Megan Garvey, *Adelanto ICE Facility’s Use of Solitary Confinement Is Among 10 Highest in*
28 *US, Data Shows*, LAist (Apr. 3, 2026), <https://laist.com/news/politics/adelanto-solitary-confinement-data>.

1 harm, including lack of medication and medical care and inconsistent access to a
2 lower floor and bottom bunk. ECF 56-2, Second Decl. of Mesrobian ISO PI ¶¶ 2–19;
3 *see also* Mesrobian Decl. ISO CC at ¶¶ 6–7.

4 Mr. Salazar-Garza is a California resident who has lived in the United States
5 since 1981. ECF 1, Compl. ¶ 16. Mr. Salazar-Garza has suffered several serious
6 medical issues while at Adelanto. ECF 34-26, Salazar-Garza Decl. ISO PI ¶ 4–21.
7 While detained at a neighboring facility, part of Mr. Salazar-Garza’s pinky finger had
8 to be amputated. *Id.* at ¶ 5. Mr. Salazar-Garza was later transferred to Adelanto,
9 where his finger became infected at the amputation site. *Id.* at ¶ 9. For weeks,
10 Adelanto staff ignored his pleas for medical care. *Id.* at ¶¶ 7–9. Eventually, the finger
11 burst open and was seeping blood and black pus. *Id.* at ¶ 10. With no bandages or
12 supplies to clean the wound, Mr. Salazar Garza had to wrap his infected finger with
13 toilet paper. *Id.* Life at “Adelanto is much worse,” says Mr. Salazar-Garza, than his
14 experiences in state and federal prison. *Id.* at ¶ 22. The “lack of knowledge and
15 experience” among staff at Adelanto is noticeable. *Id.* He continues to suffer ongoing
16 harm at Adelanto. Salazar-Garza Decl. ISO CC at ¶¶ 6–7.

17 J.M. has lived in the United States since 2005 and has cardiac arrhythmia. ECF
18 1, Compl. ¶ 17. J.M. worries he might experience a medical emergency and not
19 receive any treatment. ECF 34-20, J.M. Decl. ISO PI ¶¶ 5, 7. After a doctor ordered
20 J.M. to wear a heart monitor, staff at Adelanto placed J.M. in a segregated medical
21 solitary room, which significantly and negatively affected his mental health. *Id.* at ¶¶
22 9, 10. J.M. never received his blood work or heart rate monitoring results and has
23 continued chest pain. *Id.* at ¶¶ 7, 14, 18. J.M. has witnessed other detained individuals
24 faint or collapse on multiple occasions and staff respond slowly with no regard for
25 the detained individuals’ lives. *Id.* at ¶¶ 19–23. J.M. continues to suffer ongoing
26 harm at Adelanto. J.M. Decl. ISO CC at ¶¶ 6–7.

1 **III. LEGAL STANDARD**

2 A class may be certified under Federal Rule of Civil Procedure 23 (“Rule 23”)
3 if Individual Plaintiffs satisfy all the elements of Rule 23(a) and at least one of the
4 requirements of Rule 23(b). *See Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 345
5 (2011). Rule 23(a) requires that “(1) the class is so numerous that joinder of all
6 members is impracticable; (2) there are questions of law or fact common to the class;
7 (3) the claims or defenses of the representative parties are typical of the claims or
8 defenses of the class; and (4) the representative parties will fairly and adequately
9 protect the interests of the class.” Fed. R. Civ. P. 23(a); *see also Wal-Mart Stores, Inc.*,
10 564 U.S. at 345.

11 Further, a proposed class must satisfy at least one of three Rule 23(b)
12 requirements. Here, the proposed class and subclass satisfy two. First, prosecuting
13 separate actions by individual class members “[w]ould create a risk of [] inconsistent
14 or varying adjudications with respect to individual class members that would establish
15 incompatible standards of conduct for the party opposing the class.” Fed. R. Civ. P.
16 23(b)(1). Second, Defendants have “acted or refused to act on grounds that apply
17 generally to the class so that final injunctive relief or corresponding declaratory relief
18 is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2).

19 **IV. ARGUMENT**

20 **A. Plaintiffs Satisfy the Requirements of Rule 23(a)**

21 Plaintiffs have established that the proposed Class and Subclass satisfies all the
22 prerequisites of Rule 23(a)—i.e., numerosity, commonality, typicality, and adequacy.

23 1. The Adelanto Class and Disability Subclass Are Numerous and
24 Joinder Would Be Impractical

25 Class certification is appropriate where the proposed class is “so numerous that
26 joinder of all members is impracticable.” Fed. R. Civ. P. 23(a)(1). Numerosity is
27 satisfied when the class has at least forty members, although there is no strict

1 numerosity requirement. *See Rannis v. Recchia*, 380 Fed. App’x 646, 651 (9th Cir.
2 2010); *see also Orantes-Hernandez v. Smith*, 541 F. Supp. 351, 370 (C.D. Cal 1982)
3 (finding numerosity satisfied for class of detained individuals in civil immigration
4 custody).

5 The numerosity requirement is satisfied here. Plaintiffs “reasonably estimate
6 the number of class members” to be over 1,800 detained individuals.⁹ ECF 1, Compl.
7 ¶ 142. Although there is no publicly available report of the number of detained
8 individuals with disabilities currently at Adelanto, assuming normal prevalence of
9 disabilities within the Adelanto population, the subclass includes well over forty
10 people.¹⁰ In addition, courts have repeatedly found joinder impracticable even for
11 small classes where the class is composed of a vulnerable population. *See Pappas v.*
12 *D.C.*, No. CV 19-2800 (RC), 2024 WL 1111298, at *4 (D.D.C. Mar. 14, 2024)
13 (“Moreover, all class members suffer some form of disability, which may limit their
14 resources and make it difficult for class members to sue individually.”); *Coleman*
15 *through Bunn v. D.C.*, 306 F.R.D. 68, 80 (D.D.C. 215) (explaining that “the
16 vulnerability of many members of the class renders their claims uniquely unsuited for
17 individual prosecution” and that “Rule 23, in permitting the aggregation of claims,
18 embodies a ‘principle of protection for weaker plaintiffs’”); *McDonald v. Heckler*,
19 612 F. Supp. 293, 300 (D. Mass. 1985) (“These individuals claim to be disabled and
20 of low income. It is therefore impracticable for these persons to bring individual
21 lawsuits challenging the Secretary’s policies.”)

22 Further, Courts routinely find numerosity “where, as here, the class[] include[s]
23 future, unknowable class members” who are yet to be detained in a facility.
24

25 ⁹ *See TRAC Report*, *supra* note 3.

26 ¹⁰ Research suggests that over forty percent of detained immigrants have chronic conditions, many
27 of which may constitute disabilities. *See Patler & Saadi, Risk of Poor Outcomes with COVID-19*
28 *Among U.S. Detained Immigrants: A Cross-Sectional Study*, *J. Immigr. Minority Health* 23, 863–
866 (2021), <https://doi.org/10.1007/s10903-021-01173-z>.

1 *Hernandez v. Cnty. of Monterey*, 305 F.R.D. 132, 153 (N.D. Cal. 2015). Defendants
2 are contracted to hold a maximum of 1,940 people at Adelanto.¹¹ Since the filing of
3 the complaint in this case, the estimated population of detained individuals at
4 Adelanto has risen and fluctuated as Defendants regularly transfer new individuals to
5 Adelanto.¹² The fact that the Classes’ membership will continue to change over time
6 “weighs in favor of concluding that joinder of all members is impracticable.” *A.B. v.*
7 *Hawaii State Department of Education*, 30 F.4th 838, 838 (9th Cir. 2022).

8 **B. The Proposed Classes Share Common Questions of Law and Fact**

9 A proposed class satisfies commonality where the class presents “questions of
10 law or fact common to the class.” Fed. R. Civ. P. 23(a)(2). The class members’ claims
11 must depend on “a common contention . . . capable of class wide resolution—which
12 means that determination of its truth or falsity will resolve an issue that is central to
13 the validity of each one of the claims in one stroke.” *Wal-Mart*, 564 U.S. at 350. The
14 essential inquiry here is whether the “class-wide proceeding [can] generate common
15 answers apt to drive the resolution of the litigation.” *Id.* “[S]o long as there is even
16 a single common question,” capable of class-wide resolution, commonality is
17 satisfied. *Hernandez*, 305 F.R.D. at 152.

18 Plaintiffs’ claims satisfy commonality.

19 1. First Claim: Punitive Conditions of Confinement

20 “Whether the conditions at Adelanto are unnecessarily restrictive and/or
21 punitive such that they violate the Fifth Amendment” is a question common to the
22 entire Class. *See* ECF 1, Compl. ¶ 146(a).

23 Everyone at Adelanto is subject to the same policies, practices, and inhumane
24 conditions. *See* PI at 10; *see also* ECF 34-3, Adams Decl. ISO PI ¶¶ 27, 36–38, 48–
25 49, 62–66, 75–78, 83–94, 117. All Class members are served spoiled, non-nutritious
26

27 ¹¹ *Immigration Detention in California*, *supra* note 1.

28 ¹² *See TRAC Report*, *supra* note 3.

1 food and the water is dirty and undrinkable. ECF 34-21, Karamychev Decl. ISO PI ¶
2 26 (“The water at Adelanto tastes . . . like sewage.”). Defendants give Class members
3 clothing and bedding that is threadbare, dirty, and often comes back from the laundry
4 still damp. ECF 34-14, Arnold Decl. ISO PI ¶ 33. Defendants provide Class members
5 with inconsistent access to soap, and fail to provide privacy while using the toilets or
6 showers, the kitchens are unclean, and mold grows on the walls. *Id.* at ¶ 22, 29–3;
7 *see also* ECF 34-24, Mesrobian Decl. ISO PI at ¶ 54.

8 Defendants also impose unnecessarily restrictive and harsh policies and
9 practices facility-wide as to socialization and stimulation. The Adelanto Class
10 receives only an hour of large, outdoor yard access, and putative class members are
11 otherwise confined to their cells six times daily for headcounts lasting over an hour.
12 ECF 34-24, Mesrobian Decl. ISO PI ¶¶ 7, 69–70, 74–75; ECF 34-10, A.A.A.A. Decl.
13 ISO PI ¶ 20; ECF 34-14, Arnold Decl. ISO PI ¶¶ 12, 27; ECF 34-19, Fredrick Decl.
14 ISO PI ¶ 40. Members of the Class are prohibited from leaving their cells during
15 these counts, depriving them of water, showers, food, or recreation. There is no
16 programming available and online materials are curtailed. *Compare* ECF 54-1,
17 Quevedo Decl. ¶ 63 (acknowledging “PBNDS 5.4(V)(F) requires educational classes
18 or speakers” but only alleging undefined “MHU” has classes) *with* ECF 34-14, Arnold
19 Decl. ISO PI ¶ 28. Visitations are limited to one hour and the Class can only hug and
20 kiss their visitors twice. *See, e.g.*, ECF 34-26, Salazar-Garza Decl. ISO PI ¶ 31.

21 Finally, Defendants use solitary confinement to punish class members for
22 protesting the conditions at Adelanto. *See* ECF 34-24, Mesrobian Decl. ISO PI ¶¶
23 44–45; ECF 34-26, Salazar-Garza Decl. ISO PI ¶¶ 32–34; ECF 34-19, Fredrick Decl.
24 ISO PI ¶¶ 32, 43, 46–47, 51. Adelanto Class members cannot receive contact visits
25 while in solitary confinement and are only permitted thirty to sixty minutes outside
26 their cells a day to get water, warm food, make phone calls, shower, or to spend time
27 outside. ECF 34-26, Salazar-Garza Decl. ISO PI ¶ 32; ECF 34-14, Arnold Decl. ISO
28

1 PI ¶ 36 (no contact visits). Outdoor time is limited to a small, caged yard that reeks
2 of urine and solitary cells are dirty. ECF 34-16, Ding Decl. ISO PI ¶ 26; ECF 34-19,
3 Fredrick Decl. ISO PI ¶ 50.

4 These conditions raise the shared question of whether Defendants’ practices
5 violate the Fifth Amendment because they are punitive. *See id.* at ¶ 146(a); *see also*
6 *Pablo Sequen v. Albarran*, 810 F.Supp.3d 1084, 1122–23 (N.D. Cal. Nov. 25, 2025)
7 (finding commonality on punitive conditions claim and provisionally certifying
8 class).

9 2. Second Claim: Inadequate Medical and Mental Health Care

10 A common question of fact also exists as to whether “Defendants’ failure to
11 provide adequate medical and mental health care” to the Adelanto Class “creates a
12 risk of harm that violates the Fifth Amendment.” ECF 1, Compl. ¶ 146.b. This
13 District previously found commonality was satisfied on a similar claim concerning
14 conditions at Adelanto. *See Roman v. Wolf*, 2020 WL 3869729 at *2 (C.D. Cal. April
15 23, 2020).

16 The Ninth Circuit has repeatedly found that systemic challenges to inadequate
17 medical and mental health satisfy commonality requirements. *See Parsons v. Ryan*,
18 754 F.3d 657, 678–79 (9th Cir. 2015) (collecting cases); *see also Gomez Ruiz v. ICE*,
19 No. 3:25-cv-09757-MMC, ECF 72 (N.D. Cal Feb. 10, 2026) (provisionally certifying
20 class of detained individuals raising Fifth Amendment challenges to health care
21 policies and practices at immigration detention facility). Inadequate medical and
22 mental health care in a civil immigration detention facility endangers the whole class.
23 *Parsons*, 754 F.3d at 679. Detained individuals “who are not sick or mentally ill . . .
24 [are] in no sense [] remote bystanders” to Defendants’ inadequate “medical care
25 system. They are that system’s next potential victims.” *Brown v. Plata*, 563 U.S.
26 493, 532 (2011).

27
28

1 Individual Plaintiffs here bring the exact type of challenge brought in *Roman*,
2 *Parsons*, *Plata*, and *Gomez Ruiz*. Defendants uniformly and intentionally deprive the
3 Adelanto Class of medical care. *See* ECF 34, PI at 15–17; *see also* ECF 34-4 Saadi
4 Decl. ¶¶17–27. Defendants fail to identify or timely treat the chronic conditions and
5 acute medical needs of newly arrived detained individuals, causing their health to
6 decline throughout their detention. *See* ECF 34-24, Mesrobian Decl. ISO PI ¶ 4
7 (detained person never received medical treatment for his shoulder that was dislocated
8 by Defendants at arrest, despite raising the issue at intake); ECF 34-10, A.A.A.A.
9 Decl. ISO PI ¶¶ 22–30 (leaving lupus untreated despite staff being aware of declining
10 condition); ECF 34-29, Winfield Decl. ISO PI ¶ 5 (no care received for known
11 conditions). Defendants also regularly delay medical care, despite repeated requests
12 for assistance and readily apparent medical emergencies. *See* ECF 34-24, Mesrobian
13 Decl. ISO PI ¶ 19 (failure to give detained person oxygen for twenty-five minutes
14 following a seizure, causing him to turn purple); ECF 34-26, Salazar-Garza Decl. ISO
15 PI ¶¶ 8–10 (detained person who did not receive care for over a week after amputation
16 wound burst open with “blood and black pus”); ECF 34-20, J.M. Decl. ISO PI ¶ 20
17 (showing slow response to detained person lying in a pool of blood); ECF 34-16, Ding
18 Decl. ISO PI ¶ 13 (submitting nearly 100 medical requests); ECF 34-29, Winfield
19 Decl. ISO PI ¶¶ 18–20 (necessary surgery not scheduled for worsening Dupuytren’s
20 contractures despite repeated requests); ECF 34-09, A.A. Decl. ISO PI ¶ 36
21 (witnessed staff delay help for thirty minutes for bunkmate who collapsed, urinated
22 himself, and stopped breathing). This systemic failure to provide adequate medical
23 care to detained individuals is due in part to the short staffing of medical
24 professionals. ECF 34-29, Winfield Decl. ISO PI ¶ 5 (one doctor for 1,500 detained
25 individuals). Adelanto staff told an Adelanto Class member “that they were having
26 to step into medical roles they weren’t qualified for because they were so short staffed
27 with nurses and doctors.” *See* ECF 34-10, A.A.A.A. Decl. ISO PI ¶ 22.

1 These systemic failures to provide adequate medical and mental health care
2 raise common questions suitable for class resolution.

3 3. Third Claim: Failure to Provide Disability Accommodations

4 Three common legal questions exist for the Subclass as to whether Defendants
5 violate Section 504 of the Rehabilitation Act. *First*, “whether Defendants have
6 inadequate systems to identify and access the disability needs of people detained at
7 Adelanto.” ECF 1, Compl. ¶ 142(a). *Second*, “whether Defendants failed to ensure
8 that people with disabilities receive the accommodations and services they require.”
9 *Id.* at ¶ 142(b). *Third*, “whether Defendants have a policy or practice of failing to
10 respond to requests for disability accommodations made by . . . the Subclass.” *Id.* at
11 ¶ 142(c).

12 Just as with claims of inadequate medical care, courts have repeatedly held that
13 systemic disability discrimination claims present common questions suitable for
14 class-wide resolution. *See Armstrong v. Davis*, 275 F.3d 849, 868 (9th Cir. 2001),
15 *abrogated on other grounds by Johnson v. California*, 543 U.S. 499, 504–05 (2005)
16 (holding that members of a class of detained individuals with disabilities have
17 common questions of law by challenging “system-wide” policies and practices under
18 § 504 of Rehabilitation Act). Detained individuals with diverse disabilities and needs
19 satisfy commonality so long as they “suffer similar harm.” *Id.*; *see also L.H. v.*
20 *Schwarzenegger*, No. CIV. S-06-2042 LKK.GGH, 2007 WL 662463, at *12 (E.D.
21 Cal. Feb 28, 2007) (finding commonality “regardless of the specific nature of their
22 individual disability”).

23 Here, the Individual Plaintiffs challenge Defendants’ failure to identify and
24 provide reasonable accommodations to the Subclass. *See* ECF 1, Compl. ¶¶ 171–180.
25 The Subclass cannot participate in the fundamentals of life at Adelanto because of
26 Defendants’ failures. *See* ECF 34, PI at 18. For example, mobility-impaired detained
27 individuals have been assigned to second floor units or top bunks and there is only
28

1 one shower with a seat for their use. ECF 56-1, Second L.T. Decl. ISO PI ¶ 8; ECF
2 56-2, Second Mesrobian Decl. ISO PI ¶ 19; ECF 34-23, L.T. Decl. ISO PI ¶ 12; ECF
3 34-18, Flores Decl. ISO PI ¶¶ 15–16. Defendants also fail to provide other basic
4 accommodations, such as diabetic shoes, accommodations for pregnant women, and
5 sleep apnea machines. ECF 34-36, Salazar-Garza Decl. IS PI ¶ 20; ECF 34-23, L.T.
6 Decl. ISO PI ¶ 15; ECF 34-11, A.K. ISO PI ¶ 21; ECF 34-15, Rodriguez-Arzola Decl.
7 ISO PI ¶ 18.

8 Given that these discriminatory policies and conditions apply uniformly across
9 Adelanto, affecting all members of the Disability Subclass, common questions
10 suitable for class-wide resolution exist.

11 **C. Individual Plaintiffs’ Claims Are Typical of the Claims of the**
12 **Proposed Classes**

13 Typicality is satisfied where “[t]he claims or defenses of the represented parties
14 are typical of the claims or defenses of the class.” Fed. R. Civ. P. 23(a)(3). In other
15 words, Courts analyze whether class members “have the same or similar injury,”
16 whether the claims arise from conduct “not unique to the [individual] plaintiffs,” and
17 whether class members suffered injury “by the same course of conduct.” *Parsons*,
18 754 F. 3d at 685. Courts find typicality is satisfied even where minor distinctions
19 between claims exist, so long as class members “raise similar constitutionally based
20 arguments.” *Armstrong*, 275 F.3d at 869.

21 Typicality is satisfied here because all four Individual Plaintiffs are exposed to
22 and have already suffered “a substantial risk of serious harm by the challenged
23 policies and practices,” which apply facility-wide to the entire Adelanto Class.
24 *Parsons*, 754 F.3d at 685. Individual Plaintiffs and the Adelanto Class are not
25 properly medically screened at arrival, experience long wait times for medical care,
26 and do not receive timely responses to medical emergencies, all of which have
27 impacted continuity of care. ECF 34-4, Saadi Decl. ISO PI ¶¶ 17–27, 32, 46, 83–93;

1 *see also* PI at 5–7. The Individual Plaintiffs are housed in the same moldy and dirty
2 conditions, served the same unsafe food and water, and subjected to the same number
3 of disruptive daily counts as all class members. *See* ECF 34-23, L.T. Decl. ISO PI ¶¶
4 23–29; ECF 34-24, Mesrobian Decl. ISO PI ¶¶ 40–64; ECF 34-20, J.M. Decl. ISO PI
5 ¶¶ 25–35; ECF 34-36, Salazar-Garza Decl. ISO PI ¶¶ 24–28.

6 In addition, L.T., Sevak Mesrobian, and Jose Mauro Salazar Garza’s disability
7 discrimination claims are typical for the Disability Subclass. All three are denied
8 accommodations and suffer “discriminatory treatment on account of their
9 disabilities,” just like the Disability Subclass. *Armstrong*, 275 F.3d at 869; *see also*
10 ECF 34-23, L.T. Decl. ISO PI ¶¶ 9–15 (assigned to second floor cell despite mobility
11 issues and not given sleep apnea machine); ECF 34-36, Salazar-Garza Decl. ISO PI
12 ¶¶ 20–21 (failure to provide orthopedic shoes); ECF 34-24, Mesrobian Decl. ISO PI
13 ¶¶ 9–33 (failure to accommodate for epilepsy).

14 **D. Individual Plaintiffs and Class Counsel Will Fairly and Adequately**
15 **Represent the Interests of the Class**

16 Finally, Rule 23(a)(4) requires that the Individual Plaintiffs and their counsel
17 “fairly and adequately protect the interests of the class.” Fed. R. Civ. P. 23(a)(4).
18 Courts address two questions in this inquiry: (1) “[d]o the [individual] plaintiffs and
19 their counsel have any conflicts of interest with other class members?”; and (2) “will
20 the [individual] plaintiffs and their counsel prosecute the action vigorously on behalf
21 of the class?” *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1021 (9th Cir. 1998)). Both
22 the Individual Plaintiffs and their counsel satisfy the adequacy requirement.

23 First, neither the Individual Plaintiffs nor their counsel have conflicts of interest
24 with the Class or Subclass. Reddick Decl. ¶ 11; Huerta Decl. ¶ 10; Bergquist Decl. ¶
25 6; Brown Decl. ¶ 6. Individual Plaintiffs, the Adelanto Class, and the Disability
26 Subclass all share a common interest—i.e., they all seek to hold Defendants
27 accountable for the punitive conditions of confinement, inadequate medical care, and
28

1 disability discrimination at Adelanto. See ECF 1, Compl. ¶¶ 152–80. Further,
2 “[c]lass representatives have less risk of conflict with unnamed class members when”
3 as here “they seek only declaratory and injunctive relief.” *Hernandez v. County of*
4 *Monterey*, 305 F.R.D. 132, 160 (N.D. Cal. 2015); see also ECF 34-1, [Proposed]
5 Order Granting Motion for Preliminary Injunction; ECF 1, Compl. at 61–62 (prayer
6 for relief requesting only declaratory and injunctive relief).

7 Second, Individual Plaintiffs and their counsel are committed to prosecuting
8 the action vigorously on behalf of the Class and Subclass. The Individual Plaintiffs
9 have stepped forward in hopes of improving conditions for all those currently
10 detained at Adelanto, and “for individuals that are detained [t]here in the future,” ECF
11 34-23 L.T. Decl. ISO PI ¶ 30; L.T. Decl. ISO CC ¶¶ 6–7; Mesrobian Decl. ISO CC
12 ¶¶ 8–9; Salazar-Garza Decl. ISO CC ¶¶ 8–9; J.M. Decl. ISO CC ¶¶ 8–9. They have
13 done so despite fear and serious risk of retaliation. ECF 34-24, Mesrobian Decl. ISO
14 PI ¶¶ 34–35 (Individual Plaintiff moved to an upper floor, which is more dangerous
15 for him because of his seizures, after participation in this lawsuit); ECF 34-26,
16 Salazar-Garza Decl. ISO PI ¶¶ 31–34 (Individual Plaintiff subjected to solitary
17 confinement multiple times for speaking out about the conditions and lack of medical
18 care); ECF 34-20, J.M. Decl. ISO PI ¶ 37 (Individual Plaintiff wishing to remain
19 anonymous out of fear of retaliation).

20 Proposed Class Counsel are also committed to vindicating the rights of the
21 Adelanto Class and Disability Subclass. Bergquist Decl. ¶ 9; Brown Decl. ¶ 18;
22 Huerta Decl. ¶ 10; Reddick Decl. ¶ 11. Collectively, proposed Class Counsel have
23 significant experience with class action litigation, complex litigation, and
24 representing classes of plaintiffs—including immigrants—challenging governmental
25 policies. See Bergquist Decl. ¶¶ 4, 7–8; Brown Decl. ¶¶ 5, 7–17; Huerta Decl. ¶¶ 2–
26 10; Reddick Decl. ¶¶ 4–11; see also *Lynch v. Rank*, 604 F. Supp. 30, 37 (N.D. Cal.
27 1984), *aff’d*, 747 F.2d 528 (9th Cir. 1984), *amended on reh’g*, 763 F.2d 1098 (9th Cir.

1 1985) (finding attorneys were qualified to represent the class because they were
2 experienced in class action litigation and the subject of the claims).

3 **E. The Class Should Be Certified Because Rule 23(b) Is Satisfied**

4 In addition to meeting the requirements of Rule 23(a), a proposed class must
5 also fall within at least one of three subsections of Rule 23(b). Plaintiffs satisfy two
6 of the three grounds—Rule 23(b)(1) and 23(b)(2). The Court should certify the Class
7 and Subclass under Rule 23(b)(2), or in the alternative, under Rule 23(b)(1).

8 1. The Proposed Class Should Be Certified Under Rule 23(b)(2)

9 “Rule 23(b)(2) exists so that parties and courts . . . can avoid piecemeal
10 litigation when common claims arise from systemic harms that demand injunctive
11 relief.” *Healthy Futures of Tex. v. HHS*, 326 F.R.D. 1, 8 (D.D.C 2018) (citations
12 omitted). Class certification is warranted pursuant to this subsection if “the party
13 opposing the class has acted or refused to act on grounds that apply generally to the
14 class, so that final injunctive relief or corresponding declaratory relief is appropriate
15 respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). Where “members of a
16 putative class seek uniform injunctive or declaratory relief from policies or practices
17 that are generally applicable to the class as a whole,” Rule 23(b)(2) is satisfied.
18 *Parsons*, 754 F.3d at 688 (citing *Rodriguez v. Hayes*, 591 F.3d 11105, 1125 (9th Cir.
19 2010)).

20 This case is the exact type of case Rule 23(b)(2) “is meant to capture.” *Wal-*
21 *Mart*, 564 U.S. at 361; *see also Gomez Ruiz, et al.*, No. 3:25-cv-09757 at *1
22 (provisionally certifying a class of detained individuals at a civil immigration
23 detention center under 23(b)(2)). In fact, this District Court has certified a nearly
24 identical class of “all individuals detained . . . at Adelanto” under (b)(2) before.
25 *Roman*, 2020 WL 3869729 at *1. In *Roman*, the Court found that “because the
26 putative class member’s Fifth Amendment substantive due process rights were
27 violated in ways that are generally applicable to the class, and . . . a single injunction

1 or declaratory judgment would provide relief to the entire putative class,” (b)(2)
2 certification was warranted. *Roman*, 2020 WL 3869729 at *7. The four Individual
3 Plaintiffs here also seek injunctive and declaratory relief to remedy the ongoing
4 violation of their Fifth Amendment rights, which uniformly affect the entire Adelanto
5 Class. ECF 1, Compl. at 61–62. Similarly, L.T., Sevak Mesrobian, and Jose Mauro
6 Salazar Garza, seek an injunction against violations of Section 504, which uniformly
7 affect the entire Disability Subclass. *Id.* Rule 23(b)(2) is thus satisfied.

8 2. The Proposed Class May Alternatively Be Certified Under Rule
9 23(b)(1)

10 Certification under Rule 23(b)(1) is appropriate when “prosecuting separate
11 actions by . . . individual class members would create a risk of . . . inconsistent or
12 varying adjudications with respect to individual class members that would establish
13 incompatible standards of conduct for the party opposing the class.” Fed. R. Civ. P.
14 23(b)(1)(A). Rule 23(b)(1) is regularly applied in the context of challenges to
15 conditions of confinement because piecemeal suits challenging the same facility-wide
16 policies would result in inconsistent judgments and directives regarding facility
17 staffing, access to medical care and accommodations, and improvement of general
18 conditions. *See Gray v. County of Riverside*, No. EDCV 13-00-444 CAP (Opx), 2014
19 WL 5304915, at * 38 (C.D. Cal. Sept. 2, 2014) (certification pursuant to 23(b)(1) was
20 appropriate to avoid risk that each individual challenge would impose a different
21 standard on the government); *see also Ashker v. Governor of California*, 2014 WL
22 2465191, at *7 (N.D. Cal. June 2, 2014) (same); *Coleman v. Wilson*, 912 F. Supp.
23 1282, 1293 (E.D. Cal. 1995) (certifying a class of “all inmates with serious mental
24 disorders” held in a state prison under 23(b)(1)).

25 Rule 23(b)(1) is also appropriate here because Individual Plaintiffs challenge
26 facility-wide policies and practices that affect the over 1,800 current and future
27 putative class members and more than fifty current and future Disability Subclass
28

1 members uniformly. Individual lawsuits challenging the punitive conditions of
2 confinement, inadequate medical and mental health care, and disability discrimination
3 would lead to inconsistent directives to remedy the harms in this case. Given that
4 these policies and practices are uniformly applied across the whole facility and cannot
5 be administered differently for each detained individual, certification under Rule
6 23(b)(1) is appropriate.

7 **F. The Class and Subclass Are Ascertainable**

8 Although ascertainability is not required for certifying a Rule(b)(2) class, the
9 Class and Subclass here satisfy ascertainability. *Inland Empire-Immigrant Youth*
10 *Collective v. Nielsen*, No. EDCV 17-2048 PSG (SHKx), 2018 WL 1061408, at *12
11 (C.D. Cal. Feb. 26, 2018); *In re Tesla Advanced Driver Assistance Sys. Litig.*, No. 22-
12 CV05240-RFL, 2025 WL 2532185, at *137 (N.D. Cal. Sept. 3, 2025) (citing *In re*
13 *Yahoo Mail Litig.*, 308 F.R.D. 577, 597 (N.D. Cal. 2015)) (“[T]he majority of district
14 courts in the Ninth Circuit, and the appellate opinions in several other circuits, [hold]
15 that ascertainability is not a requirement for” Rule 23(b)(2) certification).

16 A class is ascertainable if, using objective criteria, it is “administratively
17 feasible for the court to determine whether a particular individual is a member.”
18 *Keegan v. Am. Honda Motor Co., Inc.*, 284 F.R.D. 504, 521 (C.D. Cal. 2012) (citation
19 omitted). Class and Subclass membership here are based on objective criteria. The
20 Adelanto Class includes members in the legal custody of ICE who are or will be
21 detained at Adelanto. *See Roman*, 2020 WL 3869729, at *4 (certifying nearly
22 identical class). As to the Disability Subclass, it is “administratively feasible” to
23 ascertain whether an individual is a person detained at Adelanto with a qualifying
24 disability under the Rehabilitation Act. *See Greater L.A. Agency on Deafness, Inc. v.*
25 *Reel Servs. Mgmt. LLC*, No. CV 13–7172 PSG (ASx), 2014 WL 12561074, at *5-7
26 (C.D. Cal. May 6, 2014) (finding a class composed of “all individuals who are deaf
27 and hard of hearing” ascertainable); *see also Inland Empire-Immigrant Youth*

1 *Collective*, at *13 (“That some administrative effort is required does not preclude
2 certification.”). Even if ascertainability were a requirement here, it is administratively
3 feasible to ascertain Class and Subclass membership in the present case.

4 **V. CONCLUSION**

5 For the foregoing reasons, Plaintiffs respectfully request that this Court grant
6 this Motion for Class Certification; certify the Proposed Class and Subclass; appoint
7 L.T., J.M., Sevak Mesrobian, and Jose Mauro Salazar Garza representatives of the
8 Adelanto Class; appoint L.T., Sevak Mesrobian, and Jose Mauro Salazar Garza
9 representatives of the Disability Subclass; and appoint the undersigned counsel as
10 class counsel.

11 Dated: April 9, 2026

Respectfully Submitted,

12 IMMIGRANT DEFENDERS LAW CENTER

13
14 By: /s/ Carson Adrianna Scott
15 Carson Adrianna Scott
16 Alvaro M. Huerta
Alison Steffel

17 PUBLIC COUNSEL

18 By: /s/ Rebecca Brown
19 Rebecca Brown
20 Sophia Wrench
21 Amelia Piazza
22 Vanessa Rae Young
Elizabeth Hercules-Paez

23 WILLKIE FARR & GALLAGHER LLP

24 By: /s/ Nicholas Reddick
25 Nicholas Reddick
26 Stephen Henrick
27 Alyxandra Vernon
28 Jacob Karim

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COALITION FOR HUMANE IMMIGRANT RIGHTS

By: /s/ Carl Bergquist
Carl Bergquist
Adam Reese

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF COMPLIANCE

The undersigned counsel of record for Plaintiffs certified that this Memorandum of Points and Authorities contains 6,990 words, which complies with the word limit of L.R. 11-6-1.

Dated: April 9, 2026

Respectfully Submitted,

IMMIGRANT DEFENDERS LAW CENTER

By: /s/ Carson Adrianna Scott
Carson Adrianna Scott
Alvaro M. Huerta
Alison Steffel

PUBLIC COUNSEL

By: /s/ Rebecca Brown
Rebecca Brown
Sophia Wrench
Amelia Piazza
Vanessa Rae Young
Elizabeth Hercules-Paez

WILLKIE FARR & GALLAGHER LLP

By: /s/ Nicholas Reddick
Nicholas Reddick
Stephen Henrick
Alyxandra Vernon
Jacob Karim

COALITION FOR HUMANE IMMIGRANT RIGHTS

By: /s/ Carl Bergquist
Carl Bergquist
Adam Reese