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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

**PLAINTIFFS' REPLY IN  
SUPPORT OF MOTION FOR  
CLASS CERTIFICATION AND  
APPOINTMENT OF CLASS  
COUNSEL**

**CLASS ACTION**

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

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1 **I. INTRODUCTION**

2 This case challenges the inhumane conditions of confinement that affect the  
3 entire population at Adelanto and asks this Court to certify two classes: the Adelanto  
4 Class and the Disability Class. Defendants oppose the motion on a basis repeatedly  
5 rejected by the Ninth Circuit—i.e., that Plaintiffs’ claims are about individual  
6 grievances and that Defendants are not responsible. This case is the quintessential  
7 class action, and this Court should certify the Adelanto Class and the Disability  
8 Subclass.<sup>1</sup>

9 **II. ARGUMENT**

10 Defendants oppose Plaintiffs’ Motion on the basis of standing and each element  
11 of Rule 23 based on a misunderstanding of Plaintiffs’ claims and inapposite case law.<sup>2</sup>  
12 All of Defendants’ arguments fail for the reasons below.

13 **A. Plaintiffs Satisfy Article III’s Standing Requirements**

14 Defendants do not refute the myriad harms Plaintiffs describe in the already robust  
15 record. Instead, they recycle standing arguments<sup>3</sup> raised in their Motion to Dismiss  
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18 <sup>1</sup> On April 28, 2026, Plaintiff J.M. was released from Adelanto. J.M. can maintain his claims as a  
19 class representative under either exception to the mootness doctrine. First, J.M.’s claims are “so  
20 inherently transitory that the ‘relation back’ doctrine is properly invoked to preserve the case’s merits  
21 for judicial resolution.” *Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 45 (1991)(internal quotes  
22 omitted); *see also Gerstein v. Pugh*, 420 U.S. 103, 111 n. 11 (1975) (exception to mootness applies  
23 where length of custody “cannot be ascertained at the outset” and “it is by no means certain that any  
24 given individual, named as plaintiff, would be in [government] custody long enough for a district  
25 judge to certify the class.”). Second, “plaintiffs with mooted individual claims can maintain claims  
26 for injunctive relief where they are ‘challenging an ongoing government policy.’” *Torres v. United  
27 States Dep’t of Homeland Sec.*, 411 F. Supp. 3d 1036, 1055 (C.D. Cal. 2019). J.M. and the other  
28 Plaintiffs do so here.

<sup>2</sup> At the outset, *Fraihat* is inapplicable because this Motion is not dependent on, or in service of, its  
preliminary injunction. *See Fraihat v. U.S. Immigr. & Customs Enf’t*, 16 F.4th 613, 635 (9th Cir.  
2021). Further, *Fraihat* does not, as Defendants suggest, stand for the proposition that if a  
preliminary injunction fails, class certification necessarily fails.

<sup>3</sup> The Court may defer resolving standing challenges until after ruling on class certification. *See  
Senne v. Kansas City Royals Baseball Corp*, 315 F.R.D. 523, 585 (2016).

1 and their Opposition to Plaintiffs’ Motion for Preliminary Injunction.<sup>4</sup> ECF 54, Opp.  
2 to PI; ECF 59, MTD. Once again, their arguments are deficient. *See generally* ECF  
3 56, Reply ISO PI; ECF 66, Opp. to MTD.

4 **B. Plaintiffs’ Proposed Class Satisfies Rule 23(a)**

5 The proposed Adelanto Class and Disability Subclass are the exact types of  
6 classes that courts in this circuit have repeatedly certified. Defendants’ Rule 23  
7 arguments do not refute this.

8 **1. The Proposed Class Is Sufficiently Numerous**

9 Around 1,800 individuals are detained at Adelanto.<sup>5</sup> Defendants’ argument  
10 that Plaintiffs have not made a showing of which and how many individuals are  
11 actually exposed to the alleged harms is misplaced because *all detainees* at Adelanto  
12 are subject to the facility-wide issues described in both the complaint and the record  
13 before the Court. *See* ECF 1, Compl.; ECF 34, PI at 2–5; ECF 57, Mot. for Class  
14 Cert. at 1, 3–6, 11–13; *see also Ruiz v. U.S. Immigr. & Customs Enf’t*, 2026 WL  
15 391924, at \*2 (N.D. Cal. Feb. 10, 2026) (granting class certification for nearly  
16 identical class and subclass).

17 Regarding the Disability Subclass, the Court may “draw reasonable inferences  
18 from the facts presented to find the requisite numerosity.” *Coleman through Bunn v.*  
19 *D.C.*, 306 F.R.D. 68, 76 (D.D.C. 2015); *see also, e.g., Houser v. Pritzker*, 28 F. Supp.  
20 3d 222, 241 (S.D.N.Y. 2014) (a plaintiff seeking to establish numerosity “may rely  
21 on reasonable inferences from available facts.”); *McDonald v. Heckler*, 612 F. Supp.  
22 293, 300 (D. Mass. 1985) (certifying class based on plaintiffs’ statistics to the court);  
23 *American Pipe & Const. Co. v. Utah*, 414 U.S. 538 (1974) (acknowledging district

24 \_\_\_\_\_  
25 <sup>4</sup> Defendants cite *Hodgers-Durgin v. de la Vina*, 199 F.3d 1037, 1045 (9th Cir. 1999), where  
26 individual plaintiffs suffered one injury over a span of ten years. ECF 63, Opp., note 1. Here, all  
27 Individual Plaintiffs have detailed ongoing, almost daily injuries to prove standing. ECF 57-5, L.T.  
28 Decl.; ECF 57-6, Mesrobian Decl.; ECF 57-7, Salazar Garza Decl.; ECF 57-8, J.M. Decl.

<sup>5</sup> Defendants incorrectly claim that Plaintiffs included individuals detained at Desert View Annex.  
*Compare* ECF 63, Opp. at 8 *with* ECF 57, n. 4, n. 9.

1 courts may base numerosity conclusions on “inferences from . . . similar [] litigation  
2 against the same defendants”).<sup>6</sup> Additionally, where a class seeks only injunctive and  
3 declaratory relief, as it does here, “the numerosity requirement is relaxed and  
4 plaintiffs may rely on the reasonable inference arising from plaintiffs’ other evidence  
5 that the number of unknowable and future members of a proposed class is sufficient  
6 to make joinder impracticable.” *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1203  
7 (N.D. Cal. 2017).

8 Defendants’ argument that the fluidity inherent in detention makes the class  
9 unmanageable and unascertainable also lacks merit.<sup>7</sup> Courts regularly certify classes  
10 of detained individuals “who are now, or will in the future be, subjected to”  
11 inadequate conditions. *See, e.g., Parsons v. Ryan*, 754 F.3d 657, 678 (9th Cir. 2014).  
12 The proposed Class and Subclass are discrete and manageable because they are  
13 limited to those who are or will be detained within Adelanto. *See* ECF 57, Mot. for  
14 Class Cert at 1.

## 15 2. The Proposed Class Satisfies Commonality

16 Defendants’ objections to commonality boil down to three main arguments,  
17 ECF 63, Opp at 10–11, none of which is supported by the law.

18 **First**, Defendants argue that Plaintiffs’ claims are not suitable for class-wide  
19 resolution because each detainee’s particular circumstances differ, defeating  
20 commonality.<sup>8</sup> ECF 63, Opp at 13. This attempt to recast “[P]laintiffs’ claims as

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21 <sup>6</sup> *See Ruiz*, 2026 WL 391924 at \*2.

22 <sup>7</sup> Courts in the Ninth Circuit have held that ascertainability does not apply in the context of Rule  
23 23(b)(2). *See Al Otro Lado, Inc., v. McAleenan*, 423 F. Supp. 3d 848, 872 (2019) (collecting cases).

24 <sup>8</sup> Defendants analogize this case to two inapposite cases, *Thole* and *Black Lives Matter Los Angeles*.  
25 *See* ECF 63, Opp. to Class Cert. at 10-13. But *Thole* does not reach class certification. *Thole v.*  
26 *U.S. Bank N.A.*, 590 U.S. 538, 541 (affirming dismissal for lack of standing). As for *Black Lives*  
27 *Matter Los Angeles*, the Ninth Circuit remanded because the district court did not address the  
28 commonality requirement for the injunctive class and only did so for the damages classes, which  
had distinct claims. *See Black Lives Matter Los Angeles v. City of Los Angeles*, 113 F.4th 1249,  
1265 (9th Cir. 2024). Defendants’ commonality analysis thus rests on the Ninth Circuit’s review of  
the damages classes. *See* Dkt. 63, Opp. to Class Cert. at 19. But Plaintiffs raise no damages claims.

1 little more than an aggregation of many claims of individual mistreatment” has  
2 repeatedly been rejected by both the district courts and the Ninth Circuit. *See*  
3 *Parsons*, 754 F.3d at 676. Defendants’ policies and practices expose *all* individuals  
4 detained at Adelanto “to a substantial risk of serious harm.” *Id.*; *see also* ECF 57,  
5 Mot. at 13, 15–16. Courts in this Circuit have repeatedly found that commonality is  
6 satisfied by these exact types of systemic challenges to conditions of confinement.  
7 *See, e.g., Ruiz v. ICE*, No. 2026 WL 851980, at \*9 (N.D. Cal. 2026) (finding  
8 commonality in challenge to conditions of confinement at immigration detention  
9 center); *Armstrong v. Davis*, 275 F.3d 849, 868 (9th Cir. 2001) (finding commonality  
10 in challenge to prison conditions and holding that differences between persons with  
11 different disabilities did not defeat commonality); *Roman v. Wolf*, 2020 WL 3869729  
12 at \*2 (C.D. Cal. April 23, 2020) (finding commonality for class of detained  
13 individuals at Adelanto).

14 Defendants also argue that commonality fails because Plaintiffs’ class definition  
15 is overbroad and would include detainees who purportedly never experienced  
16 punitive conditions. ECF 63, Opp. at 10. This too is misguided. Because Plaintiffs  
17 “challenge the overall conditions in which they [are] detained . . . [they] need not  
18 prove that every single class member was subjected to every single adverse condition  
19 to establish a custom or practice of unconstitutional conditions.” *Pablo Sequen v.*  
20 *Albarran*, 810 F. Supp. 3d. 1084, 1123 (N.D. Cal. 2025) (cleaned up). All class  
21 members will be exposed to the “specified ICE policies and practices that govern the  
22 overall conditions of . . . confinement.” *Id.*; *see also Parsons*, 754 F.3d at 678  
23 (“[E]ither each of the policies and practices is unlawful as to every inmate or it is  
24 not.”). In other words, the determination of the “truth or falsity” of Plaintiffs’  
25 common contentions “will resolve an issue that is central to the validity of each one  
26 of the claims in one stroke.” *Wal-Mart v. Dukes*, 564 U.S. 338, 350 (2011).

1           **Second**, Defendants contend that Plaintiffs never identify a “specific uniform  
2 policy or practice . . . that constitutes the ‘common contention’ capable of classwide  
3 resolution.” ECF 63, Opp. at 9. Not so. Plaintiffs’ Motion points to inadequate  
4 provision of food and water, limited outdoor access, the use of solitary confinement  
5 as punishment, delayed responses to medical emergencies, and failure to provide  
6 accommodations for individuals with disabilities, just to name a few. ECF 57, Mot.  
7 at 11–14. These challenges to facility-wide policies and practices that subject  
8 Plaintiffs to a substantial risk of harm readily meet the commonality standard.  
9 *Parsons*, 754 F.3d at 676.

10           **Third**, Defendants again attempt to shirk responsibility over the  
11 unconstitutional conditions to which they subject the Classes by claiming that  
12 Plaintiffs’ injuries stem from GEO’s “decentralized, individualized decisions.” ECF  
13 63, Opp. at 11; *see also* ECF 54, Opp. to PI at 4–9; ECF 59, MTD at 7–9. But  
14 Plaintiffs challenge facility-wide policies and practices, not a handful of outlier  
15 events. *Parsons*, 754 F.3d at 676. And Defendants’ own filings before this Court  
16 show that they have control over the facility-wide policies and practices at Adelanto.  
17 ECF 54-1, Quevedo Decl. ¶ 3 (“ICE/ERO has a . . . responsibility to observe, identify,  
18 and notify the various contractors or sub-contractors of any...deficiencies...in  
19 adherence to their responsibility under” the PBNDS.); *id.* at ¶ 12 (it is ICE’s “ongoing  
20 oversight framework” that “ensures . . . identified issues are tracked for correction  
21 and that facility operations are continually reassessed for GEO Group compliance and  
22 improvement.”). Moreover, government entities cannot avoid their constitutional  
23 obligations to individuals in civil detention “under federal law by housing them in  
24 facilities operated by” third parties. *Armstrong v. Brown*, 732 F.3d 955, 957 (9th Cir.  
25 2013); *see also* ECF 56, Reply ISO PI at 2; ECF 66, Opp. to MTD at 2–8.

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1 only show “a substantial risk of serious harm resulting from exposure to” Defendants’  
2 policies and practices. *Parsons*, 754 F.3d at 686. They do so in this case.

3 **4. The Proposed Class Representatives Satisfy Adequacy**

4 This Court should reject Defendants’ adequacy arguments outright because  
5 they (1) recycle their arguments against standing<sup>9</sup> and typicality, *see supra* Sections  
6 I, II.C; and (2) impose adequacy requirements that are unsupported by any authority.  
7 *See* ECF 63, Opp. at 15–16.

8 The Individual Plaintiffs testified that they do not “have any conflicts of interest  
9 with other class members” and will “prosecute the action vigorously on behalf of the  
10 class.” *Hanon v. Chrysler Corp.*, 150 F.3d 1011, 1021 (9th Cir. 1988); ECF 57, Mot.  
11 at 17–18. But Defendants invent new hurdles—i.e., a showing “that the Individual  
12 Plaintiffs reviewed the complaint, understood the legal theories asserted or exercised  
13 any independent judgment over the litigation strategy.” ECF 63, Opp. at 16.  
14 Individual Plaintiffs need not demonstrate extensive knowledge of class action  
15 procedures to satisfy adequacy; rather, the representative must understand their duties  
16 and be willing and able to perform them. *Wiener v. Donovan Co., Inc.*, 255 F.R.D.  
17 658, 667 (C.D. Cal. 2009). They are only required to “participate to some minimal  
18 degree in the lawsuit to ensure that the party is not simply lending his name to a suit  
19 controlled entirely by the class attorney.” *In re Northrup Grumman Corp. ERISA*  
20 *Litig.*, 2011 WL 3505264, at \*15 (C.D. Cal. Mar. 29, 2011). Here, the Individual  
21 Plaintiffs have detailed their informed involvement in the class in sworn declarations  
22 submitted to the Court. *See* ECF 57-5 L.T. Decl; ECF 57-6, Mesrobian Decl; ECF  
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24 <sup>9</sup> Defendants’ citations do not support finding Plaintiffs’ claims are unripe or that Plaintiffs lack  
25 standing. *E. Tex. Motor Freight* is inapplicable because there, unlike here, Plaintiffs lacked class  
26 membership. *E. Tex. Motor Freight Sys., Inc. v. Rodriguez*, 431 U.S. 395, 404-05 (1977); *see also*  
27 ECF 57, Mot. for Class Cert. at 6 (showing Plaintiffs are class members). *O’Shea* is inapplicable  
28 because Individual Plaintiffs have shown that, just like the Classes, they are “immediately in danger  
of sustaining some direct injury.” *O’Shea v. Littleton*, 414 U.S. 488, 494 (1974); ECF 57, Mot. for  
Class Cert at 6–8.

1 57-7, Salazar-Garza Decl; ECF 57-8, J.M. Decl. The Individual Plaintiffs therefore  
2 fairly and adequately protect the interests of the class.<sup>10</sup>

3 **C. The Proposed Classes Satisfy Rule 23(b)**

4 Defendants’ Rule 23(b) arguments also misunderstand Plaintiffs’ arguments and  
5 rely on inapplicable case law to support their alternative view of the claims.

6 **1. The Proposed Classes Satisfy Rule 23(b)(2)**

7 Defendants claim Plaintiffs “seek relief across legally distinct claims . . .  
8 requiring different proof and different remedies for different class members.” ECF  
9 63, Opp. at 17. Not so. Plaintiffs seek “prospective relief ‘challeng[ing] a system-  
10 wide practice or policy that affects all of the putative class members.” *Mansor v.*  
11 *United States Citizenship & Immigr. Servs.*, 345 F.R.D. 193, 204 (W.D. Wash. 2023).  
12 There is no need, as Defendants contend, for the Court to “first . . . conduct  
13 individualized inquiries to determine which members were actually harmed.”<sup>11</sup> ECF  
14 63, Opp. at 18. Plaintiffs’ requested relief comports with Rule 23(b)(2) because  
15 “every [detained individual] in the proposed class is allegedly suffering the same (or  
16 at least a similar) injury and that injury can be alleviated for every class member by  
17 uniform changes in [facility-]wide policy and practice.” *Parsons*, 754 F.3d at 689;  
18 *see also Roman*, 2020 WL 3869729, at \*4 (certifying Adelanto class under (b)(2));  
19 ECF 1, Compl. at 61–62. This is the exact type of case Rule 23(b)(2) “is meant to  
20 capture.” *Wal-Mart*, 564 U.S. at 361; *see also Ruiz*, 2026 WL 851980, at \*10.

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23 <sup>10</sup> Defendants’ argument as to EAJA fees similarly lacks merit. In unpublished orders by the  
24 Appellate Commissioner, the Ninth Circuit has rejected expressly any obligation to share retainer  
25 agreements to establish that EAJA fees are appropriate. *See, e.g., Zenhua Li v. Holder*, No. 07-  
26 72560 (9th Cir. 2012) (Order dated Jul. 2, 2012, motion to reconsider denied Aug. 30, 2012);  
27 *Khoshfahm v. Holder*, No. 10-71066 (9th Cir.) (order dated Feb. 3, 2012). Counsel are representing  
28 Plaintiffs *pro bono* and only seek reasonable attorneys’ fees. ECF 57-3, Reddick Decl. ¶11; ECF  
57-4, Bergquist Decl. ¶9; ECF 57-5, Huerta Decl. ¶10; ECF 57-6, Brown Decl. ¶17; ECF 1 at 62.

<sup>11</sup> As to Defendants’ *CASA* argument, that too is premised on the idea that Plaintiffs raise individual  
claims rather than systemic challenges to conditions of confinement and so fails for the same reason.

1 Defendants’ argument that 8 U.S.C. § 1252(f)(1) “bars class wide injunctive  
2 relief” also has no merit. Section 1252(f)(1) “generally prohibits lower courts from  
3 entering injunctions that order federal officials to take or to refrain from taking actions  
4 to enforce, implement, or otherwise carry out the specified statutory provisions.”  
5 *Garland v. Aleman Gonzalez*, 596 U.S. 543, 550 (2022). Those “specified statutory  
6 provisions” refer only to the operation of immigration laws found at 8 U.S.C. §§  
7 1221–1231, *see* 8 U.S.C. 1252(f)(1), from which Plaintiffs do not seek to enjoin  
8 Defendants from taking action, *see* ECF 66, Opp. to MTD at 11–12.

9 **2. The Proposed Classes Satisfy Rule 23(b)(1)**

10 Challenges to conditions of confinement have repeatedly been certified under  
11 (b)(1) because piecemeal lawsuits challenging the same facility-wide policies would  
12 result in inconsistent judgments and directives. *See Gray v. County of Riverside*, No.  
13 EDCV 13-00-444 CAP (Opx), 2014 WL 5304915, at \*38 (C.D. Cal. Sept. 2, 2014).  
14 Either the conditions of confinement are unlawful as to every detained individual at  
15 Adelanto, or they are not. *Parsons*, 754 F.3d at 678. Defendants have a system under  
16 which they monitor the conditions at issue in this case and provide directives to bring  
17 Adelanto into compliance with the applicable standards when the facility is out of  
18 compliance. *See* ECF 54-1, Quevedo Decl. ¶¶ 3–4; 12–13; *see also* 4/30/2026 Tr. 24:  
19 3–7, 25: 21–25; 26:1–10. Plaintiffs simply wish to bring Defendants in compliance  
20 with their own standards and constitutional obligations.

21 **III. CONCLUSION**

22 Plaintiffs respectfully request that the Court grant their Motion and certify the  
23 Adelanto Class and Disability Subclass.  
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Dated: May 1, 2026

Respectfully Submitted,

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**CERTIFICATE OF COMPLIANCE**

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

Dated: May 1, 2026

Respectfully Submitted,

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