

1 TODD BLANCHE
 Acting Attorney General
 2 BILAL A. ESSAYLI
 First Assistant United States Attorney
 3 DANIEL A. BECK
 Assistant United States Attorney
 4 Acting Chief, Civil Division
 ALARICE M. MEDRANO
 5 Assistant United States Attorney
 Acting Chief, Complex and Defensive Litigation Section
 6 PUSHKAL MISHRA (Cal. Bar No. 298695)
 Special Assistant United States Attorney
 7 Federal Building, Suite 7516
 300 North Los Angeles Street
 8 Los Angeles, California 90012
 Telephone: (714) 338-3503
 9 E-mail: pushkal.mishra@usdoj.gov

10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT
 12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 13

14 L.T., *et al.*,
 15 Plaintiffs,
 16 v.
 17 U.S. IMMIGRATION AND CUSTOMS
 18 ENFORCEMENT, *et al.*,
 19 Defendants.

No. 5:26-cv-00322-SSS-SPx
**DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' RENEWED MOTION
 FOR CLASS CERTIFICATION**

Hearing Date: July 10, 2026
 Hearing Time: 2:00 p.m.
 Courtroom: 2

Honorable Sunshine Suzanne Sykes
 United States District Judge

22
 23
 24
 25
 26
 27
 28

TABLE OF CONTENTS

1		
2	<u>DESCRIPTION</u>	<u>PAGE</u>
3		
4	I. INTRODUCTION	1
5	II. BACKGROUND	1
6	III. LEGAL STANDARD.....	2
7	IV. ARGUMENT	2
8	A. Plaintiffs Fail to Establish an Article III Case or Controversy	
9	Warranting Classwide Equitable Relief.....	2
10	B. Plaintiffs’ Proposed Classes Fail to Meet Rule 23(a)’s Prerequisites	6
11	1. Plaintiffs Cannot Show Numerosity	6
12	2. Plaintiffs Cannot Show Commonality.....	8
13	3. Plaintiffs Cannot Show Typicality	11
14	4. Plaintiffs Cannot Show Adequacy of Representation	13
15	C. Plaintiffs’ Proposed Classes Fail to Satisfy Rule 23(b)(1)-(2)	14
16	1. Plaintiffs Fail to Satisfy Rule 23(b)(2)	15
17	2. Plaintiffs Fail to Satisfy Rule 23(b)(1)	18
18	V. CONCLUSION.....	19
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

TABLE OF AUTHORITIES

Page(s)

Federal Cases

Ahn v. GEO Grp., Inc.,
2024 WL 1258428 (E.D. Cal. Mar. 25, 2024) 5

Al Otro Lado v. Exec. Off. for Immigr. Rev.,
138 F.4th 1102 (9th Cir. 2025) 17

Amchem Prods., Inc. v. Windsor,
521 U.S. 591 (1997) 2, 14

Armstrong v. Brown,
732 F.3d 955 (9th Cir. 2013) 4

Armstrong v. Davis,
275 F.3d 849 (9th Cir. 2001) 4

Black Lives Matter L.A. v. City of Los Angeles,
113 F.4th 1249 (9th Cir. 2024) 10

Blum v. Yaretsky,
457 U.S. 991 (1982) 9

Clapper v. Amnesty Int’l USA,
568 U.S. 398 (2013) 9

County of Riverside v. McLaughlin,
500 U.S. 44 (1991) 13

DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.,
489 U.S. 189 (1989) 4

Doran v. Salem Inn, Inc.,
422 U.S. 922 (1975) 17

E. Tex. Motor Freight Sys., Inc. v. Rodriguez,
431 U.S. 395 (1977) 13-14

Garland v. Aleman Gonzalez,
596 U.S. 543 (2022) 10, 17

Gen. Tel. Co. of the Sw. v. Falcon,
457 U.S. 147 (1982) 6

1 *GEO Grp., Inc. v. Newsom*,
2 50 F.4th 745 (9th Cir. 2022) 3

3 *Gerstein v. Pugh*,
4 420 U.S. 103 (1975) 13

5 *Gomez Ruiz v. U.S. Immigration & Customs Enforcement*,
6 2026 WL 391924 (N.D. Cal. Feb. 10, 2026) 9

7 *Gomez Ruiz v. U.S. Immigration & Customs Enforcement*,
8 2026 WL 851980 (N.D. Cal. Mar. 27, 2026) 10

9 *Gray v. County of Riverside*,
10 2014 WL 5304915 (C.D. Cal. 2014) 19

11 *Halliburton Co. v. Erica P. John Fund, Inc.*,
12 573 U.S. 258 (2014) 15

13 *Hertz Corp. v. Friend*,
14 559 U.S. 77 (2010) 3

15 *Hodgers-Durgin v. de la Vina*,
16 199 F.3d 1037 (9th Cir. 1999) (en banc) 2-3, 12

17 *In re Rail Freight Fuel Surcharge Antitrust Litig.*,
18 934 F.3d 619 (D.C. Cir. 2019) 6, 16

19 *Jennings v. Rodriguez*,
20 583 U.S. 281 (2018) 15

21 *Just Film, Inc. v. Buono*,
22 847 F.3d 1108 (9th Cir. 2017) 11, 13

23 *Logue v. United States*,
24 412 U.S. 521 (1973) 4

25 *Lujan v. Defenders of Wildlife*,
26 504 U.S. 555 (1992) 3-6

27 *McDonnell Douglas Corp. v. U.S. District Court*,
28 523 F.2d 1083 (9th Cir. 1975) 19

Murthy v. Missouri,
603 U.S. 43 (2024) 5

Nguyen Da Yen v. Kissinger,
70 F.R.D. 656 (N.D. Cal. 1976) 7

1 *Nken v. Holder*,
 2 556 U.S. 418 (2009) 17

3 *O’Shea v. Littleton*,
 4 414 U.S. 488 (1974) 2, 14

5 *Parsons v. Ryan*,
 6 754 F.3d 657 (9th Cir. 2014) 9

7 *Roman v. Wolf*,
 8 977 F.3d 935 (9th Cir. 2020) 8

9 *Ronduen v. GEO Grp., Inc.*,
 10 2025 WL 3050059 (C.D. Cal. Sept. 26, 2025) 10, 15

11 *Schwartz v. Upper Deck Co.*,
 12 183 F.R.D. 672 (S.D. Cal. 1999) 7

13 *Thole v. U.S. Bank N.A.*,
 14 590 U.S. 538 (2020) 9

15 *Tincher v. Noem*,
 16 164 F.4th 1097 (8th Cir. 2026) 11

17 *Torres v. U.S. Dep’t of Homeland Sec.*,
 18 411 F. Supp. 3d 1036 (C.D. Cal. 2019) 13

19 *TransUnion LLC v. Ramirez*,
 20 594 U.S. 413 (2021) 3, 9

21 *Trump v. CASA, Inc.*,
 22 606 U.S. 831 (2025) 10, 18-19

23 *Trump v. New York*,
 24 592 U.S. 125 (2020) 3, 6

25 *United States v. Boyd*,
 26 378 U.S. 39 (1964) 3

27 *United States v. New Mexico*,
 28 455 U.S. 720 (1982) 3

United States v. Orleans,
 425 U.S. 807 (1976) 5

Wal-Mart Stores, Inc. v. Dukes,
 564 U.S. 338 (2011) 2-3, 7-11, 13, 15-16, 18

1 *Wang v. Chinese Daily News, Inc.*,
2 737 F.3d 538 (9th Cir. 2013) 8

3 *Warth v. Seldin*,
4 422 U.S. 490 (1975) 4

5 *West v. Atkins*,
6 487 U.S. 42 (1988) 4

7 **Federal Statutes**

8 5 U.S.C. § 705 17

9 8 U.S.C. § 1225 17

10 8 U.S.C. § 1226 17

11 8 U.S.C. § 1231 17

12 8 U.S.C. § 1252 1, 6, 10, 16-19

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **I. INTRODUCTION**

2 Plaintiffs seek to transform a collection of disparate, individual past grievances
3 against the varied independent day-to-day operational decisions of a non-party into a
4 sweeping class action challenging the Executive Branch’s plenary discretion over
5 enforcement of immigration laws, demanding broad prospective equitable relief against it,
6 including impermissibly indeterminate “follow the law” directives. Rule 23 does not
7 permit that result.

8 *First*, the proposed classes fail at every stage of Rule 23’s rigorous analysis: They
9 lack a live Article III case or controversy; their amorphous and overbroad class definitions
10 fail the test for commonality; their claims are neither typical of nor aligned with those of
11 absent class members; and the relief sought is precisely the kind of classwide injunction
12 that Congress has barred and the Supreme Court has repeatedly rejected.

13 *Second*, even if a class could otherwise be certified, 8 U.S.C. § 1252(f)(1) strips this
14 Court of “jurisdiction or authority” to enter the classwide injunction that a Rule 23(b)(2)
15 class exists to obtain—so the class cannot be certified to pursue relief Plaintiffs seek.

16 Because this Court cannot grant the relief Plaintiffs seek—and they fail to
17 affirmatively comply with the rigors of Rule 23—the motion should be denied.

18 **II. BACKGROUND**

19 Plaintiffs—L.T., Sevak Mesrobian, Jose Mauro Salazar-Garza, and J.M. (together,
20 “Individual Plaintiffs”); and Coalition for Humane Immigrant Rights (“CHIRLA”)—have
21 sued the following Defendants: U.S. Department of Homeland Security (“DHS”);
22 Markwayne Mullin, DHS’s Secretary; DHS’s component agency U.S. Immigration and
23 Customs Enforcement (“ICE”); Todd M. Lyons, ICE’s Acting Director; and Jaime Rios,
24 Acting Director of ICE’s Enforcement and Removal Operations (“ERO”)’s Los Angeles
25 Field Office. *See generally* First Am. Compl. (“FAC”) ¶¶ 14-30, ECF 74; Plaintiffs’
26 Renewed Motion for Class Certification (“Motion”) at 4-8, ECF 75. Plaintiffs filed this
27 action in January 2026 and moved for a preliminary injunction on March 6, 2026. ECF 1,
28 34. On April 9, 2026, Plaintiffs moved to certify a class. ECF 57. Following the April 28,

1 2026 hearing, the Court denied the preliminary injunction motion without prejudice,
2 dismissed CHIRLA for lack of standing, granted Plaintiffs leave to amend, and denied the
3 then-pending motion to dismiss as moot. ECF 70 at 8-9, 12-13. On May 22, 2026,
4 Plaintiffs filed the FAC. ECF 74. They then also renewed both motions. ECF 75, 77.

5 **III. LEGAL STANDARD**

6 Plaintiffs must prove numerosity, commonality, typicality, and adequacy to merit
7 class certification. Fed. R. Civ. P. 23(a). The proposed class must also separately qualify
8 under one of the subsets of Rule 23(b). *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591,
9 614 (1997). The Supreme Court has emphasized that “Rule 23(b)(2) applies only when a
10 single injunction or declaratory judgment would provide relief to each member of the
11 class.” *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 360 (2011). Rule 23(b)(1)(A)
12 alternatively permits certification where “prosecuting separate actions by or against
13 individual class members would create a risk of . . . inconsistent or varying adjudications
14 with respect to individual class members that would establish incompatible standards of
15 conduct for the party opposing the class.” Fed. R. Civ. P. 23(b)(1)(A).

16 **IV. ARGUMENT**

17 **A. Plaintiffs Fail to Establish an Article III Case or Controversy** 18 **Warranting Classwide Equitable Relief**

19 Where the named Plaintiffs lack standing, as here, the certification inquiry never
20 gets off the ground. In *Hodgers-Durgin v. de la Vina*, the Ninth Circuit declined even to
21 reach certification: “Because we find that the named plaintiffs have not alleged sufficient
22 injury to entitle them to equitable relief, we need not reach the question whether the class
23 that plaintiffs seek to represent was properly certified.” 199 F.3d 1037, 1045 (9th Cir.
24 1999); *see also id.* (“Any injury unnamed members of this proposed class may have
25 suffered is simply irrelevant to the question whether the named plaintiffs are entitled to
26 the injunctive relief they seek.”); *O’Shea v. Littleton*, 414 U.S. 488, 494 (1974).

27 To that end, “[a] foundational principle of Article III is that ‘an actual controversy
28 must exist not only at the time the complaint is filed, but through all stages of the

1 litigation.” *Trump v. New York*, 592 U.S. 125, 131 (2020). The injury must be “fairly
2 traceable to the challenged action of the defendant, and not the result of the independent
3 action of some third party not before the court,” and likely to be “redressed by a favorable
4 decision.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992). And “standing is
5 not dispensed in gross; rather, plaintiffs must demonstrate standing for each claim that
6 they press and for each form of relief that they seek (for example, injunctive relief and
7 damages).” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 431 (2021) (cleaned up).

8 Plaintiffs’ class certification motion does not address Article III standing, even
9 though they have the burden on that count. *Hertz Corp. v. Friend*, 559 U.S. 77, 96 (2010)
10 (holding that the party asserting subject matter jurisdiction has the burden of persuasion
11 for establishing it). Plaintiffs must “affirmatively demonstrate” compliance with Rule 23,
12 which in turn “does not set forth a mere pleading standard.” *Wal-Mart*, 564 U.S. at 350.
13 That rigorous analysis applies with full force to Article III’s requirements: “Article III
14 does not give federal courts the power to order relief to any uninjured plaintiff, class action
15 or not.” *TransUnion*, 594 U.S. at 431. Nor may the standing inquiry be deferred until after
16 certification: The named Plaintiffs’ standing is a jurisdictional prerequisite to class relief,
17 not a question subordinate to it. *Hodgers-Durgin*, 199 F.3d at 1045.

18 With respect to **traceability**: Plaintiffs’ allegations center on GEO, not Defendants.
19 *See, e.g.*, Motion at 2-6. Their own pleading alleges an arms-length contractual
20 relationship—not an agency relationship—between ICE and GEO, FAC ¶¶ 32-35, and
21 ICE avers the same. ECF 54-1 ¶¶ 3-15; *accord* 06/04/2026 Decl. of Rosa Quevedo
22 (“Quevedo Decl.”) ¶¶ 3-16, ECF 80-1. “[P]rivate contractors do not stand on the same
23 footing as the federal government” *GEO Grp., Inc. v. Newsom*, 50 F.4th 745, 750
24 (9th Cir. 2022) (en banc); *United States v. New Mexico*, 455 U.S. 720, 736-38 (1982)
25 (making clear that a contractor is not the Government unless “so assimilated by the
26 Government as to become one of its constituent parts”); *United States v. Boyd*, 378 U.S.
27 39, 46, 48 (1964) (profit-making service contractors performing government contracts
28 remain private actors “pursuing their own commercial ends” and not “so incorporated into

1 the government structure as to become instrumentalities of the United States”). Nor do
2 custodial-duty cases supply the missing link. *West v. Atkins* held that a state-run prison’s
3 contract physician—the defendant there—acted under color of state law, confirming that
4 the contractor who delivers the challenged care is the proper defendant. 487 U.S. 42, 54-
5 57 (1988). And *DeShaney*’s custodial “special relationship” arises only “when the State
6 takes a person into its custody and holds him there against his will.” 489 U.S. 189, 199-
7 200 (1989). Both address the substance of constitutional duty—a merits question, not
8 Article III traceability. “[S]tanding in no way depends on the merits.” *Warth v. Seldin*, 422
9 U.S. 490, 500 (1975) (cleaned up). The custodian that takes and physically holds detainees
10 at Adelanto day to day—the jailer in every operational sense—is GEO, not Defendants.
11 Quevedo Decl. ¶¶ 4, 8, 10; *id.*, Ex. 6 (Performance Work Statement (PWS)) at 13 (GEO
12 must “furnish all personnel”); *id.*, Ex. 6 at 7 (GEO’s warden bears “the ultimate
13 responsibility for managing and operating the contracted detention facility”). Nor does
14 *Armstrong v. Brown*, 732 F.3d 955 (9th Cir. 2013), bridge the gap: It enforced California’s
15 own ADA obligations and an existing remedial injunction against State officials who
16 housed their parolees in county jails. *Id.* at 957. Whether the Rehabilitation Act imposes
17 duties on Defendants is a merits question; *Armstrong* did not relax Article III. *Lujan*, 504
18 U.S. at 560-62. *Armstrong v. Davis*, 275 F.3d 849, 869 (9th Cir. 2001), similarly rested on
19 a single state actor’s own uniform hearing practices applied to every class member.

20 *Logue v. United States*, 412 U.S. 521 (1973), makes that concrete. There, the
21 Supreme Court held that employees of a county jail that housed federal prisoners pursuant
22 to a contract with the Federal Bureau of Prisons were not federal employees or employees
23 of a federal agency; thus, the United States was not liable for the acts of the county jail.
24 *Id.* at 527-30. Although the contract required the county jail to comply with Bureau of
25 Prisons’ rules and regulations prescribing standards of treatment, and although the United
26 States reserved rights of inspection to enter the jail to determine its compliance with the
27 contract, the contract did not authorize the United States to physically supervise the day-
28 to-day conduct of the jail’s employees. *Id.*; *United States v. Orleans*, 425 U.S. 807, 815-

1 16 (1976); *Murthy v. Missouri*, 603 U.S. 43, 57-60, 68-72 (2024) (no traceability or
2 redressability where plaintiffs’ injuries stemmed from social-media platforms’
3 independent content-moderation decisions, which an injunction against federal officials
4 would not control, and platforms “had independent incentives to moderate content and
5 often exercised their own judgment,” breaking the causal chain to the government); *see*
6 *also Ahn v. GEO Grp., Inc.*, 2024 WL 1258428, at *5, *7-8 (E.D. Cal. Mar. 25, 2024)
7 (dismissing claims against ICE on account of GEO’s rights and responsibilities: “The
8 relevant contracts here indisputably vest GEO solely with the rights and responsibilities to
9 manage Mesa Verde’s operations and compliance with applicable statutes, regulations,
10 and the PBNDS. . . . GEO alone runs Mesa Verde’s operations, deciding whether it has
11 the capability to accept detainees with medical issues, how to classify detainees, where to
12 house them, how to supervise them, and how to ensure that they receive necessary medical
13 treatment and intervention.”). So too here: Plaintiffs’ alleged injuries—medication timing,
14 shower access, pill-call routines, responses to medical emergencies, *see, e.g.*, FAC ¶¶ 80-
15 82, 86-87, 99; ECF 54-1 ¶¶ 20-25, 34-35; *accord* Quevedo Decl. ¶¶ 26-44—are caused, if
16 at all, by the independent day-to-day operational choices of GEO and its employees:
17 “unfettered choices made by [an] independent actor[] not before the court[]” “whose
18 exercise of broad and legitimate discretion the courts cannot presume either to control or
19 to predict.” *Lujan*, 504 U.S. at 562; *accord Murthy*, 603 U.S. at 57-58.

20 Next, as to **redressability**: Redressability requires that it be “likely, as opposed to
21 merely speculative, that the injury will be redressed by a favorable decision.” *Lujan*, 504
22 U.S. at 561; *Murthy*, 603 U.S. at 57 (“[I]t is a bedrock principle that a federal court cannot
23 redress injury that results from the independent action of some third party not before the
24 court.” (cleaned up)). GEO—not ICE—owns and operates Adelanto and controls
25 conditions day-to-day. Quevedo Decl. ¶¶ 4, 8, 10. An injunction against ICE would not,
26 by its own force, change conditions at the facility. Any improvement in conditions would
27 depend on GEO’s “unfettered choices,” *Lujan*, 504 U.S. at 562, or on ICE’s separate
28 exercise of contractual or enforcement discretion—the very “response of the regulated (or

1 regulable) third party” that *Lujan* identifies as fatal to standing, *id.* Those defects are
2 independently confirmed by 8 U.S.C. § 1252(f)(1). *See infra* § IV.C.1.

3 With respect to ***ripeness***: “Second, the case must be ripe—not dependent on
4 contingent future events that may not occur as anticipated, or indeed may not occur at all.”
5 *Trump v. New York*, 592 U.S. at 131. Plaintiffs have not demonstrated with evidence that
6 any named class member faces concrete, imminent harm traceable to federal Defendants.
7 *See, e.g.*, FAC ¶¶ 82-84 (alleging past seizure episodes handled by facility staff, not federal
8 Defendants, as to Mesrobian, who is no longer detained at Adelanto, Quevedo Decl. ¶ 39);
9 *id.* ¶ 76 (alleging illness in December 2025 attributed to facility-level failures); *id.* ¶ 118
10 (alleging interaction with facility nurse, not federal Defendants). This case “is riddled with
11 contingencies and speculation” as to any asserted risk of future injury by Defendants.
12 *Trump v. New York*, 592 U.S. at 131.

13 **B. Plaintiffs’ Proposed Classes Fail to Meet Rule 23(a)’s Prerequisites**

14 “[A] class representative must be part of the class and possess the same interest and
15 suffer the same injury as the class members.” *Gen. Tel. Co. of the Sw. v. Falcon*, 457 U.S.
16 147, 156 (1982) (cleaned up). *Falcon* itself reversed certification where one employee’s
17 promotion-discrimination claim was used to represent a hiring-discrimination class. *Id.* at
18 157-61. So too here: Each Plaintiff’s claim will require proof of what GEO did or failed
19 to do as to him, and Plaintiffs cannot bridge the “wide gap” between individual grievances
20 against GEO’s operations and a classwide challenge to the federal Defendants. *Id.* at 157;
21 *cf. In re Rail Freight Fuel Surcharge Antitrust Litig.*, 934 F.3d 619, 627 (D.C. Cir. 2019)
22 (individual claims required “at least 2,037 individual determinations of injury and
23 causation”).

24 1. Plaintiffs Cannot Show Numerosity

25 Plaintiffs assert that the Adelanto Class has “over 1,700” members. Motion at 1, 9.
26 The figure is borrowed, not shown: It rests on a third-party tracker of Adelanto’s total
27 detained population, *id.* at 9 n.11—a facility-wide head count that includes the Desert
28 View Annex, the building Plaintiffs’ own pleading places outside this lawsuit. *Id.* at 1 n.1;

1 FAC ¶ 34 (the Annex is “not the subject of this lawsuit”); *see* Quevedo Decl. ¶ 2. And
2 Plaintiffs make no showing of which individuals in that population are exposed to the
3 specific harms alleged, or how many. The Disability Subclass fares no better: Plaintiffs
4 assert “over fifty” members at one point, Motion at 1, then “well over forty people” at
5 another—“assuming normal prevalence of disabilities within the Adelanto population.”
6 *Id.* at 9. That assumption is an extrapolation from statistics about immigrants generally—
7 not detainees at Adelanto—capped by a COVID-19 study’s observation that “over forty
8 percent of detained immigrants have chronic conditions, many of which *may constitute*
9 disabilities.” *Id.* at 9 n.12 (emphasis added). “Chronic conditions” are not “disabilities”
10 within the meaning of the Rehabilitation Act; “may constitute” is conjecture, not evidence;
11 and a population-wide prevalence guess says nothing about how many putative subclass
12 members required accommodations that were supposedly actually denied by GEO at
13 Adelanto. Numerosity built on stacked inferences is speculation, and speculation cannot
14 “affirmatively demonstrate” compliance with Rule 23. *Wal-Mart*, 564 U.S. at 350; *see*
15 *also Schwartz v. Upper Deck Co.*, 183 F.R.D. 672, 680-81 (S.D. Cal. 1999) (“A higher
16 level of proof than mere common sense impression or extrapolation from cursory
17 allegations is required.”).

18 In any event, Adelanto’s detainee population is inherently fluid. Quevedo Decl. ¶ 2.
19 Detainees arrive and depart regularly, many being released due to habeas relief or being
20 removed outside the United States due to “total and efficient enforcement” of the
21 immigration laws under Executive Order 14159, 90 Fed. Reg. 8443 (Jan. 20, 2025). That
22 fluidity does not establish numerosity—it underscores the unmanageability and lack of
23 ascertainability that independently doom certification. *Nguyen Da Yen v. Kissinger*, 70
24 F.R.D. 656, 661 (N.D. Cal. 1976) (“[P]laintiffs must show some evidence of or reasonably
25 estimate the number of class members. Mere speculation as to satisfaction of this
26 numerosity requirement does not satisfy Rule 23(a)(1).”). Plaintiffs offer no evidence that
27 the entire population at Adelanto equates to the number of individuals actually affected by
28 any challenged condition on account of GEO—let alone specific action by the federal

1 government. Without evidence, numerosity fails; with inflated generic numbers, the
2 amorphous class raises serious class-definition overbreadth and manageability problems.

3 2. Plaintiffs Cannot Show Commonality

4 Plaintiffs assert that three claims present common questions. Motion at 11-15. Their
5 lead case proves the opposite: *Roman v. Wolf* was a COVID-19 emergency case in which
6 a single pandemic-era policy “exposed all Adelanto detainees to an unnecessary risk of
7 harm.” 977 F.3d 935, 944 (9th Cir. 2020) (emphasis added). Plaintiffs’ purported
8 “common questions” are restatements of the elements of each claim—“the raising of
9 common questions . . . in droves”—and asking “whether conditions are punitive” for 1,700
10 detainees with different housing assignments, medical histories, and experiences is not a
11 question that can be answered “in one stroke.” *Wal-Mart*, 564 U.S. at 350. This Court has
12 already recognized the problem: In denying preliminary relief, it found that Plaintiffs’
13 demand for “timely and adequate responses to medical requests and urgent medical needs”
14 “will inherently require an individualized determination and may vary based on a
15 detainee’s health condition and concerns.” ECF 70 at 12. The record confirms it: The
16 named Plaintiffs’ and declarants’ circumstances are detainee-specific—different custody
17 postures, medical histories, accommodations, and grievances, *see* Quevedo Decl. ¶¶ 25-
18 53—and the population “turns over continually, with frequent arrivals and releases (by
19 habeas or removal) and many short stays.” *Id.* ¶ 2. What matters is “the capacity of a
20 classwide proceeding to generate common answers apt to drive the resolution of the
21 litigation.” *Wang v. Chinese Daily News, Inc.*, 737 F.3d 538, 543 (9th Cir. 2013) (cleaned
22 up). Plaintiffs cannot “affirmatively demonstrate,” *Wal-Mart*, 564 U.S. at 350, “that the
23 entire class was subject to the same allegedly [unlawful] practice,” *Wang*, 737 F.3d at 543.
24 The Adelanto Class encompasses “[a]ll persons who are now, or in the future will be,”
25 detained at Adelanto. Motion at 1. A detainee held for twenty-four hours with no medical
26 needs, no disability, and no complaints is by definition a class member seeking relief for
27 care he never needed—precisely what *TransUnion* forbids, 594 U.S. at 431—and the
28 definition has no temporal limit at all.

1 *Thole v. U.S. Bank N.A.* underscores the deficiency: The plaintiffs there had “no
2 concrete stake in th[e] lawsuit” because win or lose, their position would not change. 590
3 U.S. 538, 542 (2020). The proposed classes replicate that defect at scale: They sweep in
4 every detainee—present and future—including the many with no medical condition,
5 disability, or complaint. ECF 54-1 ¶ 11 (“Most detainees interviewed during the inspection
6 reported no complaints of abuse or medical issues.”); *accord* Quevedo Decl. ¶ 15; *id.*, Ex.
7 4 (2025 Inspection Report) at 6 (“Most detainees reported satisfaction with facility
8 services.”). A detainee who spends forty-eight hours at Adelanto without incident and is
9 released has “no concrete stake” in an injunction mandating changes to medical staffing,
10 disability accommodations, or grievance procedures he never used. *Thole*, 590 U.S. at 542.
11 The Disability Subclass fares no better: Many members may never interact with the
12 policies Plaintiffs challenge. *Cf. Blum v. Yaretsky*, 457 U.S. 991, 1001-02 (1982).

13 A class definition that, by design, encompasses members whose injuries bear no
14 resemblance to the named plaintiffs’ own is an invitation to “usurp the powers of the
15 political branches.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 408 (2013).
16 “[C]ommonality requires the plaintiff to demonstrate that the class members have suffered
17 the same injury.” *Wal-Mart*, 564 U.S. at 349-50 (cleaned up). *Parsons v. Ryan*, 754 F.3d
18 657 (9th Cir. 2014), is distinguishable for the same reason *Wal-Mart* controls: *Parsons*
19 involved the Arizona Department of Corrections—the jailer, which both set the policies
20 and operated the prisons. Here, the injuries Plaintiffs allege stem from GEO’s independent
21 operational choices—how GEO staffs its medical unit, triages sick calls, and assigns
22 housing. The contract confirms the divide. Quevedo Decl., Ex. 6 (PWS) at 6-7, 13.

23 Plaintiffs’ reliance on *Gomez Ruiz v. U.S. Immigration & Customs Enforcement*,
24 No. 25-09757, 2026 WL 391924 (N.D. Cal. Feb. 10, 2026), is misplaced. That case
25 concerned a different facility—the California City Detention Facility, operated for ICE by
26 CoreCivic—and the February 10 certification order is Plaintiffs’ counsel’s own proposed
27 order, entered with an abbreviated Rule 23 analysis. The court’s later reasoned order rests
28 on a one-paragraph commonality discussion, *see Gomez Ruiz*, 2026 WL 851980, at *9

1 (N.D. Cal. Mar. 27, 2026), *appeal filed* (9th Cir. Apr. 14, 2026), and disposes of
2 § 1252(f)(1) in a footnote on the stated premise that the plaintiffs “in no way seek to
3 challenge any detainee’s removal.” *Id.* at *6 n.6. That premise is irreconcilable with
4 *Garland v. Aleman Gonzalez*, which applied § 1252(f)(1) to classwide relief against
5 detention—not removal. 596 U.S. 543, 550 (2022). *Gomez Ruiz* nowhere addresses *CASA*.
6 And the relief it entered—a court-selected external monitor and detailed operational
7 mandates—illustrates the very institutional receivership that § 1252(f)(1) and *CASA* place
8 beyond a district court’s power.

9 *Wal-Mart*, the preeminent case on this subject, reversed certification because local
10 supervisors’ discretion was “just the opposite of a uniform employment practice that
11 would provide the commonality needed.” 564 U.S. at 355. The defect applies with greater
12 force here: The *Wal-Mart* class at least shared a single form of alleged discrimination
13 (sex), while Plaintiffs’ complaints range from medical care to food to water to housing to
14 accommodations. The PBNDS functions like *Wal-Mart*’s corporate policies—it sets
15 standards—while GEO’s officers, nurses, and administrators exercise independent
16 judgment in meeting them detainee by detainee. Merely showing that the PBNDS exists
17 does not show that any shortfall is attributable to a common ICE policy rather than to
18 GEO’s on-site discretion. *Id.* at 356 (“Respondents have not identified a common mode
19 of exercising discretion that pervades the entire company . . .”).

20 *Black Lives Matter Los Angeles v. City of Los Angeles* vacated certification of an
21 injunctive class where the district court “did not identify questions common to the class,”
22 distinguishing cases involving “single protests where all class members brought identical
23 claims.” 113 F.4th 1249, 1265-66 (9th Cir. 2024). And in *Ronduen v. GEO Grp., Inc.*, the
24 court denied certification at Adelanto itself: Even a uniform facility-wide chemical-
25 spraying policy could not establish commonality because “variations in exposure and,
26 resultingly, whether each individual was actually injured, are essential components of their
27 claims.” No. 23-0481, 2025 WL 3050059, at *7 (C.D. Cal. Sept. 26, 2025); *see also*
28 *Tincher v. Noem*, 164 F.4th 1097, 1098-99 (8th Cir. 2026) (staying preliminary injunction

1 for putative class where claims involved “different conduct, by different officers, at
2 different times, in different places, in response to different behavior”).

3 In summary, the proposed class definition here requires individualized fact-finding
4 at the threshold of membership, which cannot generate the “common answers apt to drive
5 the resolution of the litigation,” *Wal-Mart*, 564 U.S. at 350, that Rule 23(a)(2) demands.

6 3. Plaintiffs Cannot Show Typicality

7 Plaintiffs argue that typicality is satisfied because “all four Individual Plaintiffs are
8 exposed to and have already suffered ‘a substantial risk of serious harm by the challenged
9 policies and practices,’ which apply facility-wide to the entire Adelanto Class.” Motion at
10 15-16. They contend that the Individual Plaintiffs “are housed in the same moldy and dirty
11 conditions, served the same unsafe food and water, and subjected to the same number of
12 disruptive daily counts as all class members.” *Id.* at 16.

13 Typicality requires that the claims of the named plaintiffs be “reasonably
14 coextensive with those of absent class members.” *Just Film, Inc. v. Buono*, 847 F.3d 1108,
15 1116 (9th Cir. 2017). Plaintiffs fail that test; indeed, they even fail it with each other,
16 setting aside the 1,700 other detained individuals. The Individual Plaintiffs’ circumstances
17 diverge dramatically from each other and from those of the putative class. L.T. has right-
18 side paralysis; Mesrobian has epilepsy; Salazar-Garza alleges a finger amputation and
19 wound care failure; J.M. alleges cardiac arrhythmia. Motion at 6-8. Each has a unique
20 medical condition, unique treatment history, and unique interaction with facility staff.
21 Their claims are patently not “typical” of one another, let alone of the 1,700-person class.
22 The record confirms these divergences: L.T.’s complaints center on shower accessibility,
23 medication timing, and lower-bunk assignments, Quevedo Decl. ¶¶ 29-30, 32, 34;
24 Mesrobian refused doses of his prescribed seizure medication despite GEO physicians’
25 “consultations and education specific to his non-compliance,” *id.* ¶ 39; Salazar-Garza was
26 placed in administrative segregation for fourteen days following an investigation for
27 “disruptive behavior,” *id.* ¶ 42; and J.M.’s heart-rhythm complaints involve an entirely
28 different specialty—and a patient who “refused to ingest prescribed medication to control

1 his heart rate or sinus rhythm,” *id.* ¶ 36.

2 The record further refutes alleged typicality. Mesrobian’s seizures resulted from his
3 own “non-compliance with taking his prescribed seizure medication,” not from any
4 facility deficiency; GEO physicians provided “medical consultations and education
5 specific to his non-compliance.” Quevedo Decl. ¶ 39. And Mesrobian’s only two
6 grievances concerned Wi-Fi connectivity and access to the large yard—both since
7 resolved—while GEO’s “grievance records for [Mr. Mesrobian] contain no grievance
8 concerning medication, accommodation, or medical care.” *Id.* ¶ 40. Salazar-Garza’s
9 administrative segregation followed an investigation for “disruptive behavior.” *Id.* ¶ 42.
10 Indeed, J.M.’s own bond hearings characterized his criminal history as “severe,”
11 “extensive,” and “reflective of disregard for the safety of others,” *id.* ¶ 35; and another
12 court previously denied Mesrobian preliminary relief, finding that he “fails to discuss, or
13 even acknowledge [his] lengthy criminal history” and “has failed to demonstrate why the
14 appropriate injunctive relief for the lack of proper medical care requires his release from
15 ICE detention rather than relief that is more narrowly tailored in scope.” *Id.* ¶ 39 n.4.

16 The FAC makes the typicality problem worse, not better. Most strikingly, it
17 concedes that J.M. “was released on April 28, 2026,” FAC ¶ 17—a fact the original
18 complaint did not contain, *id.* ¶ 17 n.12. A proposed representative who is no longer
19 detained at Adelanto is not a member of a class of persons “who are now, or in the future
20 will be,” detained there, Motion at 1 (emphases added), and his claims are not “typical” of
21 a class of detainees. The FAC’s conjecture that “[i]f Mr. J.M. were to be redetained” he
22 “would again” face the challenged conditions, FAC ¶ 17, is the antithesis of a typical,
23 present claim. *Hodgers-Durgin*, 199 F.3d at 1045 (“Unless the named plaintiffs are
24 themselves entitled to seek injunctive relief, they may not represent a class seeking that
25 relief.”). The amendment removed J.M. from the very class he is offered to represent.

26 Nor do mootness doctrines rescue him. The relation-back doctrine preserves claims
27 so transitory that no representative could remain in custody long enough to obtain
28 certification—the 48-hour probable-cause window in *County of Riverside v. McLaughlin*,

1 500 U.S. 44, 52 (1991), and the brief pretrial detention in *Gerstein v. Pugh*, 420 U.S. 103,
2 110 n.11 (1975). Plaintiffs’ theory—prolonged detention under persistent conditions—is
3 the antithesis of a transitory claim, and J.M.’s claim did not lapse from brevity: He secured
4 release through his own habeas case a month before the FAC and this renewed Motion
5 were filed. Quevedo Decl. ¶ 35. And the ongoing-government-policy strand of mootness
6 doctrine, e.g., *Torres v. U.S. Department of Homeland Security*, 411 F. Supp. 3d 1036,
7 1055 (C.D. Cal. 2019), speaks to jurisdiction; it does not supply the class membership,
8 typicality, and standing that Rule 23 and Article III independently require of a
9 representative. *E. Tex. Motor Freight Sys., Inc. v. Rodriguez*, 431 U.S. 395, 404-05 (1977).

10 The remaining named Plaintiffs’ allegations were also materially rewritten between
11 the original complaint and the FAC. The original complaint alleged that Mesrobian, on a
12 single occasion, “had his arm and leg handcuffed to the bed for five days,” ECF 1 ¶ 15;
13 the FAC recasts that episode as a recurring practice, alleging that he “always has his arm
14 and leg handcuffed to the bed for the duration of his hospital stay, including for up to five
15 days in one instance,” FAC ¶ 15, and adds that “[s]ince the filing of the first complaint in
16 January 2026,” he “has been hospitalized at least two more times for seizure episodes,” *id.*
17 It likewise revises Salazar-Garza’s account of the duration and timing of his injuries.
18 *Compare* ECF 1 ¶ 16 (alleging his infected finger burst “[a]fter over four months without
19 antibiotics” and dating his Desert View detention to July 2023), *with* FAC ¶ 16 (deleting
20 the four-month allegation and the July 2023 date). When the factual predicate of each
21 representative’s claim shifts from one pleading to the next, the named Plaintiffs cannot
22 show that their claims are “reasonably coextensive with those of absent class members.”
23 *Just Film, Inc.*, 847 F.3d at 1116. A class theory still in motion is not one whose
24 representatives can be said to share a fixed, common injury with the class. Finally,
25 commonality and typicality “tend to merge,” *Wal-Mart*, 564 U.S. at 349 n.5, and Plaintiffs
26 also lack both for the same reasons.

27 4. Plaintiffs Cannot Show Adequacy of Representation

28 Plaintiffs assert that “neither the Individual Plaintiffs nor their counsel have

1 conflicts of interest with the Class or Subclass” and that the Individual Plaintiffs “have
2 stepped forward in hopes of improving conditions for all those currently detained at
3 Adelanto,” despite “fear and serious risk of retaliation.” Motion at 16-18. They cite their
4 counsel’s experience in class action and immigration litigation. *Id.* at 18-19.

5 But adequacy requires more than experienced counsel. The Individual Plaintiffs’
6 claims for prospective equitable relief are questionable. Their claims as to future injury
7 undergirding their request for equitable relief are unripe and at best speculative. *See E.*
8 *Tex. Motor Freight*, 431 U.S. at 404-05. Class representatives must personally have
9 standing to seek the relief requested; they cannot rely on the claims of absent members to
10 bootstrap their own standing. *O’Shea v. Littleton*, 414 U.S. 488, 494 (1974). The
11 Individual Plaintiffs’ declarations focus exclusively on their personal circumstances and
12 grievances—they do not identify who the proposed classes include, how their respective
13 circumstances compare to those of absent members, or how the requested relief would
14 affect individuals in different procedural postures. *See, e.g.*, Motion at 16-17 (relying on
15 Individual Plaintiffs’ declarations). Plaintiffs’ invocation of the “inherently transitory”
16 exception and the “ongoing government policy” doctrine for J.M., *id.* at 17 n.15, fails for
17 the reasons explained above. *See supra* § IV.B.3.

18 Nor is there any indication the Individual Plaintiffs reviewed the complaint,
19 understood the theories asserted, or exercised independent judgment over the litigation.
20 *See Amchem*, 521 U.S. at 626-28. Three of the four never filed a single grievance about
21 the conditions they now challenge, ECF 54-1 ¶ 18; *accord* Quevedo Decl. ¶ 23, and the
22 fourth grieved only Wi-Fi and yard access, *id.* ¶ 40. And there has been no disclosure of
23 the monetary compensation that the Plaintiffs and their ostensibly *pro bono* counsel may
24 be pursuing through their pleading of EAJA claims in this action, which may significantly
25 distort how the case is litigated and why it is litigated that way. *Cf.* FAC at 72.

26 **C. Plaintiffs’ Proposed Classes Fail to Satisfy Rule 23(b)(1)-(2)**

27 Plaintiffs identify no substantiating evidence for either subdivision. *Cf.* Motion at
28 18-21. That alone is fatal: Plaintiffs “must actually prove—not simply plead—that their

1 proposed class satisfies each requirement of Rule 23” *Halliburton Co. v. Erica P.*
2 *John Fund, Inc.*, 573 U.S. 258, 275 (2014); *Wal-Mart*, 564 U.S. at 350-51. Nor may they
3 cure the failure on reply. C.D. Cal. L.R. 7-5.

4 1. Plaintiffs Fail to Satisfy Rule 23(b)(2)

5 Rule 23(b)(2) permits certification only where “a single injunction or declaratory
6 judgment would provide relief to each member of the class.” *Wal-Mart*, 564 U.S. at 360.
7 The “key to the (b)(2) class is the indivisible nature of the injunctive or declaratory remedy
8 warranted.” *Id.* Plaintiffs argue that “[t]his case is the exact type of case Rule 23(b)(2) ‘is
9 meant to capture,’” because “Defendants have acted or refused to act on grounds that apply
10 generally to the class.” Motion at 18-19 (quoting *Wal-Mart*, 564 U.S. at 361). That
11 argument fails for multiple reasons. As an initial matter, the record itself shows there is no
12 indivisible remedy: GEO addresses food service, drinking water, laundry and clothing,
13 hygiene, privacy, visitation, population counts, recreation, medical care, and disability
14 accommodations through its own operations and detainee-specific processes—not through
15 any uniform policy of the federal Defendants. *See* Quevedo Decl. ¶¶ 54-81; *id.* ¶ 80 (GEO
16 screens for disabilities at intake and currently maintains 74 individual accommodations,
17 or “kronos”); *id.* ¶ 34 & Ex. 18 (designated ADA-accessible shower stall in each
18 dormitory; photograph).

19 **First**, the Supreme Court has admonished courts to consider “whether a Rule
20 23(b)(2) class action litigated on common facts is an appropriate way to resolve . . . Due
21 Process Clause claims,” because “due process is flexible” and “calls for such procedural
22 protections as the particular situation demands.” *Jennings*, 583 U.S. at 314. Plaintiffs’ fact-
23 specific grievances demand individualized adjudication, not a single classwide judgment.
24 *Ronduen*, 2025 WL 3050059, at *8 (finding in this situation that “Plaintiffs have failed to
25 satisfy commonality, predominance, and typicality”). The record further shows that
26 existing mechanisms address operational concerns: The September 2025 ODO inspection
27 found the facility compliant in 26 of 29 standards; after ERO notified GEO of the
28 identified deficiencies in writing, GEO independently “decided on the necessary

1 corrective action and completed the same,” Quevedo Decl. ¶ 13 & Ex. 5; and the facility
2 remains subject to “unannounced as well as scheduled inspections,” *id.* ¶ 17—a single
3 classwide injunction is neither necessary nor appropriate.

4 That deficiency is fatal under Rule 23(b)(2) no less than under (a): Rule 23(b)(2)
5 “does not authorize class certification when each individual class member would be
6 entitled to a different injunction or declaratory judgment against the defendant.” *Wal-*
7 *Mart*, 564 U.S. at 360. That is this case: A detainee with epilepsy needs different relief
8 than one with cardiac arrhythmia, who needs different relief than one alleging shower
9 inaccessibility. *Cf. In re Rail Freight*, 934 F.3d at 624-25, 627. The record underscores the
10 heterogeneity: The facility is not overcrowded (approximately 1,592 of 1,940 beds
11 occupied at the main facility, 474 of 750 at Desert View), Quevedo Decl. ¶ 2; *see also*
12 ECF 54-1 ¶ 68 (similar figures as of March 2026), and most detainees reported satisfaction
13 with services, *id.* ¶ 11.

14 **Second**, § 1252(f)(1) bears directly on certification, besides standing and the merits.
15 A Rule 23(b)(2) class exists for one purpose: to deliver a “single”—“indivisible”—
16 classwide injunction or declaratory judgment. *Wal-Mart*, 564 U.S. at 360-61. If the Court
17 lacks “jurisdiction or authority” to enter that one classwide remedy, there is nothing for a
18 (b)(2) class to be certified to obtain. Section 1252(f)(1) imposes exactly that disability as
19 to the detention provisions under which every member of the proposed class is held.

20 The “individual alien” carve-out does not save the class. Section 1252(f)(1) permits
21 relief only “with respect to the application of such provisions to an individual alien against
22 whom proceedings . . . have been initiated.” 8 U.S.C. § 1252(f)(1). A class proceeding
23 seeking facility-wide structural relief is the opposite of individualized relief, so the carve-
24 out is unavailable by definition. Nor does it matter whether Plaintiffs are right on the
25 merits. An injunction “is barred even if a court determines that the Government’s
26 ‘operation’ of a covered provision is unlawful or incorrect.” *Al Otro Lado*, 138 F.4th at
27 1125 (citing *Aleman Gonzalez*, 596 U.S. at 552-54). Because the proposed Adelanto Class
28 would exist solely to obtain a classwide order restraining the operation of §§ 1225, 1226,

1 and 1231 at Adelanto, § 1252(f)(1) forecloses certification regardless of the merits of the
2 case. Plaintiffs cannot evade the bar by recasting the remedy. Section 1252(f)(1)
3 withdraws jurisdiction to “enjoin *or restrain*” the covered provisions, and to “restrain”
4 means to “check, hold back, or prevent.” *Aleman Gonzalez*, 596 U.S. at 550. The bar
5 applies “[r]egardless of the nature of the action or claim.” 8 U.S.C. § 1252(f)(1). The
6 inquiry is functional—what a classwide order does, not what it is captioned.

7 That principle disposes of any attempt to obtain the same classwide relief under the
8 guise of a stay under 5 U.S.C. § 705. A § 705 stay that halts the operation of the detention-
9 and-removal statutes “check[s], hold[s] back, [and] prevent[s]” their operation just as an
10 injunction would, and it is therefore barred to the same extent. *Aleman Gonzalez*, 596 U.S.
11 at 550. The Supreme Court has long recognized that injunctive and declaratory relief—
12 and the stay relief that operates like them—have “virtually identical” practical effect when
13 directed at the Government’s enforcement of contested statutes. *Doran v. Salem Inn, Inc.*,
14 422 U.S. 922, 931 (1975). A § 705 stay does not “operate[] upon [a] judicial proceeding”;
15 it reaches outside the courthouse and directs the Government’s conduct toward the class—
16 telling officials “what to do or not to do” with “the backing of [the court’s] full coercive
17 powers.” *Nken v. Holder*, 556 U.S. 418, 428 (2009). A classwide stay that holds DHS back
18 from detaining proposed class members under §§ 1225, 1226, and 1231 is, in substance, a
19 classwide order restraining the operation of those provisions—the heartland of what
20 § 1252(f)(1) forbids. Section 1252(f)(1) is not a rule about what a court calls its order; it
21 is a rule about what the order does. An order styled a § 705 stay that produces the forbidden
22 effect is barred no less than an injunction that produces it.

23 The upshot for this motion is straightforward. Plaintiffs seek to certify a class “under
24 Rule 23(b)(2)” precisely so that a single classwide order—whether labeled an injunction,
25 a declaratory judgment, or a § 705 stay—will reorder the operation of the detention statutes
26 at Adelanto for every current and future detainee. Section 1252(f)(1) withholds from this
27 Court the “jurisdiction or authority” to enter any such order. A class cannot be certified to
28 pursue relief the Court has no power to grant. That is an independent and sufficient ground

1 to deny the motion.

2 *Third*, *Trump v. CASA, Inc.*, 606 U.S. 831 (2025), precludes class certification as a
3 vehicle for the broad-based relief Plaintiffs now request—which effectively seeks to
4 impose a general “Plaintiff preferred” receivership under judicial directive and agents,
5 taking control over the facility’s operations (without, moreover, even suing or naming the
6 owner and operator of that facility, GEO). When a court concludes that the Executive
7 Branch has acted unlawfully, the answer is not for the court to exceed its power too. The
8 Supreme Court has explicitly cautioned against that:

9 [D]istrict courts should not view today’s decision as an invitation
10 to certify nationwide classes without scrupulous adherence to the
11 rigors of Rule 23. Otherwise, the universal injunction will return
12 from the grave under the guise of “nationwide class relief,” and
13 [the] decision will be of little more than minor academic interest.

14 *Id.* at 868 (Alito, J., concurring). A court granting equitable relief “may administer
15 complete relief between the parties,” *id.* at 851 (quotation omitted), and “the question is
16 not whether an injunction offers complete relief to everyone potentially affected by an
17 allegedly unlawful act; it is whether an injunction will offer complete relief to the plaintiffs
18 before the court,” *id.* at 852. Certifying classes as broad as these would require an
19 injunction governing virtually every operational aspect of the facility—the sweeping
20 institutional overhaul *CASA* forbids. Plaintiffs’ ascertainability point, Motion at 20-21,
21 misses the mark: The ease of identifying where someone is detained is not the same as a
22 common injury, a common legal theory, and a common entitlement to a single, indivisible
23 remedy.

24 Because Rule 23 imposes a burden on Plaintiffs to “affirmatively demonstrate . . .
25 compliance with the Rule,” *Wal-Mart*, 564 U.S. at 350, their abbreviated—indeed,
26 conclusory—analysis of unsubstantiated assertions fails to satisfy Rule 23(b)(2).

27 2. Plaintiffs Fail to Satisfy Rule 23(b)(1)

28 Plaintiffs alternatively seek certification under Rule 23(b)(1), arguing that

1 individual suits would “create a risk of . . . inconsistent or varying adjudications” that
2 would “establish incompatible standards of conduct” for Defendants. Motion at 20-21.
3 The Ninth Circuit has explained that “incompatible standards of conduct” under Rule
4 23(b)(1)(A) means “incompatible standards of conduct required of the defendant in
5 fulfilling judgments in separate actions.” *McDonnell Douglas Corp. v. U.S. District Court*,
6 523 F.2d 1083, 1086 (9th Cir. 1975). Plaintiffs do not explain how separate lawsuits
7 challenging individualized conditions would create conflicting obligations for Defendants.
8 Indeed, such issues are routinely resolved in prison contexts, without such a problem.

9 That argument fails for the same reasons (b)(2) certification fails: The
10 “incompatible standards” rationale presupposes truly uniform challenged conduct, but
11 Plaintiffs challenge a constellation of individualized medical decisions, housing
12 assignments, and accommodation requests. There is no risk of “incompatible standards”
13 when the standards themselves call for individualized application.

14 Plaintiffs’ reliance on *Gray v. County of Riverside*, 2014 WL 5304915, at *38 (C.D.
15 Cal. 2014), is unavailing: *Gray* involved a county jail the County itself operated and
16 staffed, and the policy challenged was the County’s own “policy and practice of severely
17 understaffing health care positions.” *Id.* at *2. That risk is absent where the challenged
18 conduct traces to a private contractor’s individualized operational choices. And as
19 discussed above, § 1252(f)(1) and *CASA* independently foreclose the classwide injunctive
20 relief that (b)(1) certification would be designed to facilitate.

21 Finally, Plaintiffs’ request that the parties confer and submit a proposed class notice,
22 Notice of Motion at 1 ¶ 7, fails with the motion itself. Also, notice under Rule 23(c)(2)(A)
23 is discretionary, and Plaintiffs offer no reason why notice would be “appropriate” for a no-
24 opt-out Rule 23(b)(2) class that cannot receive the classwide injunctive relief such notice
25 would announce. *See* 8 U.S.C. § 1252(f)(1); *CASA*, 606 U.S. at 861.

26 **V. CONCLUSION**

27 Defendants respectfully request that the Court deny the motion.
28

Respectfully submitted,

Dated: June 5, 2026

TODD BLANCHE
Acting Attorney General
BILAL A. ESSAYLI
First Assistant United States Attorney
DANIEL A. BECK
Assistant United States Attorney
Acting Chief, Civil Division
ALARICE M. MEDRANO
Assistant United States Attorney
Acting Chief, Complex and Defensive Litigation Section

/s/ Pushkal Mishra
PUSHKAL MISHRA
Special Assistant United States Attorney

Attorneys for Defendants

CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Defendants, certifies that the memorandum of points and authorities contains 6,824 words, which complies with the word limit of Local Rule 11-6.1.

Dated: June 5, 2026

/s/ Pushkal Mishra
PUSHKAL MISHRA