

No. 26-4902

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

L.T., et al.,
Plaintiffs-Appellees,

v.

**U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,**
Defendants-Appellants.

Appeal from the United States District Court
Central District of California
No. 5:26-cv-00322-SSS-SPx

**EMERGENCY MOTION UNDER CIRCUIT RULE 27-3 FOR STAY
PENDING APPEAL**

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CIRCUIT RULE 27-3 CERTIFICATE

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2. Facts showing the existence and nature of the emergency

On July 16, 2026, the district court entered a broad, structural injunction over every operational aspect of the Adelanto ICE Processing Center—a facility that ICE does not own, staff, or run. The Order directs Defendants to guarantee detailed conditions of confinement (water, food, sanitation, hygiene, clothing, bedding, privacy, and at least four hours of individual yard access per day), caps headcounts, restricts administrative segregation, orders a comprehensive medical-and-disability remedial plan within fourteen days, installs two Defendant-funded “Independent Monitors” with unannounced-inspection authority

and monthly reporting for the life of the litigation, waives the Rule 65(c) bond, and applies facility-wide to a provisionally certified class of all current and future Adelanto detainees. Defendants would be irreparably harmed if required to fully comply with the Order or litigate the merits below before this Court can act.

This motion could not have been filed earlier. The district court entered an in-chambers minute order without findings on July 16, 2026, indicating that a memorandum setting forth its reasoning would follow. However, fourteen days after entry of the preliminary injunction, by which point Defendants were already required to submit a comprehensive medical-and-disability remedial plan, the district court still has not issued the findings required by *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). On July 30, the Solicitor General authorized the government to appeal the district court's preliminary injunction order and seek a stay pending appeal. The government noticed this appeal the same day. After the meet-and-confer process required by the district court's local rules failed to produce agreement, the government filed a stay motion in the district court on July 30.

3. When and how counsel notified

On July 30, 2026, counsel for Defendants-Appellants notified counsel for Plaintiffs via telephone of their intent to file an *ex parte* application to stay pending appeal in the district court. Counsel for Plaintiffs indicated that they oppose the stay in the district court. Also on July 30, 2026, counsel for Defendants-Appellants notified counsel for Plaintiffs via email of their intent to file this emergency motion before this Court. Plaintiffs indicated that they oppose the motion.

4. Submissions to the district court

Defendants orally requested a stay of the district court at the July 10, 2026 hearing on Plaintiffs' renewed request for a preliminary injunction. The Court deferred ruling on the stay request at that time. On July 30, 2026, Defendants filed an *ex parte* application for a stay pending appeal in the district court, which application remains pending.

5. Decision requested by

Appellants request a decision as soon as possible. The district court entered its preliminary injunction on July 16. A decision on the motion for an administrative stay is requested by August 6, 2026, and a decision on the motion to stay is requested as soon as possible.

Dated: July 31, 2026

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I. INTRODUCTION

On July 16, 2026, the district court imposed a broad, structural injunction over practically every operational aspect of the Adelanto ICE Processing Center—a facility that ICE does not own, staff, or run. The injunction mandates detailed conditions related to water, food, sanitation, hygiene, clothing, bedding, privacy, individual yard access per day, headcounts, and administrative segregation. It also orders a comprehensive medical-and-disability remedial plan, installs two Defendant-funded “Independent Monitors” with unannounced-inspection authority and monthly reporting for the life of the litigation, waives the Rule 65(c) bond, and applies facility-wide to a provisionally certified class of all current and future Adelanto detainees. Conditions aside, the order commands ICE to produce results inside a facility that The GEO Group, Inc.—a private federal contractor that is not party to the litigation owns, staffs, and operates every hour of every day.

Defendants are likely to succeed for several reasons. Plaintiffs lack standing because their asserted injuries flow from the actions of a nonparty and an injunction against ICE alone cannot redress them. A contractor’s day-to-day operations are not the Government’s, and the

Government cannot bring about major structural reforms at a facility over which it lacks operational control. The class also violates Rule 23 and *Trump v. CASA, Inc.*, 606 U.S. 831 (2025). And because the conditions the injunction commands are effectively the very standards GEO already owes ICE by contract, the district court has packaged contractual terms against a party that does not perform them.

The injunction is also impermissibly overbroad. Several provisions go beyond anything the ICE–GEO contract requires and are affirmatively counterproductive or dangerous: The four-hour individual-yard mandate concentrates security-threat groups in the yard and collides with ongoing construction prompted by a detainee’s attempted escape; the headcount restrictions will adversely impact suicide prevention, prevention of introduction of contraband, identifying medical emergencies, and prevention of physical assault by other detainees; the contact-visitation mandate invites the very channel through which contraband entered the facility approximately two months ago; and the West-facility privacy alterations create concealment risks of self-harm and contraband.

The remaining factors also favor a stay. The Government suffers irreparable injury when enjoined from administering the laws Congress entrusted to the Executive, and when it is ordered to spend unappropriated, unrecoverable funds on court-appointed monitors under a bond the Court waived. By contrast, Plaintiffs' own post-hearing chart maps each provision of the injunction to a Performance-Based National Detention Standard, so a stay restores the ordinary contractual-enforcement architecture rather than opening a protection gap. And the public interest favors orderly review of a decree that installs an Article III court as the day-to-day supervisor of an Article II function.

Because the government is likely to succeed on appeal, and the equities weigh heavily in its favor, this Court should stay the district court's order pending appeal. And because compliance with the injunction would result in irreparable harm to the government, the Court should grant an immediate administrative stay, no later than August 6, to allow orderly briefing and adjudication of this motion.

II. STATEMENT

A. Factual Background

The Adelanto ICE Processing Center (APC) is owned and operated by GEO under an Indefinite Delivery/Indefinite Quantity contract with ICE. CR 80-1 (Quevedo Decl.) ¶¶ 4, 8; *see also* CR 80-2 (Ex. 1) (APC Contract). ICE “contracts with GEO to manage APC’s day-to-day operations” and “provides oversight to ensure applicable detention standards and conditions of confinement are met.” CR 113-2 (Smith Decl.) ¶ 7; *see also* CR 80-1 (Quevedo Decl.) ¶¶ 3–16. ICE assigns approximately 52 federal personnel on-site—principally deportation officers managing the detained docket—while GEO employs approximately 100 medical staff and 350 security and operations personnel. CR 80-1 ¶ 5. The contract requires GEO to perform “in compliance with” the 2011 Performance-Based National Detention Standards (PBNDS) and Prison Rape Elimination Act, American Correctional Association (ACA), and National Commission on Correctional Health Care (NCCHC) standards. CR 80-2 (Ex. 1) at 2–3.

B. Course of Proceedings Below

On July 16, 2026, the district court entered an in-chambers minute order granting in part Plaintiffs’ renewed motion for a

preliminary injunction and provisionally certifying a class of “[a]ll people who are now, or who in the future will be,” detained at Adelanto, with a disability subclass. CR 104 at 7. The order enjoins Defendants to ensure detailed conditions at Adelanto (Paragraphs 1–3), to file within fourteen days a comprehensive medical-and-disability remedial plan (Paragraph 4), to propose and fund two court-appointed “Independent Monitors”, and it bars retaliation and waives the Rule 65(c) bond (Paragraphs 6–7). CR 104 ¶¶ 1–7. The order indicated that a memorandum of decision would follow, but that memorandum has yet to issue. Meanwhile, the remedial plan and the parties’ joint monitor proposal were filed July 30, 2026.

Defendants opposed the renewed motion on jurisdictional and merits grounds at every stage, CR 80, 81, 87, 93, and preserved a stay request on the record at the July 10 hearing, which the district court deferred. CR 105 (Hr’g Tr.) 52:24–53:24. On July 30, 2026, Defendants appealed the order granting the renewed preliminary injunction to this Court. CR 109.

III. ARGUMENT

A. Defendants Are Likely to Succeed on the Merits of the Appeal

To obtain a stay, the movant must make “a strong showing that he is likely to succeed on the merits.” *Nken v. Holder*, 556 U.S. 418, 434 (2009). Defendants need not show that success is “more likely than not”; a “reasonable probability” or “fair prospect” of success suffices. *FTC v. Qualcomm Inc.*, 935 F.3d 752, 755 (9th Cir. 2019). Defendants make that showing several times over. Because a court of appeals “may reverse on either jurisdictional or merits grounds a lower court order that granted interim relief,” *Mullin v. Doe*, No. 25-1083, 2026 WL 1825840, at *11 (U.S. June 25, 2026) (plurality opinion), each of the grounds below establishes the requisite likelihood of success.

1. Plaintiffs Lack Standing Because Their Injuries Are Neither Fairly Traceable to Defendants Nor Redressable by an Injunction

Plaintiffs consciously decided not to name GEO as a defendant in this action. CR 68 (Hr’g Tr.) 27:23–24. But any injunction against the Government alone cannot redress their injuries, which are attributable to how GEO runs its facility. Thus, Plaintiffs lack Article III standing. *See Simon v. E. Kentucky Welfare Rts. Org.*, 426 U.S. 26, 41 (1976).

Plaintiffs’ injuries are not traceable to ICE because they do not allege that ICE told GEO to take any of the actions addressed in the injunction’s list of corrective actions. Instead, Plaintiffs repeatedly allege that ICE’s contract requires *GEO* not to take the allegedly harmful actions, and that *GEO* is disobeying those commands. CR 74 (FAC) ¶¶ 36–37, 209–10. The injunction thus addresses injuries that are traceable only to GEO. Because Plaintiffs must demonstrate Article III standing for each form of relief they seek, they lack standing to obtain this injunction (regardless of whether they could establish traceability for some other form of relief).

For similar reasons, the injunction will not redress Plaintiffs’ injuries. GEO—not ICE—owns and operates Adelanto and controls conditions day-to-day: The contract “does not reserve to ICE any direct control of any part of the contracted work,” CR 80-1 ¶ 10; GEO must “furnish all personnel,” and GEO’s warden bears “the ultimate responsibility for managing and operating the contracted detention facility,” *id.*, Ex. 6 (Performance Work Statement) at 13, 7. As one court held on materially identical contracts, “GEO alone runs . . . operations, deciding whether it has the capability to accept detainees with medical

issues, how to classify detainees, where to house them, how to supervise them, and how to ensure that they receive necessary medical treatment and intervention.” *Ahn v. GEO Group, Inc.*, 2024 WL 1258428, at *8–10 (E.D. Cal. Mar. 25, 2024). The district court observed as much: “GEO Group is essentially the group managing the day-to-day operations of the Adelanto facility,” CR 68 (Hr’g Tr.) 5:12–15, while ICE personnel on site are “mostly moving people, taking people to court, perhaps observing but not making these day-to-day decisions,” CR 105 (Hr’g Tr.) 13:2–4. Indeed, a named Plaintiff has sued GEO himself over these very conditions in state court, conceding that GEO—not ICE—is the operator responsible for them. *Salazar-Garza v. Warden*, No. 5:26-cv-02726 (C.D. Cal.), ECF 1 at 76 (citing *Salazar-Garza v. The GEO Group, Inc.*, No. CIVVS2506377 (Cal. Super. Ct.)).

GEO is an independent actor, not simply an extension of the Government: Because “all the terms of the Preliminary Injunction are action items related to the day-to-day operations of the facility, any change forced upon ICE would create an undue burden as it relates to the contractual agreement between ICE and GEO as GEO has not been required to be a party to this matter.” CR 113-2 (Smith Decl.) ¶ 7.

Plaintiffs' requested remedy is something the Government lacks the power to provide. The proper course here would have been for Plaintiffs to have named GEO as a defendant, such that the district court could issue a remedy controlling the party that actually controls Adelanto. Plaintiffs chose not to do so, and the district court cannot remedy the consequences of that error by ordering the Government to commandeer a private party and force it to manage its facility in a given manner.

2. GEO Is a Necessary and Indispensable Party Under Rule 19

For the same reasons, the injunction violates Rule 19, which requires necessary and indispensable parties to be joined. A party must be joined where, "in that person's absence, the court cannot accord complete relief among existing parties." Fed. R. Civ. P. 19(a)(1)(A). In addition, a person must be joined if the person has "an interest relating to the subject of the action" and "disposing of the action in the person's absence may . . . as a practical matter impair or impede the person's ability to protect the interest." Fed. R. Civ. P. 19(a)(1)(B)(i). The injunction contains six pages of detailed instructions for actions GEO must take. But if those actions are necessary to give "complete relief" to

Plaintiffs, then GEO must be a party, for it is the only one that can take those actions. Similarly, GEO obviously has an interest in what actions it must take at Adelanto, and a ruling that GEO must take those actions would impair that interest. It would be one thing if the injunction had simply enjoined ICE from asking or requiring GEO to take the allegedly harmful actions that Plaintiffs challenge, though such an injunction might be improper for other reasons. But at least it would not necessarily require GEO's presence in the suit. As it stands, the injunction requires GEO to take actions even though GEO is not in the suit — a textbook violation of Rule 19. *See, e.g., Diné Citizens Against Ruining Our Env't v. Bureau of Indian Affairs*, 932 F.3d 843, 851–53 (9th Cir. 2019). The parallel California City litigation confirms the point from the operator's side: There, the facility operator itself moved to intervene—as the entity that actually runs the facility—and the court granted intervention. *Gomez Ruiz v. U.S. Immigr. & Customs Enf't*, No. 3:25-cv-09757-MMC, ECF 82 (N.D. Cal. Mar. 3, 2026); *id.*, ECF 144 (E.D. Cal. May 13, 2026).

3. GEO's Day-to-Day Operations Are Not the Government's, Which Independently Defeats Both the Merits and the Remedy

The Supreme Court has long held that federal supervision—even a contractual duty to follow the Government's precise rules “governing the care and custody of persons committed”—does not turn a contractor's operations into the Government's, because “the day-to-day operations of the contractor's facilities” remain “in the hands of the contractor” *Logue v. United States*, 412 U.S. 521, 529–30 (1973). *Logue* arose from exactly this arrangement: a contract facility holding federal detainees. *Id.* at 522-23. “A critical element in distinguishing an agency from a contractor is the power of the Federal Government ‘to control the detailed physical performance of the contractor,’” and even where the Government “fix[es] specific and precise conditions to implement federal objectives,” such “regulations do not convert the acts of entrepreneurs . . . into federal governmental acts.” *United States v. Orleans*, 425 U.S. 807, 814–16 (1976) (quoting *Logue*, 412 U.S. at 528). This Court has held the same: “Private contractors do not stand on the same footing as the federal government,” recognizing that “ICE has decided to rely almost exclusively on privately owned and operated

facilities” run by GEO and further that Section 1231(g)(1) gives both “responsibility” and “broad discretion” to the Secretary “to choose the place of detention for deportable aliens.” *GEO Group, Inc. v. Newsom*, 50 F.4th 745, 750–52 (9th Cir. 2022) (en banc); accord *United States v. New Mexico*, 455 U.S. 720, 736 (1982) (federal contractors are not “so assimilated by the Government as to become one of its constituent parts”); *United States v. Boyd*, 378 U.S. 39, 46–48 (1964). ICE’s powers to “enforce, extend, modify, or terminate the contract” are “the canonical exercise of a contracting party’s rights . . . and do[] not constitute day-to-day operational control.” CR 80 at 8 (citing *Orleans*, 425 U.S. at 815). The inquiry is the same whether the question is sovereign immunity or Article III traceability; either way, harm produced by the contractor’s independent operations is not the Government’s doing.

4. Rule 65(d) Does Not Permit a Court to Run a Nonparty’s Facility Through Defendants Who Lack Operational Control

Rule 65(d)(1)(A) requires “[e]very” injunctive order to “state the reasons why it issued.” The order here, however, includes just a single paragraph of boilerplate conclusions. CR 104 at 1 (asserting that the four *Nken* factors are met, without elaboration). Conclusions are not

“reasons” under Rule 65(d)(1)(A), and this Court would not consider such an argument preserved if it included only conclusory assertions with no accompanying reasoning. *E.g.*, *Autotel v. Nevada Bell Tel. Co.*, 697 F.3d 846, 857 n.9 (9th Cir. 2012). And although the district court promised to issue an opinion eventually, the initial compliance deadline has already passed and still no such opinion has issued.

The injunction also violates Rule 65(d)(2). An injunction binds only “the parties,” their “officers, agents, servants, employees, and attorneys,” and persons “in active concert or participation” with them, Fed. R. Civ. P. 65(d)(2), and must “state its terms specifically” and “describe in reasonable detail . . . the act or acts restrained or required,” Fed. R. Civ. P. 65(d)(1)(B)–(C). But a contractor is generally distinct from the Government, and GEO is not under the operational control of the Government. Accordingly, the injunction’s monitor-and-remedial-plan regime directs the daily operations of a nonparty through Defendants who lack the operational control to comply—and it leaves the acts required of Defendants to be written later by a monitor and a remedial plan. *See also* CR 104 ¶¶ 4–5; CR 105 (Hr’g Tr.) 14:1–7. The preliminary injunction also confers mandatory relief, which issues only

when “the facts and law clearly favor” the movant. *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (en banc). Neither does here.

Rizzo v. Goode, 423 U.S. 362 (1976), forecloses this architecture.

There, a district court restructured a police department’s internal disciplinary procedures based on the misconduct of individual officers; the Supreme Court reversed, because “the responsible authorities had played no affirmative part in depriving any members of the two respondent classes of any constitutional rights,” so the case “presented no occasion for the District Court to grant equitable relief against petitioners.” *Id.* at 377. The injunction does what *Rizzo* forbids—it restructures the internal operations of an institution based on the day-to-day conduct of persons over whom Defendants only have contractual levers, not operational control. Nor can monitors supply the decree’s missing content: “[T]he specificity provisions of Rule 65(d) are no mere technical requirements”; the Rule “was designed to prevent uncertainty and confusion on the part of those faced with injunctive orders, and to avoid the possible founding of a contempt citation on a decree too vague to be understood.” *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974). This Court sustained a compliance monitor in *Melendres v. Skinner* because

the underlying injunction gave the enjoined party “specific directives with which to comply”—unlike the vacated decrees in *Mickalis*, which commanded the defendant to obey a broad category of laws and delegated authority to the special master to fill in gaps created by that vague and general requirement. 113 F.4th 1126, 1139–40 (9th Cir. 2024) (quoting *City of New York v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 145 (2d Cir. 2011)). The district court’s order sits on the *Mickalis* side of that line twice over: The monitor supplies the compliance yardstick after the fact, CR 104 ¶ 5.b–c, and a remedial plan drafted after the injunction issues supplies the operative terms, *id.* ¶ 4.a; *see also* CR 105 (Hr’g Tr.) 14:1–7. And an “outcome” decree over every operational detail is an obey-the-law injunction in substance: As the Supreme Court has held, “the mere fact that a court has found that a defendant has committed an act in violation of a statute does not justify an injunction broadly to obey the statute and thus subject the defendant to contempt proceedings if he shall at any time in the future commit some new violation unlike and unrelated to that with which he was originally charged.” *NLRB v. Express Publishing Co.*, 312 U.S. 426, 435–36 (1941).

The preliminary injunction also lacks tailoring. An injunction must be “tailored to eliminate only the specific harm alleged,” *E. & J. Gallo Winery v. Gallo Cattle Co.*, 967 F.2d 1280, 1297 (9th Cir. 1992), must be “no more burdensome to the defendant than necessary to provide complete relief to the plaintiffs,” *McCormack v. Hiedeman*, 694 F.3d 1004, 1019 (9th Cir. 2012), and “must heel close to the identified violation,” *Gilmore v. California*, 220 F.3d 987, 1005 (9th Cir. 2000); and “[o]nly if there has been a systemwide impact may there be a systemwide remedy.” *Dayton Bd. of Ed. v. Brinkman*, 433 U.S. 406, 420 (1977). The injunction inverts these limits: It decrees facility-wide, systemwide relief without a finding of a systemwide violation.

5. The Order Issued Without the Findings *Winter* Requires and Intrudes on the Executive’s Plenary Authority Over Immigration Detention

The district court’s order issued without the findings its extraordinary remedy demands. A preliminary injunction “may only be awarded upon a clear showing that the plaintiff is entitled to such relief,” *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008), yet the injunction issued in an in-chambers minute order that recites the *Winter* factors in a single paragraph and defers its reasons to

a memorandum “to follow”—while its fourteen-day deadlines have already elapsed. Meanwhile, the record it rests on cuts against deliberate indifference: A plaintiff must show “something akin to reckless disregard,” and an agency that “took steps to address” identified risks is “far from recklessly disregarding” them. *Fraihat v. ICE*, 16 F.4th 613, 636-37 (9th Cir. 2021). The September 2025 ODO inspection found Adelanto compliant in 26 of 29 PBNDS standards—with no deficiencies in Medical Care or in Disability Identification, Assessment, and Accommodation, the two systems Plaintiffs attack—and GEO completed corrective action on the rest. CR 80-1 ¶¶ 13, 17; CR 80-6 (Ex. 5). Plaintiffs disclaimed the only theory that could bridge that gap: They told the Court they “are not challenging the policies or insufficiencies of the policies themselves,” CR 105 (Hr’g Tr.) 19:21–23, and are “not making any argument about whether those policies on their face . . . are or are not constitutionally required,” *id.* 21:15–17.

Separation-of-powers further cuts against Plaintiffs’ claims: The political branches, not the courts, are vested with plenary authority over immigration and arrangements by which removable aliens are detained. *Fiallo v. Bell*, 430 U.S. 787, 792 (1977) (“This Court has

repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.” (cleaned up)). Congress has exercised that authority by committing to the Executive broad discretion to “arrange for appropriate places of detention,” 8 U.S.C. § 1231(g)(1), and by expressly providing that nothing in the section creates “any substantive or procedural right or benefit” enforceable by “any party,” *id.* § 1231(h). How closely to police a contractor’s performance is discretion, not law: “When an agency determines the extent to which it will supervise the safety procedures of private individuals, it is exercising discretionary regulatory authority of the most basic kind.” *United States v. S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines)*, 467 U.S. 797, 819–20 (1984).

An injunction directing how ICE must inspect, staff, and supervise its detention contractor requires an Article III court to perform, in effect, an Article II function—setting and supervising immigration-enforcement policy. “[T]he operation of our correctional facilities is peculiarly the province of the Legislative and Executive Branches of our Government, not the Judicial,” *Bell v. Wolfish*, 441 U.S. 520, 548 (1979),

and courts owe “wide-ranging deference” to detention administrators in “the adoption and execution of policies and practices that in their judgment are needed to preserve internal order,” *id.* at 547; *accord Fraihat*, 16 F.4th at 643; *Procunier v. Martinez*, 416 U.S. 396, 404–05 (1974). The injunction dictates at what hours detainees may be counted, how many hours of “yard” they receive, and the procedures for any future segregation decision over a facility that the named Defendants do not even run.

6. The Provisional Class Cannot Stand, and It Cannot Deliver Relief That Article III, Rule 23, and CASA Forbid

The class defects are threshold and structural. *First*, standing: “Unless the named plaintiffs are themselves entitled to seek injunctive relief, they may not represent a class seeking that relief.” *Hodgers-Durkin v. de la Vina*, 199 F.3d 1037, 1045 (9th Cir. 1999) (en banc); *accord O’Shea v. Littleton*, 414 U.S. 488, 494 (1974) (making clear that “if none of the named plaintiffs purporting to represent a class establishes the requisite of a case or controversy with the defendants, none may seek relief on behalf of himself or any other member of the class”). For the reasons above, no named Plaintiff has standing—and

“Article III does not give federal courts the power to order relief to any uninjured plaintiff, class action or not.” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 431 (2021). **Second**, commonality: “Rule 23(b)(2) applies only when a single injunction or declaratory judgment would provide relief to each member of the class,” *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 360 (2011), and the district court already found that the requested medical relief “will inherently require an individualized determination and may vary based on a detainee’s health condition and concerns,” CR 70 (Order Denying Plaintiffs’ Motion for Preliminary Injunction) at 12. The PBNDS functions like Wal-Mart’s corporate policies—it sets standards—while GEO’s officers, nurses, and administrators exercise independent judgment detainee by detainee; Plaintiffs “have not identified a common mode of exercising discretion that pervades the entire” facility. 564 U.S. at 356.

Third, the class sweeps in “[a]ll people who are now, or who in the future will be,” detained at Adelanto—a class with no temporal limit that includes detainees with no medical needs, no disability, and no complaints, in defiance of *TransUnion*, and whose facility-wide decree collides with *Trump v. CASA, Inc.*: “[T]he question is not whether an

injunction offers complete relief to everyone potentially affected by an allegedly unlawful act; it is whether an injunction will offer complete relief to the plaintiffs before the court.” 606 U.S. 831, 852 (2025).

Fourth, the Rehabilitation Act subclass founders on the statute’s grantee structure: Section 504 runs against the recipient of federal financial assistance, and Plaintiffs have not sued the recipient—GEO. *U.S. Dep’t of Transp. v. Paralyzed Veterans of Am.*, 477 U.S. 597, 606 (1986) (Congress “imposes the obligations of § 504 upon those who are in a position to accept or reject those obligations”). These defects were briefed in full, CR 81 at 2–19, but the minute order certified provisionally without engaging them.

B. Defendants Will Be Irreparably Injured Absent a Stay

The government’s injury is concrete and immediate. The injunction “severely compromises ICE’s ability to carry out its immigration enforcement responsibilities and operations at APC,” CR 113-2 (Smith Decl.) ¶ 4, and “forces ICE to comply with arbitrary court-imposed conditions of confinement that are contrary to detainee and staff safety as well as security of the facility,” *id.* ¶ 6. All of its terms “impose requirements that cannot be implemented by ICE without

agreement of and action by a party not before this Court,” *id.*, because GEO—not ICE—manages the facility’s day-to-day operations, and “any change forced upon ICE would create an undue burden as it relates to the contractual agreement between ICE and GEO.” *Id.* ¶ 7. And condition by condition, compliance beyond current practice “would require modification of the current contract as well as significantly increased costs.” *Id.* ¶ 10; *see also id.* ¶¶ 8–9, 12, 14 (same as to water, meals, clothing, and recreation—including “a significant cost increase associated with modification of the contract with GEO”).

The injunction’s requirements inflict a further, immediate operational injury that a stay would prevent. The injunction dictates the frequency and timing of headcounts, mandates four hours per day of individual access to the main yard for every detainee, requires that physical contact be permitted during visitation absent a documented security risk, and imposes shower and restroom privacy measures at the West facility—directives that interfere with established safety measures at Adelanto. CR 113-2 (Smith Decl.) ¶¶ 11, 14–16.

Lengthening the intervals between headcounts “will adversely impact suicide prevention, prevention of introduction of contraband, identifying

medical emergencies, [and] prevention of physical assault by other detainees,” and “poses a safety risk to contracted detention personnel and detainee flight risk 24 hours a day,” *id.* ¶ 16; the visitation requirement invites the introduction of contraband, as it did approximately two months ago when a detainee was caught in a post-visitation pat-down with contraband transferred through physical contact during the visit—and the visitor was charged with introducing it. *Id.* ¶ 15. The four-hour individual-yard mandate likewise is not operationally feasible: It concentrates higher-security-risk detainees and members of security threat groups in the yard at once, displaces immigration-court, attorney, medical, meal, headcount, and visitation schedules, and cannot be accommodated while ongoing construction—prompted by a detainee’s attempted escape about a week ago through the base of the perimeter fence—secures the recreational areas; and the West-facility privacy requirement cannot be met without concealment risks that heighten the danger of self-harm, assault, and contraband. *Id.* ¶¶ 11, 14. These directives would require “modification of preexisting real property structures,” “contract changes,” and “significant capital expenditure”—all at a facility ICE does not operate.

Id. ¶¶ 11, 14.

The injunction also “frustrates and impedes ICE’s mission of enforcing immigration laws, preventing terrorism, and combating transnational criminal threats.” CR 113-2 (Smith Decl.) ¶ 5. “After aliens are detained, ICE has a duty to hold them safely in custody,” *id.*, yet the injunction “forces ICE to comply with arbitrary court-imposed conditions of confinement that are contrary to detainee and staff safety as well as security of the facility.” *Id.* ¶ 6.

The injury to the public fisc would not be remediable, especially given the Court’s waiver of any security from Plaintiffs. The district court’s order disposes of “Federal Rule of Civil Procedure 65(c)’s bond requirement” in a single line, without findings. CR 104 at 7. Dispensing with a bond is reserved for the case in which the court “concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct,” *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009) (quoting *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003))—the opposite of an order that itself mandates the monetary harm. With the bond waived, every dollar of compliance spending is permanently lost to the public fisc if Defendants prevail. ICE’s declarant makes that

exposure concrete: Compliance beyond current practice entails “a significant cost increase associated with modification of the contract with GEO,” CR 113-2 (Smith Decl). ¶ 9, and “significantly increased costs” across the ordered domains, *id.* ¶¶ 10, 12—demands on public funds that accrue now, before any appellate court reviews the decree.

The California City litigation—prosecuted by an overlapping plaintiffs’ counsel network against the same agency—confirms the burden and where it lands. The court there ordered a single external monitor “for a period of 120 days, subject to renewal by court order,” *Gomez Ruiz*, CR 72 at 3–4 (N.D. Cal. Feb. 10, 2026), and the appointment order fixed compensation “at a rate of \$425/hour,” payable by the government upon order of the court, with a single end-of-term report subject to a fourteen-day pre-filing comment procedure. *Gomez Ruiz*, CR 112 ¶¶ 7–8 (Mar. 30, 2026). The injunction here exceeds that model in every dimension: two monitors rather than one; unannounced inspections; monthly reports rather than a single term-end report; no sunset; no comment procedure; and unfixed “reasonable rates” with no court-approval gate. And when the facility operator sought a stay there, the denial rested on a ground that proves the Government’s injury here:

The contractor could not show the compliance costs would ultimately rest with it, because the ICE contract allows it to “negotiate a prospective change in the bed day or other rates.” *Gomez Ruiz v. ICE*, No. 1:26-cv-02546-JLT-CDB, ECF 145 at 5–6 (E.D. Cal. May 14, 2026). The costs, in other words, flow through the contract to the United States—and the same contract structure operates here. *See* CR 113-2 (Smith Decl.) ¶¶ 7, 9–10, 12.

The Government “suffers a form of irreparable injury” “[a]ny time [it] is enjoined by a court from effectuating statutes enacted by representatives of its people,” *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers), and the Supreme Court has confirmed: “The question before us is whether the Government is likely to suffer irreparable harm from the District Courts’ entry of injunctions that likely exceed the authority conferred by the Judiciary Act. The answer to that question is yes.” *CASA*, 606 U.S. at 860–61 (relying on *King*, 567 U.S. at 1303). A decree of this kind “is not merely an erroneous adjudication of a lawsuit between private litigants, but an improper intrusion by a federal court into the workings of a coordinate branch of the Government.” *INS v. Legalization Assistance Project*, 510

U.S. 1301, 1305–06 (1993) (O’Connor, J., in chambers). The structural insult is highly specific here: Detention of noncitizens pending removal is Executive administration—Article II “assigns the ‘executive Power’ to the President and provides that the President ‘shall take Care that the Laws be faithfully executed,’” *United States v. Texas*, 599 U.S. 670, 678 (2023), Congress clarifies the broad discretion to Executive Branch in that area, 8 U.S.C. § 1231(g)-(h)—and the injunction’s monitors, monthly reports, and court-supervised remedial planning place an Article III court in day-to-day charge of that Article II function for the life of the litigation. “Our constitutional system of separation of powers ‘contemplates a more restricted role for Article III courts.’” *Id.* at 681 (quoting *Raines v. Byrd*, 521 U.S. 811, 828 (1997)).

C. A Stay Will Not Substantially Injure Plaintiffs

A stay works no protection gap, because the substantive care standards the injunction prescribes are obligations GEO already owes ICE by contract. Conversely, the individual-yard mandate, the headcount restrictions, contact visitation, and the monitor regime go beyond the contract, and a stay of those provisions denies Plaintiffs nothing the contract promises them. There is no contradiction in the

two points: Part of the injunction duplicates GEO's contract and part goes beyond it. Both halves favor a stay—the first because protection continues under the contract, the second because the added burdens lack any offsetting protective necessity. A stay therefore restores the ordinary enforcement architecture—contract administration, surveillance under the contract's Quality Assurance Surveillance Plan, unannounced and scheduled inspections, and documented corrective action, CR 80-1 ¶¶ 13, 17—in place of court superintendence, while the appeal tests whether a federal court may superintend that architecture at all.

Plaintiffs cannot recast the pause as harm from unlawful conduct. A stay does not authorize any condition; it substitutes contractual enforcement for a judicial decree that likely exceeds the Court's power. Any claimed interim effect is outweighed by Defendants' strong showing that the preliminary injunction is improper. *Nken*, 556 U.S. at 434.

D. The Public Interest Strongly Favors a Stay

The fourth factor merges with the second when the United States is a party. *Nken*, 556 U.S. at 435; *see Assurance Wireless USA, L.P. v. Reynolds*, 100 F.4th 1024, 1031 (9th Cir. 2024). The public interest

favors a stay for three reasons. First, the public interest lies in allowing the Executive to administer the detention laws Congress assigned to it, free of judicial superintendence the courts of appeals are likely to vacate. *Fiallo*, 430 U.S. at 792; *Bell*, 441 U.S. at 548. Second, the public interest disfavors the entrenchment of an order that likely exceeds the Court’s authority under § 1252(f)(1) and Article III—including taking unappropriated public funds. Third, the public interest favors orderly appellate review: A stay “does not make time stand still,” but “hold[s] a ruling in abeyance to allow an appellate court the time necessary to review it,” *Nken*, 556 U.S. at 421.

IV. CONCLUSION

This Court should stay the preliminary injunction order pending appeal and enter an immediate administrative stay pending consideration of this motion no later than August 6.

Dated: July 31, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify this motion complies with Federal Rule of Appellate Procedure 27(d)(1)(E) because it has been prepared in 14-point Century Schoolbook, a proportionally spaced font, and that it complies with the type-volume limitation of Circuit Rules 27-1(1)(d) and 32-3(2) because it contains 5,629 words, according to Microsoft Word.

/s/ Daniel A. Beck
DANIEL A. BECK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

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

Date July 16, 2026

Title *L.T., et al., v. United States Immigration and Customs Enforcement, et al.*

Present: The Honorable

SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE

Irene Vazquez

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings: (IN CHAMBERS) ORDER GRANTING, IN PART,
PLAINTIFFS’ RENEWED MOTION FOR PRELIMINARY
INJUNCTION [DKT. NO. 77]**

Before the Court is Plaintiffs’ Renewed Motion for Preliminary Injunction. [Dkt. No. 77, Renewed Mot.]. Defendants Department of Homeland Security, Immigration and Customs Enforcement, Markwayne Mullin, Todd Lyons, Jaime Rios (“Defendants”) oppose the motion. [Dkt. No. 87, Opp’n]. The Court has considered the parties’ written and oral arguments, relevant legal authority, and record in this case.

Pursuant to Federal Rules of Civil Procedure 65(a) and 23, the Court finds that Plaintiffs have demonstrated they are likely to prevail—or at the least, raise serious questions—on the merits of their Fifth Amendment and Rehabilitation Act claims; that they will suffer irreparable harm if the Court does not issue preliminary injunctive relief; that the balance of equities tips strongly in their favor; and that the public interest lies in issuing a preliminary injunction. The Court also finds that the requirements for provisional class certification for purposes of issuing preliminary injunctive relief have been satisfied.

Accordingly, Plaintiffs’ Renewed Motion for Preliminary Injunction is **GRANTED**. Defendants and their officers, agents, servants, employees, attorneys,

and other persons who are in active concert or participation with Defendants are **PRELIMINARY ENJOINED** as follows:

- (1) Defendants are immediately ordered to ensure Plaintiffs and the detainees are provided the following:
 - a. 24-hour access to clean potable drinking water;
 - b. Nutritious and sanitary meals that contain a sufficient number of calories;
 - c. Adequate sanitation throughout Adelanto ICE Processing Center East and West. At a minimum, Defendants must ensure that (1) the facility is cleaned daily; (2) soap and hygiene products are consistently available to detainees free of charge; and (3) mold is identified, treated, and remediated at the facility;
 - d. Adequate privacy to detainees when using the restroom or showering that is consistent with the safety needs of the facility;
 - e. Access to clean, sanitary, and temperature-appropriate clothing;
 - f. Access to clean, sanitary, and temperature-appropriate mattresses, pillows, and blankets;
 - g. Access to outdoor recreation spaces that must include individual access to the yard (i.e., not the “mini-yard”) for at least four hours per day, seven days per week, unless there are documented security risks or reasons necessitating otherwise;
 - h. Visits during the facility’s business hours. Visits must not be subject to time limits unless such visits interfere with normal operation of the facility or visitation rooms reach capacity. Detained individuals and their families must be allowed to use the restroom during visits without the visit being subject to automatic cancellation. Physical contact (e.g., hugging, holding hands, etc.) must be allowed during visitation absent a documented security risk justifying otherwise.
- (2) **Headcounts:** Defendants must ensure headcounts are conducted in a manner and at times that minimize disruption to the operation of the facility.

- a. **9:00 A.M. to 8:00 P.M.:** Absent a documented security risk or reasons necessitating otherwise, headcounts conducted between 9:00 A.M. and 8:00 P.M. must be performed on an out-count basis. Out-count basis is defined as a headcount that occurs while detainees are temporarily outside their assigned housing or units. No more than two headcounts may occur between 9:00 A.M. to 8:00 P.M.
 - b. **8:01 P.M. TO 8:59 A.M.:** Headcounts conducted between 8:01 P.M. to 8:59 A.M. must be performed in a manner designed to minimize intrusion on the detainees while they are sleeping. No more than two headcounts can occur between 8:01 P.M. TO 8:59 A.M.
- (3) **Administrative Segregation:** Defendants are enjoined from isolating detainees in the Special Housing Unit, Special Management Unit, or administrative segregation absent (1) a documented security concern that threatens the safety and/or security of the facility or staff, or (2) a request from a detainee to be placed in administrative segregation. If a detainee is placed in administrative segregation, that detainee must be given notice of (1) the reasons why they have been placed in administrative segregation within 24 hours of their placement, and (2) the process by which they can contest such placement.
- Any segregation must account for the detainee's mental and physical health and evaluate whether segregated housing is likely to worsen their health. If segregation is likely to worsen a detainee's mental or physical health, alternative remedies must be considered and segregated housing should only be used if absolutely necessary.
- (4) **Remedial Plan:** Within 14 calendar days of this order, Defendants are ordered to develop and file a remedial plan to implement comprehensive systems for medical care and disability accommodations at Adelanto Processing Center East and West.
- a. **Medical care:** The remedial plan must specify policies, procedures, staffing, and required training sufficient to ensure the following:
 - i. A documented health intake screening for all new detainees within eight hours of that person's arrival at the facility. The health intake screening must be sufficient to (1) identify and begin necessary treatment of those with

- physical or mental illnesses or injuries, (2) ensure continuity of pre-detention treatment and medication, and (3) recognize, segregate, and treat those with communicable diseases;
- ii. Access to primary, secondary, and tertiary medical care for all detainees according to their health care needs. This includes timely treatment appropriate to the severity of their physical or mental conditions, consistent with the established standards of care and required timeliness for routine, urgent and emergent cases;
 - iii. Timely diagnostic testing (including procedures for prioritizing the urgency of laboratory orders) and required timeframes for review, communication to patients, and follow-up of results; and
 - iv. Continuous provision of ordered medications, according to the prescribed dosage regimen, from the time of intake and throughout the period of detention. If there are any medications changes, a qualified medical provider must explain immediately to the detainee the reason for the change; and
 - v. Provision of patients' rights materials, translated as appropriate, for all detainees that inform them of their rights as patients, including rights to confidentiality, informed consent, refusal of treatment, access to medical records, and procedures for requesting medical attention.
- b. **Disability accommodations:** The remedial plan must also specify policies, procedures, staffing, and required training to ensure the following:
- i. A system to identify and track all detainees who have qualifying disabilities, as defined by Section 504 of the Rehabilitation Act and its implementing regulations, upon intake and throughout the period of detention;
 - ii. A system for identifying and tracking the reasonable accommodations necessary for detainees with qualifying disabilities to participate in programs, services, and activities at the facility; and

- iii. Disabled detainees are provided reasonable accommodations; and
- iv. Provision of disability-specific materials, translate as appropriate, for all detainees that inform them of their right to reasonable accommodations and procedures to request reasonable accommodations.

(5) **Independent Monitors:** To ensure compliance with the remedial plan described in paragraph 4, Defendants are ordered to provide access to two qualified, independent, third-party monitors for the duration of this litigation or until terminated by court order. One independent monitor will observe and report on the systems for medical care and disability accommodations (“Medical Monitor”), and the other will focus on the conditions of confinement (“Conditions Monitor”).

- a. **Selection of independent monitors:** The parties are ordered to meet and confer regarding the selection of the independent monitors and file a written proposal within 14 days of this order identifying the proposed monitors. After receiving the parties’ written proposal(s), the Court will then appoint the Medical and Conditions Monitors.
- b. **Remedial plan review:** Within 14 days after their appointment or receipt of the remedial plan, whichever is later, the Medical Monitor must review the plan and provide feedback to the Court and the parties regarding the plan.

The parties will have 14 days after receipt of the Medical Monitor’s feedback to meet and confer, and if necessary, submit feedback to the Court regarding the adequacy of the remedial plan.

The Court will then enter a separate order adopting a Remedial Plan based on the feedback from the Medical Monitor and the parties. That subsequent order will be incorporated by reference into this order.

- c. **General duties:** The Medical and Conditions Monitors must prepare monthly reports for the Court and the parties detailing their findings and recommendations. The status reports are due on the 1st of every month.

- d. **Permissions:** Defendants must ensure that the Medical and Conditions Monitors are able to conduct unannounced, independent inspections of Adelanto Processing Center East and West. Defendants must also ensure that the Medical and Conditions Monitors have reasonable access to Adelanto Processing Center East and West, any physical and electronic health records relevant to the implementation of this order, staff, and detainees. The Medical and Conditions Monitors must keep any medical records confidential to this case. If the Medical or Condition Monitors believe any medical records need to be filed on the public docket, that monitor must first consult with the parties' counsel to determine whether such documents need to be filed under seal as required under Local Rule 79-5.2.2.
- e. **Duration:** The Medical and Conditions Monitors will be appointed for the duration of this litigation if and until (1) this preliminary injunction order is dissolved by this Court or an intermediate appellate court, (2) a permanent injunction is entered, or (3) if this action is dismissed.
- f. **Grievance System:** Defendants are ordered to ensure there is a process by which detainees can submit complaints or comments directly to the Medical or Conditions Monitors. Detainees must have free access to this system. Detainees must be able to submit a complaint or comment through (1) a physical written grievance submitted directly to the monitor or a locked box that is only accessible by the Medical or Conditions' Monitors, or (2) through an electronic grievance submitted via a tablet that is only accessible by the Medical or Conditions Monitors.

Federal Defendant must post written information about how to use this system throughout the facility in English and Spanish. Defendants must also ensure that the same information is provided to a detainee upon their request. Posters should not that the complaints or comments go directly to (1) the monitor or a locked box or (2) through an electronic grievance.

Defendants must ensure that all staff are trained to answer any questions about this system from the detainees.

- g. **Payment of Costs and/or Fees:** Defendants must pay the Medical and Conditions Monitors' reasonable rates.
- (6) Defendants are enjoined from retaliating in any form against the named Plaintiffs, any declarant, or any class member for complaining about any violation of this order, participating in this case, or otherwise asserting their constitutional or statutory rights with respect to medical care, disability accommodations, and conditions at Adelanto ICE Processing Center East and West. Defendants may not harass, intimidate, or threaten any such individuals, whether at Adelanto, in their immigration proceedings, or in any other capacity.
- (7) Federal Rule of Civil Procedure 65(c)'s bond requirement is waived.

Plaintiffs' request that the Class and Disability Subclass be provisionally certified is **GRANTED**. The Class and Disability Subclass are defined as follows:

Provisional Class: All people who are now, or who in the future will be, in the legal custody of the United States Immigration and Customs Enforcement and detained at the Adelanto ICE Processing Center East and West.

Provisional Disability Subclass: All people who have disabilities within the meaning of the Rehabilitation Act and are now, or in the future will be, in the legal custody of the United States Immigration and Customs Enforcement and detained at the Adelanto ICE Processing Center East and West.

Plaintiffs L.T., J.M., Sevak Mesrobian, Jose Mesrobian, and Coalition for Humane Immigrant Rights are **PROVISIONALLY APPOINTED** the named representatives of the Provisional Class.

L.T., Sevak Mesrobian, and Jose Mauro Salazar Garza are **PROVISIONALLY APPOINTED** the named representatives of the Provisional Disability Subclass.

Public Counsel, Immigrant Defenders Law Center, Coalition for Humane Immigrant Rights, and Willkie Farr & Gallagher are **PROVISIONALLY APPOINTED** as class counsel for the Provisional Class and Provisional Disability Subclass.

All other relief sought by Plaintiffs but not addressed in this order is held in abeyance pending the Court's issuance of its full memorandum of decision on the

Renewed Motion for Preliminary Injunction and Plaintiffs' Renewed Motion for Class Certification.

IT IS SO ORDERED.