

ATTACHMENT
TO SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER AND
EMERGENCY WRIT OF HABEAS CORPUS

Case	Relief granted?	Discussed appropriateness of habeas to claims?	Ordered alternative conditions for safer detention?
<i>Hope v. Doll</i> , Case No. 1:20-cv-00562-JEJ (M.D. Pa. Apr. 7, 2020), ECF No. 11	TRO granted: “TRO shall be granted, and the Respondents shall be directed to immediately release Petitioners today on their own recognizance.” See p.1	No.	No. The Court did state, however, “we note that ICE has a plethora of means other than physical detention at their disposal by which they may monitor civil detainees and ensure that they are present at removal proceedings, including remote monitoring and routine check-ins. Physical detention itself will place a burden on community healthcare systems and will needlessly endanger Petitioners, prison employees, and the greater community.” See p.11
<i>Malam v. Adducci</i> , Case No. 2:20-cv-10829-JEL-APP (E.D. Mich. Apr. 5, 2020), ECF No. 22	TRO granted in part: Petitioner will be subject to the following restrictions: Petitioner is subject to fourteen days of home quarantine; Petitioner must comply with all Michigan Executive Orders; and Petitioner must appear at all hearings pertaining to her removal proceedings.	Court explained: “For over 100 years, habeas corpus has been recognized as the vehicle through which noncitizens may challenge the fact of their detention. <i>See Chin Yow v. U.S.</i> , 208 U.S. 8, 13 (1908) (“Habeas corpus is the usual remedy for unlawful imprisonment.”) (emphasis added).	No.

		<p>Court found: “Petitioner may nonetheless bring her claim under 28 U.S.C. § 2241 because she seeks immediate release from confinement as a result of there being no conditions of confinement sufficient to prevent irreparable constitutional injury under the facts of her case.” See p 8</p> <p>Court found: “Petitioner’s claim must therefore be considered as a challenge to the continued validity of confinement itself. Accordingly, Petitioner’s claim is properly brought under 28 U.S.C. § 2241, and the Court has jurisdiction.” See p.12</p>	
<p><i>Coreas v. Bounds</i>, 8:20-cv-00780-TDC (D. Maryland Apr. 3, 2020), ECF No. 57.</p>	<p>TRO denied without prejudice.</p> <p>“Petitioners may renew the Motion, without leave of the Court, in the event of (1) evidence that a detainee or staff member at HCDC or WCDC has COVID 19; (2) the failure of Respondents to file a Testing Certification by Wednesday,</p>	<p>Court notes that “Petitioners are not challenging their [conditions of confinement]. Instead, they are seeking release from the facility entirely.” See p.14</p>	<p>No.</p>

	<p>April 8, 2020 that HCDC and WCDC have COVID-19 tests and will administer a test to any individual at HCDC or WCDC with suspected COVID-19 symptoms; (3) the postponement of a Petitioner’s currently scheduled immigration hearing; or (4) other materially changed circumstances. Any renewed Motion will be handled on an extremely expedited basis and may be decided without a hearing. Respondents will be ORDERED to (1) immediately inform the Court and Petitioners of any evidence that a detainee or staff member at HCDC or WCDC has COVID 19; and (2) immediately provide to the Court and Petitioners, upon execution, the above-described Testing Certifications as to both HCDC and WCDC.”</p>		
<p><i>Perez Cruz v. Barr</i>, Case No. 5:20-cv-006680-TJH-KES (C.D. Cal. Apr. 3, 2020), ECF No. 8; <i>Singh v. Barr</i>, Case No. 5:20-cv-00653-TJH-MAA (C.D. Cal.</p>	<p>TRO granted: Respondents shall release petitioner, petitioner shall not violate laws or use/ possess alcohol or illegal drugs</p>	<p>No.</p>	<p>No.</p>

Apr. 3, 2020)			
<p><i>Nguyen v. Marin</i>, Case No. 5:20-cv-000646-TJH-AGR (C.D. Cal. Apr. 3, 2020); <i>Martin Munoz v. Wolf</i>, Case No. 20-cv-00625-TJH-SHK (C.D. Cal. Apr. 2, 2020), ECF No. 14; <i>Sudney v. Wolf</i>, Case No. 5:20-cv-006260-TJH-JC (C.D. Cal. Apr. 2, 2020), ECF No. 12; <i>Arellano v. Wolf</i>, Case No. 5:20-cv-00627-TJH-GJS (C.D. Cal. Apr. 2, 2020), ECF No. 35; <i>Robles Rodriguez v. Wolf</i>, 5:20-cv-00627-TJH-GJS (C.D. Cal. Apr. 2, 2020), ECF No. 37</p>	<p>TRO granted: Respondents shall release Petitioner, Petitioner shall reside and shelter in place at a fixed address, respondents transport petitions to address, petition to not leave address except to obtain medical care, petitioner shall not violate the law or use/ possess alcohol or illegal drugs, ICE has discretion to choose surveillance/ alternatives to detention</p>	<p>No.</p>	<p>No.</p>
<p><i>Jones et al v. Wolf</i>, 20-cv-00361-LJV (W.D. N.Y April 2, 2020)</p>	<p>TRO granted in part/ denied in part: current conditions of confinement constitute a due process violation; so “the respondents shall submit a detailed plan to the Court by 5:00 p.m. on April 3, 2020, demonstrating how they will provide those petitioners who are vulnerable individuals, as</p>	<p>Court cites to <i>Thompson v. Choinski</i>, 525 F.3d 205, 209 (2d Cir. 2008) to support habeas as a vehicle for challenging detention conditions.</p>	<p>Did not order specific conditions to mitigate risk; acknowledged that respondents might take a number of steps to facilitate social distancing. See p.30-31.</p> <p>In review of the reports ordered by the court, the court held that “housing any vulnerable individuals in dormitory-style setting is insufficient to remedy</p>

	<p>defined by the Centers for Disease Control and Prevention ('CDC'), with a living situation that facilitates "social distancing." No later than 9:00 a.m. on April 6, 2020, the respondents shall report to the Court as to whether any or all of the steps outlined in the plan have been taken and, if so, which ones. They also shall identify for which petitioners the measures have been taken and provide a brief explanation why any petitioner does not meet the CDC's high-risk criteria respondents' failure to take these steps is a violation of their substantive rights under the Due Process Clause."</p>		<p>the previously-identified Due Process violations." ECF No. 54 at 3. It found Respondent's response about social distancing to be "vague." <i>Id.</i> The court ordered additional information, including affidavits that the detention center at issue cannot comply with the Court's orders. A hearing is scheduled for April 9, 2020.</p>
<p><i>Hernandez v. Wolf</i>, 5:20-cv-00617-TJH-KS (C.D. Cal. Apr. 1, 2020), ECF No. 17</p>	<p>TRO granted: Respondents shall release Petitioner by end of the next day, Petitioner shall reside at a fixed address and not leave except to obtain medical care, Petitioner shall no use or possess illegal drugs or otherwise violate the law, ICE may monitor Petitioner upon release at its discretion</p>		
<p><i>Thakker v. Doll</i>, No. 1:20-cv-00480-JEJ (M.D. Pa. Mar. 31,</p>	<p>TRO granted: Respondents shall release Petitions same day on recognizance.</p>	<p>"[W]e note that federal courts, including the Third Circuit, have condoned conditions of</p>	<p>No.</p>

2020), ECF No. 47		confinement challenges through habeas. <i>See Amer v. Obama</i> , 742 F.3d 1023, 1032 (D.C. Cir. 2014); <i>see also Woodall v. Fed. Bureau of Prisons</i> , 432 F.3d 235, 242-44 (3d Cir. 2005); <i>see also Ali v. Gibson</i> , 572 F.2d 971, 975 n.8 (3d Cir. 1978).” At 5.	
<i>Frailhat v. Wolf</i> , No. ED CV 20-00590 TJH (KSx) (C.D. Cal. Mar. 30, 2020)	TRO granted: Petitioner to be released same day, Respondents to transport him to his sponsor’s house and he shall not leave the residence except to obtain medical care; Petitioner shall not violate the law or use or possess alcohol or illegal drugs, whereabouts may be monitored at ICE’s discretion by ankle monitor or other electronic monitoring.	Discussed conditions of detention and concluded that release was the proper remedy.	No.
<i>O.M.G. v. Wolf</i> , Case No. 1:20-cv-00786 (D.D.C. Mar. 30, 2020) oral hearing transcript	TRO denied without prejudice to refile in a week after government has provided evidence about living conditions.	No.	No, but ordered the Judge Gee’s order related to guidelines for children in detention applies to adults in family detention centers; ordered reports by April 6 about capacity, living conditions, and video of the detention centers as well as reports about steps it is taking to release the families.
<i>Sacal Micha v. Longoria</i> , Case No. 1:20-CV-37, 2020 WL 1518861 (S.D. Tex.	TRO denied	Although a “district court possesses inherent authority to grant bail based on a petition for habeas relief, if	No.

March 27, 2020)		doing so is required to protect the court's ability to consider the petitioner's claim that has been properly brought before it," see *3, "[a]llegations that challenge rules, customs, and procedures affecting conditions of confinement are properly brought in civil rights actions." See *4 (internal cite omitted). Court determined that the petition challenged conditions of detention and that allegations about Respondents' inability to provide safe conditions did not contain information specific to the detention center in question. See *5-6.	
<i>Castillo v. Barr</i> , Case No. 5:20-cv-00605-TJH-AFM, 2020 WL 1502864 (C.D. Cal. March 27, 2020)	TRO granted: release pending further order of the court.	Discussed conditions of detention and concluded that release was the proper remedy.	No.
<i>Coronel v. Decker</i> , Case No. 1:20-cv-02472-AJN, 2020 WL 1487274 (S.D.N.Y. Mar. 27, 2020)	TRO granted: Petitioners to be released on reasonable conditions (ordered parties to meet and confer about conditions the same day)	Cites to <i>Mapp v. Reno</i> , 241 F.3d 221 (2d Cir. 2001) for authority to release. Re: conditions states, "the carceral setting in which they are detained means that preventative strategies like social distancing are difficult to	No.

		implement, thus creating a ‘significantly higher’ risk for spread of infectious diseases like COVID-19” and “Petitioners’ medical needs remain unmet.” See *4. Moreover, although “ICE has taken some steps,” “[n]one of these steps are adequate to mitigate the transmission of the virus when there’s already documented community-based transmission.” See *5.	
<i>Basank v. Decker</i> , Case No. 1:20-cv-02518-AT, 2020 WL 1481503 (S.D.N.Y. Mar. 26, 2020)	TRO granted: Petitioners released on recognizance immediately and respondents restrained from re-arresting them during pendency of proceedings.	Court cites to <i>Roba v. United States</i> , 604 F.2d 215, 218–19 (2d Cir. 1979) (habeas appropriate vehicle for conditions that pose threat to wellbeing). See *4	No.
<i>Dawson v. Asher</i> , Case No. 2:20-cv-00409-JLR-MAT, 2020 WL 1304557 (W.D. Wash. Mar. 19, 2020)	TRO denied	Court states that nothing in the record suggests that a change in conditions would not remedy the alleged violation. See *2.	No.