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10

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

14

15 LUCAS R., et al.,

16 Plaintiffs,

17 v.

18 ALEX AZAR, et al.,

19 Defendants.

Case No. 2:18-CV-05741 DMG PLA

**DECLARATION OF CARLOS HOLGUÍN IN  
SUPPORT OF *EX PARTE* APPLICATION  
FOR TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

Hearing: None Set  
Judge: Hon. Dolly M. Gee

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*Attorneys for Plaintiffs*

1 I, Carlos Holguín, hereby declare:

2 1. I am an attorney admitted to the bar of the United States District Court for  
3 the Central District of California. I am one of the attorneys who serve as class counsel  
4 for Plaintiffs in the above-captioned action. I am also one of the attorneys for the  
5 plaintiff class in *Flores v. Barr*, No. 2:85-cv-04544-DMG-AGR. My business address  
6 is 256 S. Occidental Blvd., Los Angeles, CA 90057. I execute this declaration in support  
7 of Plaintiffs' ex parte application for a temporary restraining order and order to show  
8 cause re: preliminary injunction protecting *Lucas R.* class members from irreparable  
9 injury during the COVID-19 national public health emergency. I declare that the  
10 following statements are true to the best of my knowledge, information, and belief,  
11 formed after reasonable inquiry of the circumstances. I have personal knowledge of the  
12 facts set forth below and, if called as a witness, I could and would testify competently  
13 as follows.

14 2. Pursuant to ¶¶ 28 and 29 of the settlement approved in *Flores* in 1997, the  
15 Office of Refugee Resettlement ("ORR") provides *Flores* class counsel with statistical  
16 reports on all juveniles in its custody. Among other things, these reports identify class  
17 members, indicate in the name and type of facility in which they are detained, and  
18 provide the date on which each juvenile came into ORR custody. ORR's data do not  
19 indicate whether juveniles have a family member or other potential custodian in the  
20 United States available to receive them, nor do they indicate whether a potential  
21 custodian has submitted a family reunification application seeking a given juvenile's  
22 release.

23 3. The most recent statistical report indicates as of March 13, 2020, ORR had  
24 3,622 children in custody, 1,193 of whom were in congregate settings after having been  
25 in ORR custody for 30 days or more.

26 4. In the course of representing *Flores* class members, in or about December  
27 2018, I participated in a meeting at ORR's Shiloh residential treatment center with ORR  
28 representatives overseen by the *Flores* Special Master/Independent Monitor, Andrea

1 Sheridan Ordin. During the meeting, an ORR representative presented a PowerPoint  
2 providing statistics regarding juveniles in ORR custody. At my request, defense counsel  
3 in *Flores* later forwarded me a printout of the Shiloh PowerPoint presentation, a true  
4 and correct copy of which is annexed as Exhibit O to this Declaration.

5 5. On March 22, 2020, I sent a letter to counsel for Defendants outlining the  
6 grave risk posed to Class Members by continuing to house them in congregate care as  
7 well as the relief Plaintiff intended to request through an application for a TRO. On  
8 March 23, 2020, I telephonically met and conferred with Benjamin M. Moss, Senior  
9 Litigation Counsel for the Office of Immigration Litigation, one of the attorneys for the  
10 Defendants in the above-entitled action,<sup>1</sup> in an effort to obviate the need for Plaintiffs  
11 to seek a temporary restraining order and to show cause re: preliminary injunction. I  
12 advised counsel Moss of the substance of the attached ex parte application. I also  
13 informed him that this application would be filed this week. Counsel Moss indicated on  
14 the March 23, 2020 call that Defendants intended to oppose the ex parte application.

15 6. On March 24, 2020, Defendants' counsel wrote Plaintiffs and advised,  
16 *inter alia*, that "ORR has stopped placements of UACs<sup>2</sup> in the states of California, New  
17 York, and Washington." To date, Defendants have not taken any action to expedite  
18 resolution of this dispute which is endangering the health and lives of children at ORR  
19 facilities.

20 7. Attached hereto as Exhibit A is a true and correct copy of the article by  
21 Priscilla Alvarez and Catherine E. Shoichet, "First ICE detainee tests positive for  
22 coronavirus," CNN (Mar. 24, 2020), [https://www.cnn.com/2020/03/24/us/ice-detainee-](https://www.cnn.com/2020/03/24/us/ice-detainee-coronavirus/index.html)  
23 [coronavirus/index.html](https://www.cnn.com/2020/03/24/us/ice-detainee-coronavirus/index.html).

24 8. Attached hereto as Exhibit B is a true and correct copy of the Declaration  
25 of Dr. Julie DeAun Graves, dated March 24, 2020.

26  
27 <sup>1</sup> Counsel Moss' contact information is as follows: Office of Immigration Litigation,  
28 U.S. Department of Justice, Civil Division, P.O. Box 878, Ben Franklin Station,  
Washington, DC 20044, (202) 307-8675, [benjamin.m.moss2@usdoj.gov](mailto:benjamin.m.moss2@usdoj.gov)

<sup>2</sup> "UACs" stands for Unaccompanied Children.

1 9. Attached hereto as Exhibit C is a true and correct copy of the Declaration  
2 of Dr. Jaimie Meyer, dated March 15, 2020. This declaration was originally prepared  
3 for use in *Velesaca v. Decker*, No. 1:20-cv-1803 (S.D.N.Y. Mar. 16, 2020), as well as  
4 in *O.M.G. et al. v. Wolf et al.*, No. 1:20-cv-00786 (D.D.C. Mar. 21, 2020), and is  
5 reproduced with permission of the author.

6 10. Attached hereto as Exhibit D is a true and correct copy of a letter to  
7 Committee Chairpersons and Ranking Members of the United States Congress,  
8 authored by Drs. Scott A. Allen and Josiah Rich, dated March 19, 2020, available at  
9 [https://whistleblower.org/wp-content/uploads/2020/03/Drs.-Allen-and-Rich-](https://whistleblower.org/wp-content/uploads/2020/03/Drs.-Allen-and-Rich-3.20.2020-Letter-to-Congress.pdf)  
10 [3.20.2020-Letter-to-Congress.pdf](https://whistleblower.org/wp-content/uploads/2020/03/Drs.-Allen-and-Rich-3.20.2020-Letter-to-Congress.pdf).

11 11. Attached hereto as Exhibit E is a true and correct copy of the Declaration  
12 of Dr. Nancy Y. Wang, dated March 24, 2020.

13 12. Attached hereto as Exhibit F is a true and correct copy of the Declaration  
14 of Anthony Enriquez, Esq., dated March 24, 2020.

15 13. Attached hereto as Exhibit G is a true and correct copy of the Declaration  
16 of Hannah P. Flamm, Esq., dated March 24, 2020.

17 14. Attached hereto as Exhibit H is a true and correct copy of the Declaration  
18 of Rachel Rutter, Esq., dated March 23, 2020.

19 15. Attached here to as Exhibit I is a true and correct copy of the Declaration  
20 of Dr. Mira Zein, dated March 23, 2020.

21 16. Attached hereto as Exhibit J is a true and correct copy of the Declaration  
22 of Dr. Craig Haney, Ph.D, dated March 21, 2020.

23 17. Attached hereto as Exhibit K is a true and correct copy of the email entitled  
24 “COVID-19 INTERIM GUIDANCE FOR ORR PROGRAMS” and attachments, sent  
25 by the Office of Refugee Resettlement, Unaccompanied Children’s Program, Division  
26 of Health for Unaccompanied Children on March 13, 2020.

27 18. Attached hereto as Exhibit L is a true and correct copy of the “Interim  
28 Guidance on Management of Coronavirus Disease 2019 (COVID – 19) in Correctional

1 and Detention Facilities, published by the Centers for Disease Control and Prevention  
2 on March 23, 2020.

3 19. Attached hereto as Exhibit M is a true and correct copy of the Office of  
4 Refugee Resettlement “UAC Manual of Procedures (UAC MAP).”

5 20. Attached hereto as Exhibit N is a true and correct copy of excerpts of the  
6 Office of Refugee Resettlement Policy Guide, available at <https://www.acf.hhs.gov/or>  
7 [r/resource/children-entering-the-united-states-unaccompanied](https://www.acf.hhs.gov/or/resource/children-entering-the-united-states-unaccompanied).

8 21. Attached hereto as Exhibit O is a true and correct copy of the Shiloh  
9 PowerPoint Presentation defense counsel in *Flores* sent to me.

10 22. Attached hereto as Exhibit P is a true and correct copy of the Declaration  
11 of James M. Owens, dated February 7, 2018.

12 I declare under penalty of perjury under the laws of the United States that the  
13 foregoing is true and correct.

14 Executed on this 24th day of March, 2020, at Santa Clarita, California.

15 Respectfully submitted,

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19 Carlos Holguín  
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