

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

M.S.P.C., et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 14-1437-ABJ
)	
JEH JOHNSON, Secretary, U.S.)	
Department of Homeland Security, et al.,)	
)	
Defendants.)	
)	

Plaintiffs’ Notice of Voluntary Dismissal

Pursuant to Rules 41(a)(1)(A)(i) and 41(a)(1)(B) of the Federal Rules of Civil Procedure, Plaintiffs submit this notice of voluntary dismissal of all claims, without prejudice, in the above captioned case.

On August 22, 2014, Plaintiffs initiated this case to challenge the federal government’s unlawful expedited removal policies at the Artesia Family Residential Center. Plaintiffs are Central American mothers and children who are fleeing persecution in their home countries. After they entered the United States seeking refuge, they were arrested and detained by the federal government at a remote federal detention facility in Artesia, New Mexico. In their Complaint, Plaintiffs challenged policies and procedures by the federal government that denied them a meaningful opportunity to present their claims, prejudged their cases and applied an erroneous legal standard to deny their claims, and resulted in orders of removal that would have returned them to countries where they face extreme danger, despite obviously meritorious claims. Under the challenged policies, Plaintiffs and other families detained at Artesia were almost

completely cut off from communications with the outside world, provided insufficient information and in some cases no information about their rights under the Immigration and Nationality Act (“INA”), affirmatively precluded from effectively contacting and receiving assistance from attorneys, and ultimately forced to navigate pro se a complex immigration process that was heavily weighted against them. Plaintiffs and others detained at Artesia were subjected to a highly truncated process in which they were provided virtually no notice of when critical proceedings were scheduled to occur; asylum officers and immigration judges rushed them to answer questions regarding the violence, death threats, and sexual abuse they feared, while their children listened; their children were ordered removed without being individually screened to determine whether they had a separate basis for fearing persecution; and asylum claims were denied for failing to properly respond to questions phrased in complicated legal terminology.

Shortly after this case was filed, news reports indicated that the Department of Homeland Security (“DHS”) responded by sending a team of senior officials to monitor the situation at the Artesia detention center.¹ In mid-September, the Deputy Secretary of Homeland Security publicly acknowledged the concerns raised about the expedited removal procedures at the Artesia facility, recognizing that “quite frankly, the advocacy community has identified instances where we have not provided as we should for the care and needs of those families.”² The Deputy Secretary explained that Defendant DHS Secretary Jeh Johnson “accelerated the[]visit” of senior DHS officials “to the Artesia

¹ Julia Preston, *In Remote Detention Center, a Battle on Fast Deportations*, N.Y. Times, Sept. 5, 2014, available at http://www.nytimes.com/2014/09/06/us/in-remote-detention-center-a-battle-on-fast-deportations.html?_r=0.

² Elise Foley, *DHS ‘Will Respond Aggressively’ to Reported Mistreatment of Immigrant Detainees*, Huffington Post, Sept. 16, 2014 (reporting on remarks by Deputy Secretary of Homeland Security Alejandro Mayorkas), available at http://www.huffingtonpost.com/2014/09/16/dhs-family-detention_n_5829782.html.

facility in response to the concerns articulated by the community, the concerns about the ability to conduct screening of a parent outside the presence of a child; issues of concerns of access to counsel; the scheduling of interviews; the privacy of spaces and the like. . . . We understand those concerns and we want the conditions of our facilities to be at the highest levels that everyone here would embrace.”³ The Deputy Secretary further stated that “[i]f . . . we fall short, . . . then we will respond aggressively to address that and to solve that problem.”⁴

Plaintiffs were eventually able to secure representation by volunteer attorneys who travelled long distances and selflessly dedicated hundreds of hours of pro bono work to assisting them. In each of the Plaintiffs’ immigration cases, the federal government ultimately revisited the negative decisions, vacated the expedited removal orders, and placed each Plaintiff in regular immigration judge removal proceedings; and an immigration judge has already granted asylum to one Plaintiff (M.R.R.) and her children. In taking these actions, the government has essentially acknowledged that Plaintiffs have meritorious claims of credible fear of persecution, that they should not have been subjected to expedited removal orders, and that they should be given a full and fair opportunity to make out their asylum claims.

³ Transcript of Remarks by Deputy Secretary of Homeland Security Alejandro Mayorkas on the Central American Migrant Crisis, NDN, National Press Club, Sept. 16, 2014, *available at* <http://ndn.org/blog/2014/09/transcript-deputy-secretary-homeland-security-mayorkas-ndn-event>.

⁴ Elise Foley, *DHS ‘Will Respond Aggressively’ to Reported Mistreatment of Immigrant Detainees*, Huffington Post, Sept. 16, 2014, *available at* http://www.huffingtonpost.com/2014/09/16/dhs-family-detention_n_5829782.html.

On November 18, 2014, less than three months after this case was filed, the federal government announced its plans to close the Artesia detention facility,⁵ and, on or about December 18, 2014, the facility was finally closed.⁶

Under Rule 41(a)(1)(A)(i), “the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” *See also* Fed. R. Civ. P. 41(a)(1)(B) (“Unless the notice . . . states otherwise, the dismissal is without prejudice.”). In the instant case, Defendants have not yet filed any answer or motion for summary judgment.

Accordingly, Plaintiffs hereby dismiss all claims in this case without prejudice.

Dated: January 30, 2015

Respectfully submitted,

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⁵ Jeremy Redmon, *ICE To Close Controversial Immigration Detention Center in New Mexico*, Atlanta Journal – Constitution, Nov. 18, 2014, available at <http://www.ajc.com/news/news/state-regional-govt-politics/ice-to-close-controversial-immigration-detention-c/nh9T9/>.

⁶ Lauren Villagran, *Artesia Immigrant Detention Center Closes*, Albuquerque Journal, December 22, 2014, available at <http://www.abqjournal.com/516099/abqnewsseeker/artesia-immigrant-detention-center-closes.html>.

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