

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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L.V.M., a minor, by and through his next friend :
EDITH ESMERALDA MEJIA DE GALINDO, :
on his own behalf and on behalf of others similarly :
situated, :

Plaintiffs / Petitioners, :

-against- :

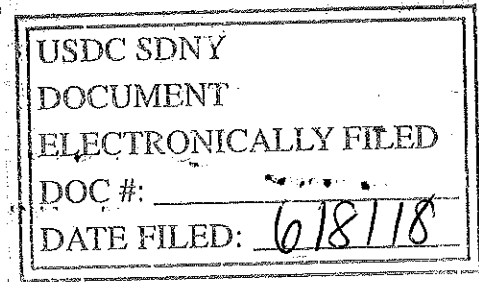
SCOTT LLOYD, Director, Office of Refugee :
Resettlement; JONATHAN WHITE, Deputy :
Director, Office of Refugee Resettlement; :
STEVEN WAGNER, Acting Assistant Secretary :
for the Administration for Children and Families, :
U.S. Department of Health and Human Services; :
ALEX AZAR, Secretary, U.S. Department of :
Health and Human Services; ELCY VALDEZ, :
Federal Field Specialist, Office of Refugee :
Resettlement; JEREMY KOHOMBAN, President :
and Chief Executive Officer, Children’s Village, :

Defendants / Respondents. :
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HONORABLE PAUL A. CROTTY, United States District Judge:

This putative class action deals with the proper and appropriate treatment of unaccompanied alien children (“UAC”) who are kept by the Office of Refugee Resettlement (“ORR”) of the U.S. Department of Health and Human Services. Defendant Kohomban is the President and Chief Executive Officer of Children’s village, a private, not-for-profit corporation which has a contract with the ORR to provide facilities to house the UAC held by the ORR.

Kohomban moves to dismiss, contending that he is not the proper defendant or respondent in this action because (1) a private party that operates a residential campus used by the ORR cannot be a “custodian” of detained children for *habeas corpus* purposes (ECF 59 at 10), and (2) Plaintiffs have failed to state non-habeas claims against him (*id.* at 14–20).



18 Civ. 1453 (PAC)

ORDER

Kohomban is correct; he is not a proper respondent of Plaintiffs' habeas claims. *See, e.g., Maldonado v. Lloyd*, 2018 WL 2089348, at *1 (S.D.N.Y. 2018); *Santos v. Smith*, 260 F. Supp. 3d 598, 608 (W.D. Va. 2017); *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1185 (N.D. Cal. 2017). Plaintiffs do not disagree. ECF 71 at 22–23. Plaintiffs also do not oppose the dismissal of non-habeas claims against Kohomban. *Id.* at 23, n.1.

Accordingly, Kohomban's motion to dismiss the complaint is granted. The Clerk of Court is directed to close the motion at ECF 58.

Dated: New York, New York
June 8, 2018

SO ORDERED



PAUL A. CROTTY
United States District Judge