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6 Counsel for Plaintiff-Petitioners

7 **UNITED STATES DISTRICT COURT**
 8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 Cristian Doe, Diana Doe,
 10
 11 Plaintiff-Petitioners,

12 v.

13 KEVIN K. McALEENAN, Acting Secretary
 of Homeland Security; KENNETH T.
 14 CUCCINELLI, Acting Director of U.S.
 Citizenship and Immigration Services;
 15 MARK A. MORGAN, Acting
 Commissioner of U.S. Customs and Border
 Protection; DOUGLAS HARRISON, Chief
 16 Patrol Agent, U.S. Border Patrol San Diego
 Sector; RYAN SCUDDER, Acting Chief
 17 Patrol Agent, U.S. Border Patrol El Centro
 Sector; ROBERT HOOD, U.S. Customs and
 18 Border Protection Officer in Charge, San
 Ysidro Port of Entry; SERGIO BELTRAN,
 19 U.S. Customs and Border Protection Officer
 in Charge, Calexico Port of Entry;
 20 WILLIAM BARR, Attorney General of the
 United States,

21
22 Defendants-Respondents.

Case No. '19CV2119 DMS AGS

**PLAINTIFF- PETITIONERS’
 NOTICE OF MOTION AND
 MOTION FOR EMERGENCY
 TEMPORARY
 RESTRAINING ORDER, AND
 FOR CLASS-WIDE
 PRELIMINARY
 INJUNCTION**

Date: TBD

Time: TBD

Courtroom: TBD

Judge: TBD

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24
25 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

26 PLEASE TAKE NOTICE that as soon as the matter may be heard before the
 27 judge assigned to this case at a date and time to be designated by the assigned
 28 judge, of which Plaintiff-Petitioners will serve notice, Plaintiff-Petitioners will and

1 hereby do move this Court for an order granting an emergency temporary
2 restraining order requiring the government to refrain from denying Plaintiff-
3 Petitioners, who are in the custody of Customs and Border Protection, access to
4 their retained counsel.

5 PLEASE TAKE FURTHER NOTICE that as soon as the matter may be
6 heard before the judge assigned to this case at a date and time to be designated by
7 the assigned judge, of which Plaintiff-Petitioners will serve notice, Plaintiff-
8 Petitioners will and hereby do move this Court for an order granting a class-wide
9 preliminary injunction requiring the government to refrain from denying access to
10 retained counsel for all class members that Plaintiff-Petitioners seek to represent,
11 defined as follows:

12 All individuals who are detained in CBP custody in California awaiting or
13 undergoing *non-refoulement* interviews pursuant to what the government
14 calls the “Migrant Protection Protocols” program and who have retained
15 lawyers.

16 Plaintiff-Petitioners’ Motion is based on this Notice of Motion and Motion;
17 the concurrently-filed supporting Memorandum of Points and Authorities, and
18 declarations attached thereto; on all papers, pleadings, records and files in this case,
19 including the concurrently filed Motion for Class Certification; on all matters of
20 which judicial notice may be taken; and on such other argument and/or evidence as
21 may be presented to this Court at a hearing on this motion.

22 Immediately upon filing this motion, Plaintiff-Petitioners’ counsel will email
23 copies of all case filings to Katherine Parker, Chief, Civil Division of the U.S.
24 Attorney’s Office for the Southern District of California at
25 Katherine.Parker@usdoj.gov. Plaintiffs’ counsel has also arranged for copies of all
26 case filings to be hand delivered to the U.S. Attorney’s Office for the Southern
27 District of California today, November 5, 2019, at 880 Front Street, Rm. 6293, San
28 Diego, CA 92101.

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Plaintiff-Petitioners respectfully request an immediate hearing on this Motion to the extent it seeks an emergency temporary restraining order and a separate hearing on this Motion to the extent it seeks a class-wide preliminary injunction..

Dated: November 5, 2019

Respectfully submitted,
s/Monika Y. Langarica
Monika Y. Langarica
Jonathan Markovitz
Bardis Vakili
David Loy
ACLU FOUNDATION OF SAN
DIEGO & IMPERIAL COUNTIES
Attorneys for Plaintiffs-Petitioners