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8 *Attorneys for Plaintiffs*

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

14 Jenny Lisette Flores., *et al.*,  
15 Plaintiffs,

16 v.

17 William Barr, Attorney General of the  
18 United States, *et al.*,  
19 Defendants.  
20

Case No. CV 85-4544-DMG-AGRx

**Ex Parte Application for Temporary  
Restraining Order and Order to  
Show Cause re: Preliminary  
Injunction.**

Hearing: None set

Judge: Hon. Dolly M. Gee

1 *Counsel for Plaintiffs, continued*

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 65 and Local Rule  
3 7- 19, Plaintiffs in the above-captioned matter, hereby apply *ex parte* to this Court  
4 for a temporary restraining order (“TRO”) and for issuance of an order to show  
5 cause why a preliminary injunction should not issue. This *ex parte* application is  
6 based upon this Application, the accompanying Memorandum of Points and  
7 Authorities, the concurrently-filed Declaration of Class Counsel Peter Schey and all  
8 exhibits thereto, all papers on file in this action, and any oral argument of counsel  
9 the Court may hear. The Memorandum of Points and Authorities in support of this  
10 Application is filed herewith.

11 The Plaintiffs bring this application on an *ex parte* basis because, as  
12 described in the memorandum filed herewith, by continuing to detain Class  
13 Members in congregate detention facilities in the face of the COVID-19 pandemic  
14 and public health national emergency, including in unlicensed facilities, and failing  
15 to make and record continuous efforts aimed at their release to available custodians,  
16 or unreasonably delaying such efforts, and failing to provide reasons why class  
17 members who are neither flight risks nor a danger are not being released,  
18 Defendants violate the Flores Agreement (“Agreement”) approved by this court on  
19 January 28, 1997. As a result, Class Members (and the public) face grave risk to  
20 their health and lives that is in need of immediate attention in order to avoid further  
21 loss of life.

22 Plaintiffs respectfully submit that *ex parte* relief is appropriate given that the  
23 facts set forth in the attached memorandum and its supporting papers evidence that  
24 immediate and irreparable injury will result to Plaintiffs before opposition can be  
25 heard.

26 **Statement of Compliance with Rule with Civil Local Rule 7-19**

27 Counsel for Defendants are:

28 JOSEPH H. HUNT  
Assistant Attorney General

1 Civil Division  
2 WILLIAM C. PEACHEY  
3 Director, District Court Section  
4 Office of Immigration Litigation  
5 WILLIAM C. SILVIS  
6 Assistant Director, District Court Section  
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13 Pursuant to Civil Local Rule 7-19.1 and Fed. R. Civ. P. 65, counsel for the  
14 Plaintiffs informed counsel for Defendants of the substance and date of this *ex parte*  
15 application. Declaration Of Peter Schey In Support Of *Ex Parte* Application For  
16 Temporary Restraining Order and Order To Show Cause Re: Preliminary  
17 Injunction ¶¶ 6-7. On March 22, 2020, Plaintiff sent a letter to counsel for  
18 Defendants outlining the grave risk posed to Class Members by continuing to house  
19 them in congregate care as well as the relief Plaintiff intended to request through an  
20 application for a TRO. *Id.* On March 23 and 24, 2020, the parties met and conferred  
21 telephonically. *Id.* Counsel for Defendants informed Plaintiffs that Defendants  
22 would oppose the application for a TRO. *Id.* To date, Defendants have not taken  
23 any action to expedite resolution of this dispute which is endangering the health and  
24 lives of children at ORR facilities. *Id.*

1 Dated: March 26, 2020

CENTER FOR HUMAN RIGHTS AND  
CONSTITUTIONAL LAW

Peter A. Schey  
Carlos R. Holguin

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LEGAL ADVOCATES FOR CHILDREN  
AND YOUTH

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Katherine H. Manning  
Annette Kirkham

*Of counsel:*

ALDEA - THE PEOPLE'S JUSTICE CENTER  
Bridget Cambria

/s/ Peter Schey

Peter A. Schey  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Peter Schey, declare and say as follows:

I am over the age of eighteen years of age and am not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 256 S. Occidental Blvd., Los Angeles, CA 90057, in said county and state.

On March 26, 2020, I electronically filed the following document(s):  
Ex Parte Application for Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction.  
with the United States District Court, Central District of California by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

*/s/Peter Schey  
Attorney for Plaintiffs*