UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WILMER GARCIA RAMIREZ, *et al.*, Plaintiffs, v. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, *et al.*, Defendants.	Civil Action No. 1:18-CV-00508-RC Class Action

DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO CLARIFY AND ENFORCE THE COURT'S ORDER GRANTING PLAINTIFFS' MOTION TO ENFORCE THE FINAL JUDGMENT AND PERMANENT INJUNCTION

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INTRODUCTION

On October 27, 2025, Plaintiffs moved the Court to enforce the Final Judgment and Permanent Injunction in this matter. Plaintiffs won their motion and, on December 12, 2025, the Court ordered nearly the exact relief they sought. Now, purportedly requesting that the Court clarify and enforce its December 12, 2025 Order, Plaintiffs effectively move the Court to add additional requirements to that Order. The Court should not change, or "clarify," that Order.

The Order is clear. It declares, in relevant part, that "Defendants' failure to continue to implement determinations under 8 U.S.C. § 1232(c)(2)(B) that the least restrictive placement for an age-out is release, and instead re-arrest and detain such age-outs absent materially changed circumstances regarding the statutory risk factors under § 1232(c)(2)(B), violates this Court's Final Judgment and Permanent Injunction." ECF No. 435 at 2. It further orders, in relevant part, that "Defendants produce *information* on an ongoing basis concerning any age-outs who have been re-arrested and detained since July 2025 because of Defendants' [now enjoined October 1, 2025] change in policy." *Id.* (emphasis added).

The Court's Order, requiring that Defendants produce information on an ongoing basis regarding re-arrested former age-outs, needs no clarification or enforcement. Since the Court's Order, Defendants have provided spreadsheets containing information regarding such age-outs, specifically on January 5, January 30, February 20, and March 20, 2026, thus far.[1] Certainly, the Court's Order does not require, nor contemplate in the abstract, production of the litany of documents and data Plaintiffs now request. In short, Defendants maintain that the Court's mandate is clear and, notwithstanding Plaintiffs' desire that Defendants produce a multitude of information,

[1] The parties have agreed that Defendants will provide the reporting required by the Court's December 12, 2025 Order on the twentieth of each month.

Defendants are complying with the Order. Therefore, the Court should deny Plaintiffs' motion and, accordingly, decline to issue the additional relief they now seek.

BACKGROUND

On July 2, 2020, following a three-week trial, the Court issued its Findings of Fact and Conclusions of Law Concerning Liability in this case. *See Ramirez v. U.S. Immigr. & Customs Enf't*, 471 F. Supp. 3d 88 (D.D.C. 2020). The Court found that U.S. Immigration and Customs Enforcement ("ICE") was liable under the Administrative Procedure Act for failing to follow procedures made necessary by the Violence Against Women Act Reauthorization of 2013 ("VAWA"), 8 U.S.C. § 1232(c)(2)(B), and for refusing to take actions that statute required it to take. *Id.* at 182–91.

8 U.S.C. § 1232(c)(2)(B) states:

> If a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary *shall consider* placement in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight. Such aliens *shall be eligible* to participate in alternative to detention programs, utilizing a continuum of alternatives based on the alien's need for supervision, which may include placement of the alien with an individual or an organizational sponsor, or in a supervised group home.

The Court held that "[t]he statute requires that ICE field officers take into account the statutory risk factors of danger to self, danger to community, and risk of flight, and that they consider placing age-outs in the least restrictive setting available." ECF No. 333 at 3. To consider placing an age-out in the least restrictive setting available, "ICE officers must be able to identify what available setting would be least restrictive. This requires making an inquiry into available placements for age-outs." *Id*. The Court acknowledged that its review "[o]nly extends to the decisionmaking process established by Section 1232(c)(2)(B), and not to the substance of the individual age-out custody determinations." *See id.* at 146–47.

On September 21, 2021, the Court entered a Final Judgment and Permanent Injunction. ECF No. 368. Pursuant to the Permanent Injunction, Defendants provide Plaintiffs' counsel on a monthly basis a spreadsheet summary of all age-outs from the prior month, along with the Age-Out Review Worksheet ("AORW") and supporting materials. *Id.* at 6. Until late 2025, Plaintiffs raised no concerns regarding compliance. *See* ECF No. 417 at 7 ("For the past four years, Defendants have substantially complied with the Court's order, consistently releasing over 98 percent of all unaccompanied children rather than detaining them in ICE custody.").

On October 27, 2025, Plaintiffs moved to enforce the Permanent Injunction, challenging ICE's now-enjoined October 2025 policy that required consideration of the mandatory detention provision at § 1225(b), when conducting age-out reviews, in order to comply with a July 2025 ICE memorandum on detention authority. *See* ECF No. 417. Plaintiffs requested that the Court order, in relevant part, that Defendants be enjoined from "detaining any age-outs in any manner that contravenes the Permanent Injunction . . . absent a material change in their circumstances indicating they are now a flight risk or danger to the community." ECF No. 418 at 1. They also asked that the Court order that "Defendants produce information on an ongoing basis about any age-outs who have been arrested and re-detained since July 2025 because of Defendant' change in policy." ECF No. 418 at 2.

On December 12, 2025, the Court granted Plaintiffs' motion to enforce. ECF Nos. 435, 436. The Court declared the challenged policy unlawful, enjoined it, and ordered release of age-outs re-detained under the policy. ECF No. 435 at 1–2. Additionally, as requested, the Court ordered Defendants to "produce information on an ongoing basis concerning any age-outs who have been re-arrested and detained since July 2025 because of Defendants' change in policy." *Id.* at 2.

Since the Court issued its December 2025 Order, ICE has provided, on a monthly basis, spreadsheets containing information regarding former age-outs who ICE re-detains. *See* Sealed Exhs. A–D (filed Mar. 25, 2026). The spreadsheets provide the following data: names, alien registration numbers, detention locations, dates of birth, country of citizenship, gender, re-arrest dates, and a brief description of changed circumstances. *See id.* Further, ICE has modified its reports to include additional information that would allow Plaintiffs to further review each individual alien's re-detention.

LEGAL STANDARDS

A. Motion to Clarify

The "general purpose of a motion for clarification is to explain or clarify something ambiguous or vague"—"not to alter or amend." *United States v. Philip Morris USA, Inc.* ("*Philip Morris*"), 793 F. Supp. 2d 164, 168 (D.D.C. 2011) (internal quotation omitted). A motion for clarification may not be used to "re-litigate a matter that the court has considered and decided." *Sai v. Transp. Sec. Admin.*, No. 14-0403, 2015 WL 13889866, at *3 (D.D.C. Aug. 19, 2015). It may be "significant" if a party moving for clarification "fail[s] to identify anywhere in their Motion which provisions" of the subject order are "'ambiguous' or "vague.'" *Philip Morris*, 793 F. Supp. 2d at 168 ("Rather, what Defendants seek is to add new language to Order # 1015 containing new declarations of law.").

B. Motion to Enforce

"Courts grant motions to enforce judgments when a prevailing plaintiff demonstrates that a defendant has not complied with a judgment entered against it, even if the noncompliance was due to misinterpretation of the judgment." *Heartland Hosp. v. Thompson*, 328 F. Supp. 2d 8, 11 (D.D.C. 2004) (collecting authorities). "If the plaintiff has received all relief required by that prior

judgment, the motion to enforce is denied." *Id.* (citing *Watkins v. Washington*, 511 F.2d 404, 406 (D.C. Cir. 1975)).

ARGUMENT

Plaintiffs move the Court to clarify and enforce its December 2025 Order, arguing that the parties need clarity on what constitutes materially changed circumstances and that the Court should order Defendants to provide additional data and documents that show changed circumstances. In effect, however, Plaintiffs ask the Court to alter its December 2025 Order and insert additional, specific requirements. The Court should deny their motion in its entirety, as Plaintiffs have not met their burden to show clarification or enforcement is warranted.

First, as noted, the Court's Order is clear. In relevant part, it declares that "Defendants' failure to continue to implement determinations under 8 U.S.C. § 1232(c)(2)(B) that the least restrictive placement for an age-out is release, and instead re-arrest and detain such age-outs absent materially changed circumstances regarding the statutory risk factors under § 1232(c)(2)(B), violates this Court's Final Judgment and Permanent Injunction." ECF No. 435 at 2. It further orders, in relevant part, that "Defendants produce information on an ongoing basis concerning any age-outs who have been re-arrested and detained since July 2025 because of Defendants' [now-enjoined October 1, 2025] change in policy." *Id.*

Plaintiffs argue that the parties need clarity on what constitutes "materially changed circumstances" given the "parties' disagreement about when alleged facts meet this standard." ECF No. 442 at 15. Notably, Plaintiffs do not allege that the term "materially changed circumstances" is vague or ambiguous. *See Philip Morris*, 793 F. Supp. 2d at 168 (noting it may be "significant" if movant for clarification "fail[s] to identify anywhere in their Motion which provisions" of subject order are "'ambiguous' or "vague.'"). Nevertheless, Plaintiffs ask the Court to create a

blackletter rule on what constitutes and what does not constitute a materially changed circumstance: a standard they proposed the Court include in its order. *See* ECF No. 418 at 1. But this standard should not be reduced to a rigid analysis of what makes someone a danger or flight risk. Indeed, as this Court acknowledged, the standard "ensures that detention decisions rest on *individualized assessments* of changed circumstances *rather than categorical assumptions*." *Garcia Ramirez v. ICE*, No. CV 18-508 (RC), 2025 WL 3563183, at *17 n.11 (D.D.C. Dec. 12, 2025) (emphasis added) (citation omitted).

Importantly, moreover, the request for clarity on what constitutes materially changed circumstances is the wind-up before the pitch: Plaintiffs leverage this alleged lack of clarity to prompt the Court to expand the relevant injunctive relief it ordered, namely, production of information regarding re-arrested former age-outs, on an ongoing basis. *See* ECF No. 435 at 2. Indeed, under the guise of pursuing clarification and enforcement, Plaintiffs now request that the Court order Defendants to produce a tome of documents. Specifically, Plaintiffs now ask for:

> Form I-213, Record of Deportable/Inadmissible Alien, generated at the time the age-out was re-arrested; the age-out's [ENFORCE Alien Removal Module ("EARM")] record; any criminal records (including police reports, criminal complaints, and certificates of disposition) relied upon to justify detention; any records regarding civil infractions or traffic violations relied upon to justify detention; the age-out's Order of Release on Recognizance, Order of Supervision, or any other document memorializing conditions of release and alleged failures to comply where Defendants rely on such failure to justify detention; and any other records relied upon to establish materially changed circumstances to justify the age-out's re-detention. . . . [and] the name and contact information for any immigration attorney of record for detained class members.

ECF No. 442 at 22. The Court did not order Defendants to provide any of this documentation or data. Instead, as noted, the Court ordered Defendants to provide information regarding re-detained former age-outs, as Plaintiffs requested. *Cf. Sai*, 2015 WL 13889866, at *3 (explaining clarification motion may not open door to "re-litigat[ing] a matter that the court has considered and decided.").

Moreover, production of the documents and data Plaintiffs now want Defendants to provide would impose a sizeable burden on ICE—and may not even explain materially changed circumstances as they wish. Indeed, ICE's Juvenile and Family Management Division ("JFMD") is staffed by sixteen (16) personnel, only six (6) of whom are National Juvenile Coordinators ("NJCs") who cover JFMD's entire nationwide portfolio, which includes the *Garcia Ramirez* Permanent Injunction, the *Ms. L.* Settlement Agreement, and the *Flores* Settlement Agreement, each of which requires periodic reporting that requires manual review and revisions. Declaration of Byoung Park (Apr. 13, 2026) attached hereto as Exhibit ("Exh.") A ¶ 3 (citing *Ms. L. v. ICE*, No. 18-cv-00428 (S.D. Cal. Feb. 26, 2018); *Flores v. Reno*, No. 85-4544 (C.D. Cal. Jan. 17, 1997)). The NJCs have myriad other duties, including answering the after-hour duty phone available to all Deportation Officers, Homeland Security Investigations Special Agents, and Customs and Border Protection, assisting ICE field offices with the case management of juvenile and family removals, assisting with transfers of juveniles and family units, and producing mandatory reports and briefings for Congress. *See id.* ¶ 4. Given this multitude of responsibilities, to include complying with this Court's Orders, the Court should reject Plaintiffs' request for such onerous ongoing document production.

Furthermore, Plaintiffs request that the Court order production of Form I-213s and criminal records, but such records may not contain the information they want. Form I-213s generally include an alien's biographical information and information regarding the encounter with ICE and removability; they may contain only limited information pertaining to subsequent ICE encounters such that the factors considered in determining materially changed circumstances might not be included in the Form I-213. *See id.* ¶ 8. Generally, ICE does not have direct access to state, local, or other federal law enforcement databases and relies on the cooperation of those agencies, or

certified copies of court records, to obtain this information. *See id.* ¶ 9. Because of these variables, ICE may receive this information in many different forms and may also be restricted from access to documentation in the possession of other agencies. *See id.* Moreover, Defendants provide information that would assist a former age-out in challenging their detention through proper avenues, if they so choose, to include additional information regarding re-detention following an encounter with criminal law enforcement such as, when available, a description of the offense, the name and location of the arresting agency, or both. *See, e.g.*, Sealed Exhs. B–D (filed Mar. 25, 2026).

Second, Plaintiffs ask the Court to "clarify" that Defendants "must" promptly release class members within forty-eight hours if they are improperly detained.[2] ECF No. 442 at 23-24. Again, this is not a request for clarification but rather alteration of the Court's Order, as the Order is completely silent on timing of any release. *See Philip Morris*, 793 F. Supp. 2d at 168 (explaining "general purpose" of clarification motion is "not to alter or amend"). Moreover, such categorical, class-wide relief sounding in habeas would be improper, run afoul of § 1252(f)(1), and would impose a significant burden on ICE's operations.[3]

Claims for relief sound in the "core" of habeas if they "necessarily imply the invalidity of [an alien's] confinement." *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (internal quotation marks omitted); *see also Wilkinson v. Dotson*, 544 U.S. 74, 80-82 (2005) (same). In effect, Plaintiffs'

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[2] On April 8, 2026, Defendants proposed to Plaintiffs that Defendants agree to release former age-outs within five calendar days after confirming class membership and making a release determination. Plaintiffs asked questions regarding Defendants' proposal, which are pending with ICE at the time of this filing.

[3] Defendants acknowledge that the Court has previously found 8 U.S.C. § 1252(f)(1) inapplicable, and waived, as to Plaintiffs' challenges pertaining to Defendants' compliance with 8 U.S.C. § 1232(c)(2)(B), *see* ECF No. 436 at 36–37, but Defendants respectfully raise the jurisdictional bar on relief again here for preservation purposes.

request for release within forty-eight hours does exactly that. Noting that the Court's orders "recognize that 'needless prolonged detention' causes 'major hardship,'" they argue that "[f]or class members whom Defendants themselves recognize are unlawfully detained in violation of this Court's orders, delays of weeks or even days before they are released are simply unacceptable." *See* ECF No. 442 at 23 (quoting *Ramirez*, 568 F. Supp. 3d at 28–29). This claim thus "fall[s] within the 'core' of the writ of habeas corpus and must be brought in habeas," as the "claims for relief necessarily imply the invalidity of their confinement." *J.G.G.*, 604 U.S. at 672.

Because the claim for release within forty-eight hours sounds in habeas, the Court's authority is constrained by two fundamental limits on habeas jurisdiction, aside from 8 U.S.C. § 1252(f)(1), *see supra* footnote 3. First, "jurisdiction lies in only one district: the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also J.G.G.*, 604 U.S. at 672. Second, a habeas petitioner must name the petitioner's immediate custodian—*i.e.*, the official who has custody over the petitioner and can produce the "corpus." *Padilla*, 542 U.S. at 435. Failure to name a petitioner's custodian as a respondent deprives federal courts of personal jurisdiction needed to issue relief. *See id.* at 444–46. And a "judgment entered without personal jurisdiction over a defendant is void as to that defendant." *Combs v. Nick Garin Trucking*, 825 F.2d 437, 442 (D.C. Cir. 1987). Here, all former age-outs are confined outside the District of Columbia. Thus, the claims are "improper in" this District. *J.G.G.*, 604 U.S. at 672.

Plaintiffs have marshalled several out-of-circuit cases wherein courts granted release, primarily by granting habeas petitions, but those cases analyze the legality of individual petitioners' confinement, to include whether they were properly detained under 8 U.S.C. § 1225(b)(2)(A) or § 1226(a). ECF No. 442 at 24 (citing *Lepe v. Andrews*, 801 F. Supp. 3d 1104, 1119 (E.D. Cal. 2025) (finding petitioner not danger or flight risk so not properly detained under

§ 1225(b)(2)(A) and granting preliminary injunction); *Quintero Campos v. Deleon*, 2025 WL 3514120, at *2 (S.D.N.Y. Dec. 8, 2025) (granting habeas petition and collecting cases ordering release due to improper detention under § 1225(b)(2)(A) and denial of bond hearing under § 1226(a)); *Zumba v. Bondi*, 2025 WL 2753496, at *11 (D.N.J. Sept. 26, 2025) (granting habeas petition due to improper detention under § 1225(b)(2)(A))); *but see* December 12, 2025 Memorandum and Opinion, ECF No. 436 at 17 (stating question of detention authority under 8 U.S.C. § 1225(b)(2)(A) and § 1226(a) was "not before this Court").[4] Those cases thus largely reinforce the bedrock principle that challenges to the validity of confinement must be brought through a habeas petition. *See Padilla*, 542 U.S. at 443.

Additionally, release within forty-eight hours is not operationally feasible. The period for which a *Garcia Ramirez* former age-out may remain in custody varies depending on ICE processing times, how quickly a determination is made that the alien is a *Garcia Ramirez* former age-out, and internal review processes. *See* Exh. A ¶¶ 3, 6, 9.

Finally, and relatedly, because ICE is complying with the Court's December 12, 2025 Order, which needs no clarification, and because challenges to the validity of confinement are core habeas claims that must be brought in the district of confinement, ordering the release of the identified re-detained age-outs, *see* ECF No. 442 at 25, would be improper.

[4] Plaintiffs likewise cite to caselaw regarding reasonable durations of detention in the criminal law context, not in the civil immigration law context, which Plaintiffs appear to recognize. ECF No. 442 at 24 ("Moreover, unjustified detention of over 48 hours is constitutionally suspect in other contexts.") (citing *Wasserman v. Rodacker*, 557 F.3d 635, 641 (D.C. Cir. 2009).

CONCLUSION

The Court should deny Plaintiffs' motion, as the requirements of the December 12, 2025 Order are clear and alteration and enforcement would be improper, as ICE is complying with the Order.

Date: April 13, 2026

Respectfully submitted,

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