

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

WILMER GARCIA RAMIREZ, et al.,

Plaintiffs,

v.

U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT (ICE), et al.,

Defendants.

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Case No. 1:18-cv-00508-RC

Class Action

**MOTION TO ENFORCE THE COURT’S JUNE 2, 2026 ORDER AND INCORPORATED
MEMORANDUM OF LAW IN SUPPORT THEREOF**

The instant motion is narrow yet urgent: Plaintiffs ask the Court to order Defendants to release two class members who have each been unlawfully detained by ICE for over six months.

On June 2, 2026, this Court granted in part and denied in part Plaintiffs’ Motion to Clarify and Enforce, ordering the release of 15 class members and requiring Defendants to “promptly produce” specified information for all age-outs listed in Defendants’ spreadsheets since January 2026. ECF 455, Order, June 2, 2026. On June 8, Defendants confirmed that the only *two* class members who remained in ICE custody had been released. *See* ECF 455 at 2; Declaration of Suchita Mathur ¶ 4. Since then, Defendants have produced information for five young people listed in the Court’s decision; after reviewing that information, Plaintiffs relayed to Defendants that they had not met their burden of establishing materially changed circumstances as to danger or flight risk for two of the class members (H.M.A. and Y.Z.P.) and requested their release by June 15. *See* ECF 456, Mem. Op. Granting in Part and Denying in Part Pls. Mots. to

Clarify and Enf. at 7-8; Mathur Decl. ¶ 9. Defendants have refused to release either. Mathur Decl. ¶ 10.

Therefore, Plaintiffs urgently ask the Court to enforce its June 2, 2026 Order by ordering Defendants to release H.M.A. and Y.Z.P., *see* ECF 456 at 7-8, by June 22, 2026. Defendants oppose this motion.

In support of this motion, Plaintiffs rely on the incorporated memorandum and accompanying declarations and exhibits. A proposed order is attached.

STATEMENT OF FACTS

On June 2, 2026, this Court ordered, *inter alia*:

- that Defendants “release all class members for whom Defendants have not established materially changed circumstances, . . . subject only to alternatives to detention required by their initial custody determination upon release from ORR custody,” including 15 identified class members; and
- that Defendants “**promptly** produce to Plaintiffs” information and specified documents that Defendants relied upon to justify the rearrest and detention of “all age-outs in Defendants’ spreadsheets since January 2026.”

ECF 455. On June 4, Defendants’ counsel reported that only two (E.J.C.M. and Y.G.G.L.) of the 15 class members remained in ICE custody. Of the other 13 class members, ICE apparently had repatriated four pursuant to voluntary departure or “Incentivized Voluntary Departure,” removed eight, and released one after they adjusted status. Mathur Decl. ¶ 4.

Also on June 4, Plaintiffs’ counsel requested that Defendants provide the documentation relied on by Defendants to justify the re-detention of five detained class members (H.M.A., Y.Z.P., W.V.M., M.M.B., and D.A.M.Y.), as required by the Court’s order. This limited request was based on a review of the ICE detainee locator, which showed that of the additional 26 young people raised in Plaintiffs’ motions and listed in the Court’s opinion but not ordered released,

see ECF 456, at 7-8, only these five people remained in ICE custody. Mathur Decl. ¶ 4.¹

After numerous follow-up emails from Plaintiffs' counsel, Defendants' confirmed on June 8 that E.J.C.M. and Y.G.G.L. had been released in compliance with the Court's June 2 Order. *Id.* ¶ 4. On June 10, Defendants produced the records it relied on to justify the re-detention of the five potential class members flagged by Plaintiffs. *Id.* ¶ 8. Those records consisted of a Form I-213 and EARM record for each individual, and an ICE detainer for Y.Z.P. *See* Exs. C, E; ECF 455 at 2 n.1.

After reviewing the records provided by Defendants, speaking with H.M.A. and Y.Z.P. and immigration counsel where listed, and obtaining and reviewing additional records involving several of the young people, on June 11 Plaintiffs communicated to Defendants their position that ICE had not established materially changed circumstances for Y.Z.P. and H.M.A., and requested their release by June 15, 2026. Mathur Decl. ¶ 9.

ICE justified H.M.A.'s re-arrest due to this failure "to report as scheduled on 10/14/2024." ECF 456 at 7. However, Plaintiffs' counsel pointed out that ICE had in fact arrested H.M.A. at the Detroit Immigration Court (477 Michigan Ave, Detroit, MI), after he attended his hearing on December 4, 2025 (at which another hearing had been scheduled) which post-dated his one missed ICE check-in. Mathur Decl. ¶ 9; Ex. E at 2. Moreover, H.M.A. had previously attended four check-ins before his one missed appointment. *Id.* As such, Defendants have not established that H.M.A. was attempting to abscond or meaningfully evade his immigration obligations. Mathur Decl. ¶ 9.

¹ However, this review of the detainee locator turned out to be inaccurate: documents that Defendants eventually produced on June 10 established that, somehow, ICE had actually removed W.V.M. in March 2026, despite his pending removal proceedings and apparent lack of a final removal order, a fact that Defendants confirmed on June 12, 2025. Mathur Decl. ¶ 8.

With respect to Y.Z.P., ICE justified his re-detention based on his arrest for “collision involving damage to vehicle.” ECF 456 at 7. However, Plaintiffs’ counsel pointed out that the criminal records in his case showed that he was charged for accidentally hitting a car and causing only minor damage, for which he pled guilty to a class B misdemeanor and received time served; that he has no other criminal history; and that Y.Z.P. averred that he only left the scene after stopping and seeing that the car he scratched had immediately driven away. Mathur Decl. ¶ 9; *see* Exs. B, C. Further, the government granted Y.Z.P. Special Immigrant Juvenile Status in 2024 (SIJS); and it previously granted him deferred action and terminated it only after re-arresting him without providing any reason for doing so. Mathur Decl. ¶ 9; Ex. D.

On June 15, Defendants’ counsel relayed ICE’s refusal to release and stated:

- ICE considers HMA to be a flight risk. The conditions of HMA’s release on OREC required that he (1) report for any hearing or interview as directed by ICE or EOIR and (2) assist ICE in obtaining any necessary travel documents. However, ICE informs us that it repeatedly asked HMA, on February 6 and 20, 2024; March 5, 2024; June 5, 2024; and July 10, 2024, to return to his next check-in with his passport, but he failed to do so. ICE considers HMA’s failure to adhere to ERO’s instructions that he obtain and provide his passport, a document required for removal, to be indicia that HMA will not comply with a removal order. Additionally, on July 10, 2024, ERO advised HMA that his next check-in date with ERO was on October 14, 2024, but HMA failed to appear for that check-in and did not present himself to ERO for a check-in at any point thereafter. ICE therefore considers HMA a flight risk because, in addition to failing to comply with ERO’s multiple requests that he obtain and produce a passport, he failed to report to ERO when required to do so.
- ICE considers YZP to be a flight risk and danger to the community. The conditions of YZP’s release on OREC required that he (1) report for any hearing or interview as directed by ICE or EOIR; (2) not violate any local, state, or federal laws or ordinances; and (3) not commit any crimes. ICE reports that, although YZP was initially compliant with his check-in requirements, he failed to check in, as required, on his scheduled June 27, 2025 check-in date, or at any point thereafter. ICE then re-arrested YZP after his conviction in Texas for knowingly leaving the scene of an accident that resulted in damage to another vehicle. ICE notes that YZP was driving the car that was involved in the accident and, by leaving the scene, YZP demonstrated a disregard for the law, as well

as for another person's property and safety.

Mathur Decl. ¶ 10. Defendants have not produced a copy of H.M.A.'s OREC listing the requirements they allege. *Id.* ¶ 11. The EARM records they produced establish that H.M.A. provided his birth certificate to ICE on in February 2024, and reported to ICE in July 2024 that he was working on obtaining his passport, but that it could take up to six months. Ex. E at 2. Records in Y.Z.P.'s case establish that he maintains his SIJS status, that he filed applications for relief and that his removal case is currently on appeal, and that he checked in with ICE as required on January 28, 2025, in August 2025, and in February 2024, and that at various times he updated his address and phone number with ICE. Ex. C at 2. Records from his criminal case also show that the bail hearing officer in Montgomery County, Texas, granted release on bail in his case. Ex. B at 10.

LEGAL STANDARD

“[F]ederal courts are not reduced to issuing injunctions . . . and hoping for compliance.” *Hutto v. Finney*, 437 U.S. 678, 690 (1978). “The power of a federal court to protect and enforce its judgments is unquestioned.” *Marshall v. Loc. Union No. 639*, 593 F.2d 1297, 1302 (D.C. Cir. 1979). As such, “a court has the authority to issue additional orders to enforce a prior injunction.” *Damus v. Wolf*, No. CV 18-578 (JEB), 2020 WL 601629, at *2 (D.D.C. Feb. 7, 2020) (citing *Hutto v. Finney*, 437 U.S. 678, 687 (1978)). “This equitable authority is broad, ‘particularly where the enjoined party has not fully complied with the court's earlier orders.’” *Id.* (quoting *Nat'l Law Ctr. on Homelessness & Poverty v. U.S. Veterans Admin.*, 98 F. Supp. 2d 25, 26–27 (D.D.C. 2000)) (cleaned up).

ARGUMENT

This Court ordered the release of “all class members for whom Defendants have not established materially changed circumstances,” because re-arresting and detaining former age-outs absent such circumstances violates the permanent injunction in this case, and the statute. ECF 455 at 2; ECF 456 at 10. As this Court clarified, changed circumstances are only “material” if they establish an age-out “now presents a danger to themselves, a danger to the community, or a risk of flight.” ECF 455 at 1. Plaintiffs seek the release of two class members, H.M.A. and J.V.P., who have now been held in Defendants’ custody for over six months despite not presenting a danger or a flight risk that would justify their re-detention.

Defendants Have Not Established H.M.A. is a Flight Risk

Defendants re-arrested H.M.A. on December 4, 2025, at the Detroit Immigration Court, where he was attending a hearing in his removal case. *See* Ex. E at 2. Defendants contend that H.M.A. is a flight risk, based on his one instance of failure to check-in with ICE in October 2024. ECF 456 at 7. Now, for the first time, ICE also argues that his apparent failure “to adhere to ERO’s instructions that he obtain and provide his passport” is further indicia of flight risk. Mathur Decl. ¶ 10. Notably, however, Defendants do not contest that ICE detained H.M.A. *at Immigration Court*, where he was attending his immigration hearing in December 2025. *See* Mathur Decl. ¶¶ 9-10. That H.M.A. presented himself to Immigration Court – the only mechanism through which he could potentially receive a removal order – *after* he missed one ICE check-in, clearly establishes a lack of intent to abscond. *See, e.g., Perez v. Mordant*, 2025 WL 3466956, at *4 (M.D. Fla. Dec. 3, 2025) (finding that noncitizen whom ICE arrested at Immigration Court had “proved he is no flight risk by attending his removal hearing”). His lack of flight risk is further evidenced by his history of checking in prior to missing one appointment: ICE’s records demonstrate he reported four times, even as an 18-year-old. Ex. E at 2.

As to ICE's post-hoc claim that H.M.A.'s failure to produce a passport is also evidence of flight risk, Defendants' records show that H.M.A. had provided an identity document to ICE and explained that he was attempting to obtain a passport but that it would take several months. *Id.* at 2. Even a cursory review of the requirements for a passport from the Bangladeshi embassy shows the burdensome nature of the process, particularly when residing in a city where no physical consulate or embassy is located, like Warren, Michigan. *See* Ex. E (listing H.M.A.'s address); *E-passport*, Embassy of the People's Republic of Bangladesh, Washington, DC, June 16, 2026, <https://washington.mofa.gov.bd/pages/static-pages/6952667635ce18e1c05a94d1> (describing application process, documentary requirements, payment of fees, physical biometrics appointment, and additional processing time for passport issuance in the United States). It is unreasonable to penalize H.M.A. for the delays and obstacles inherent to the bureaucratic process of getting a passport in a foreign county. H.M.A should thus be released.

Defendants Have Not Establish Y.Z.P. is a Danger or Flight Risk

Defendants re-arrested Y.Z.P. on December 13, 2025, his twentieth birthday, after he was held on a detainer in Montgomery County, Texas, criminal custody. *See* Exs. B, C. Defendants contend that Y.Z.P. is a danger and flight risk based on his sole contact with the criminal legal system: an arrest and conviction for a class B misdemeanor for "Collision involving damage to vehicle," ECF 456 at 7, and for "knowingly leaving the scene" of that accident. Mathur Decl. ¶ 10. But ICE's own records, the actual facts of that case, and the disposition do not establish that Y.Z.P. is a danger or a flight risk. Instead, they show that he is a responsible member of his community with no criminal history other than a minor driving accident. *See* Ex. C. That accident resulted in scratches to another car and no harm to the other driver; Y.Z.P. stopped at the scene and only left after the other car drove away and did not return; and when he was pulled

over by police minutes later he immediately stopped and admitted to his involvement in the accident. Ex. A, Decl. of Y.Z.P.; Ex. B.

Moreover, the hearing officer in Y.Z.P.'s criminal matter authorized release on \$5000 bail, Ex. B. at 10; under Texas state law, bail can only be set after consideration of the "future safety of a victim of the alleged offense, law enforcement, and the community." Tex. Code Crim. P. Art. 17.15(a)(5). Lastly, Y.Z.P. was sentenced to a time served sentence of only 15 days. *Id.* at 1. Here, not only was this Y.Z.P.'s "first offense," the state court judge believed his release on bail would not endanger the community. *Alvarado Lopez v. Dillman*, 2026 WL 688958, at *7 (E.D. Va. Mar. 11, 2026) (holding that fact that arrest for driving while intoxicated was noncitizen's first offense and that bail had been set were crucial to dangerousness analysis).

As to ICE's claim, raised for the first time six months after Y.Z.P.'s re-arrest, that he is also a flight risk because he failed to check-in with ICE, Mathur Decl. ¶ 10, that is also unsupported by the weight of the evidence. While ICE's records show he missed one check-in in June 2025, they also show he previously reported as required in January 2025, August 2024, and February 2024, and updated ICE with his new address and phone number. Ex. C at 2. Additionally, Y.Z.P. has SIJS status, which enables beneficiaries to "remain in the United States until they are able to obtain adjudication of their adjustment of status applications." *Walter A. v. Easterwood*, 2026 WL 836428, at *20 (D. Minn. Mar. 26, 2026), *appeal docketed*, No. 26-2095 (8th Cir. June 2, 2026) (conducting extensive analysis of statutory scheme and collecting cases). He also applied for additional relief from removal, and is currently appealing the Immigration Judge's denial of that relief. *See* Ex. C. These intervening changed circumstances (which ICE was aware of), in addition to Y.Z.P.'s employment and participation in his local church community, mitigate any suggestion of flight risk. Ex. A ¶¶ 3, 10-11.

Urgency of Release

It is well-documented that the “cruel, inhumane, unacceptable” conditions in Defendants’ custody, in which nearly 50 people have died under this administration, are causing a significant increase in people accepting voluntary departures and removal orders. Jamiles Larrey, *Bad Food. Poor Care. No Toilets. ICE Detention Misery Pushes Immigrants to ‘Voluntarily’ Depart*, The Marshall Project (May 30, 2026), <https://www.themarshallproject.org/2026/05/30/ice-trump-new-jersey-detention>. The facts here highlight that reality: of the 15 class members ordered released, ECF 455, only three had not been deported or taken “voluntary” departure by the time the Court issued the June 2 Order. Mathur Decl. ¶ 4. Of the remaining 26 potential class members mentioned in the Court’s opinion, only four are still in ICE custody. *Id.* ¶ 6. Y.Z.P.’s experience brings these numbers to life: he describes the abysmal conditions in ICE detention and the difficulty of continuing to contest his removal proceedings from detention. Ex. B. ¶¶ 12-13.

As such, the speed with which ICE removes likely class members or forces them to accept voluntary departure militates in favor of requiring Defendants to promptly release H.M.A. and Y.Z.P. Defendants decided to rearrest and detain these two young people over six months ago. Since January 2026, Defendants have repeatedly refused to comply with Plaintiffs’ requests for additional information, leading to protracted delays in obtaining relief for class members. *See* ECF 442 at 12-13. Because Defendants have not established materially changed circumstances as to danger or flight risk that justify the re-detention of H.M.A. and Y.Z.P., they are class members who should be ordered immediately released by this Court.

CONCLUSION

For all the foregoing reasons, and as set forth in the attached proposed order, Plaintiffs ask the Court to grant the instant motion and enforce its prior order by requiring Defendants to release H.M.A. and Y.Z.P. by June 22, 2026.

Dated: June 17, 2026

Respectfully submitted,

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