

**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.

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) Civil Action No. 1:18-CV-00508-RC
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) Class Action
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**DEFENDANTS' RESPONSE IN
OPPOSITION TO PLAINTIFFS' MOTION TO ENFORCE**

Defendants' detention of two former age-outs, H.M.A. and Y.Z.P., is clearly supported by material changes in circumstance relating to at least one of the statutory risk factors at 8 U.S.C. § 1232(c)(2)(B). Plaintiffs therefore cannot meet their burden to show release is warranted, and the Court should accordingly deny Plaintiffs' motion to enforce, ECF No. 462, in its entirety.

RELEVANT BACKGROUND

On December 12, 2025, the Court issued an Order enforcing its Preliminary Injunction. *See* ECF Nos. 436, 436. In relevant part, 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. . . .” ECF No. 435. Defendants then began producing information regarding re-detained former age-outs to class counsel in monthly re-arrest reports. *See* ECF No. 456 at 5. “Prior to the Court’s June 2, 2026 Order, the monthly re-arrest reports contained a short summary of the primary factor that led to the former age-out’s encounter and re-detention. While the summary included information regarding changed circumstances, it did not include all available information and/or

documentation, which may come from many sources, on materially changed circumstances.” Declaration of Kurt Griffin (“Griffin Decl.”), attached hereto as Exhibit (“Exh.”) A ¶ 4.

As relevant here, the December 2025 re-arrest report states, as reasons for detention of H.M.A. and Y.Z.P., that H.M.A. “failed to report as scheduled on 10/14/2024” and that Y.Z.P. “[w]as arrested for Collision involving damage to vehicle (TX) on 11/28/2025.” ECF No. 463, Sealed Exh. A at 2–3. Plaintiffs were dissatisfied with the information provided and sought clarification and enforcement of the Court’s Order. *See* ECF No. 462.

On June 2, 2026, the Court clarified and enforced its December 2025 Order. *See* ECF No. 455. Specifically, the Court clarified that the “information” Defendants must produce includes “all records Defendants relied upon to justify the age-out’s rearrest and detention, which may include, as relevant, the specific documents¹ Plaintiffs identify in their motion and any other records Defendants relied upon to justify an age-out’s rearrest and detention.” *Id.* at 2 (footnote in original). The Court further ordered Defendants to produce promptly such “information” for all age-outs in Defendants’ re-arrest reports since January 2026. *Id.*

On June 10, 2026, Defendants produced records relating to the detention of five individuals, including H.M.A. and Y.Z.P. ECF No. 462 at 3. Those records consisted of Form I-213 and EARM records for both H.M.A. and Y.Z.P., and an ICE detainer for Y.Z.P.

¹ “These documents include: (a) the Form I-213 generated at the time of rearrest; (b) the age-out’s EARM record; (c) any criminal records relied upon to justify detention, including police reports, criminal complaints, and certificates of disposition; (d) any records concerning civil infractions or traffic violations relied upon to justify detention; and (e) any release orders or supervision documents, together with records of alleged noncompliance where such noncompliance forms the basis for detention.” ECF No. 455 at 2 n.1.

ARGUMENT

The Court should deny Plaintiffs’ motion to enforce in its entirety. The detentions of H.M.A. and Y.Z.P. are supported by material changes in circumstances relating to at least one of the relevant statutory risk factors identified in the Court’s December 12, 2025 Memorandum Opinion. *See* ECF 436 at 29–34. Plaintiffs seek to introduce new information, but the relevant inquiry should be whether the information on which Defendants relied at the time of re-detention reflects such a material change in circumstances. *See* ECF No. 456 at 13 (“[T]he Court applied a well-established standard in the immigration detention context: once the government has determined that a noncitizen may be released, *redetention requires an individualized determination that circumstances have materially changed such that the individual now presents a flight risk or danger.*”) (citations omitted) (emphasis added). The records on which Defendants relied justify Defendants’ determinations that H.M.A. presents a flight risk and that Y.Z.P. presents a flight risk and danger to the community.

I. H.M.A.’s Detention Is Justified by Material Change in Circumstances.

Plaintiffs challenge the materiality of the changed circumstances resulting in H.M.A.’s detention, refuting the import of the undisputed facts that he failed to appear for an ICE check-in on October 14, 2024, and failed to produce a passport as mandated. *See* ECF No. 462 at 6–7. The Court should reject Plaintiffs’ attempt to soften the significance of H.M.A.’s failure to appear before a law enforcement agency and to provide a passport to that agency as required, which is necessary to “both ensure proper identification and biometrics information [of the particular individual] and for use in the event removal becomes necessary.” Griffin Decl. ¶ 12.

Indeed, “H.M.A. violated his conditions of release when he failed to report” to ICE, and “[t]here is no record that H.M.A. attempted to contact ICE following his missed appointment or

check-in with ICE at a later date.” *Id.* ¶ 10. “[F]light risk increases significantly when [an] individual fails to report back to, or communicate with ICE, in any way, following a scheduled missed appointment.” *Id.* ¶ 11. Plaintiffs do not assert that H.M.A. attempted to contact ICE; ICE only had further contact with H.M.A. when it encountered him over one year later at immigration court on December 4, 2025. *See id.* ¶ 10.

H.M.A.’s attendance at immigration court should not be construed as indicia of lack of intent to abscond from immigration enforcement, as Plaintiffs posit. *See* ECF No. 462 at 6. Contrary to Plaintiffs’ suggestion, presenting oneself at immigration court is not “the only mechanism through which [one] could potentially receive a removal order” such that attending removal proceedings shows any willingness to comply. *Id.* (citing *Perez v. Mordant*, 2025 WL 3466956, at *4 (M.D. Fla. Dec. 3, 2025)). Failure to present oneself for removal proceedings may also result in an *in absentia* order of removal, thus incentivizing appearances before immigration judges, unlike appearances before an immigration enforcement agency. *See* 8 C.F.R. § 1240.15 (“Pursuant to 8 CFR part 1003, an appeal shall lie from a decision of an immigration judge to the Board of Immigration Appeals, except that no appeal shall lie from an order of removal entered in absentia.”). ICE thus reasonably considers H.M.A. a flight risk because he evaded ICE supervision and failed to contact ICE for over an entire year following his missed ICE appointment.

Plaintiffs also challenge Defendants’ reliance on H.M.A.’s failure to provide a passport to ICE, as required, as “post hoc” and unreasonable given the difficulty Bangladeshi individuals like H.M.A. experience when attempting to obtain a passport from the Bangladeshi embassy. *See* ECF No. 462 at 6–7. Plaintiffs, however, appear to overstate the difficulty in obtaining a Bangladeshi passport. ECF No. 462 at 7. Indeed, one may apply for a passport online, presumably from anywhere in the world. *See E-passport*, Embassy of the People’s Republic of Bangladesh,

Washington, DC, June 16, 2026, <https://washington.mofa.gov.bd/pages/static-pages/6952667635ce18e1c05a94d1> (last visited June 23, 2026). The processing time for “[r]egular delivery” is “45 working days,” and the processing time for “[e]xpress delivery” is “30 working days.” *Id.* H.M.A. had sufficient time to secure the required documentation, or provide documentation that the passport was requested, but did not do so.

To be sure, ICE provided H.M.A. with “several opportunities to apply for his passport and H.M.A. failed to provide evidence that he did so.” *Id.* ¶ 12. At one point, ICE even “provided H.M.A. with a passport application and instructions.” *Id.* ¶ 10. In light of these circumstances, ICE considered H.M.A.’s recurring noncompliance in obtaining his passport as a material change in circumstances reflecting that he is a flight risk.

H.M.A.’s failure to provide a passport, moreover, is not an inappropriately “post hoc” justification. The documents Defendants produced on June 10, 2026, include comment entries from 2024 reflecting that H.M.A. was required to provide a passport, *see* ECF No. 463, Sealed Exh. E at 3, and as noted above, prior to the June 2, 2026 order, “the summary included information regarding changed circumstances” but “it did not include all available information and/or documentation,” Griffin Decl. ¶ 4. Nevertheless, should the Court discount this factor due to the timing at which Defendants directly identified it as part of the basis for re-detention, H.M.A.’s failure to appear for an ICE check-in alone reflects his risk of flight.

Because of H.M.A.’s failure to appear for a required ICE check-in, coupled with his repeated failure to produce a passport, which would be essential should removal be ordered, clearly reflect material changes in circumstances demonstrating H.M.A. is a flight risk and properly detained as such.

II. Y.Z.P.'s Detention Is Justified by Material Change in Circumstances.

Plaintiffs challenge the materiality of the changed circumstances resulting in Y.Z.P.'s re-detention by providing documents unavailable to Defendants at the time of re-detention in order to dispute the import of the undisputed facts that he caused a vehicle collision and failed to appear for an ICE check-in on June 27, 2025. *See* ECF No. 462 at 6–7; *see also* ECF No. 463, Sealed Exhs. A. Again, however, the Court should focus its inquiry on whether the information on which Defendants relied at the time of re-detention reflects a material change in circumstances. *See* ECF No. 456 at 13; *see also* ECF No. 462 at 2 (ordering production of “all records Defendants *relied upon* to justify the age-out’s rearrest and detention . . .”) (emphasis added). The Court should thus reject Plaintiffs’ attempt to introduce alleged facts not available to ICE at the relevant time. Even if the Court considers said information, it should nonetheless reject the attempts to minimize the import of Y.Z.P.’s conduct and find ICE’s re-detention determination to be lawful.

Indeed, ICE reasonably considers Y.Z.P. to present a danger to the community because “he violated local laws and was convicted of a crime.” Griffin Decl. ¶ 16. Specifically, “Y.Z.P. was convicted of ‘Collision Involving Damage to Vehicle.’” *Id.* Y.Z.P. “was driving the car that was involved in the accident, and he knowingly left the scene of the accident that resulted in damage to another vehicle.”² *Id.* Plaintiffs contend in part that this conviction does not reflect that Y.Z.P. is a danger to the community because a Texas judge granted him release on bond in the amount of \$5,000, citing to *Alvarado Lopez v. Dillman*, for the proposition that release on bond is “crucial to dangerousness analysis.” 2026 WL 688958, at *7 (E.D. Va. Mar. 11, 2026). But, in that out-of-

² Plaintiffs assert that Y.Z.P. left the scene of the accident only after the vehicle he hit drove away, among other purported mitigating factors. ECF No. 462 at 7–8 (citing Sealed Exhs. A & B). Plaintiffs rely on Y.Z.P.’s declaration for the assertions. Regardless, official records reflect that the Texas judge nevertheless found it necessary to impose a \$5,000 bond, undermining any purported justification for Y.Z.P.’s conduct.

circuit case, the petitioner had not been convicted of the offense at issue and was granted a notably lower bond in the amount of \$1,500. *See Alvarado Lopez*, 2026 WL 688958, at *1, 3. Moreover, setting bail is not an exact process and must be based on standards relevant to the purpose of ensuring a defendant's appearance in court. *See Ex parte Penagos*, 810 S.W.2d 796 (Tex. App. Houston 1st Dist. 1991); *see also United States v. Little*, 235 F. Supp. 3d 272, 277 (D.D.C. 2017) ("The Bail Reform Act begins by presuming that release with some set of conditions will ensure a defendant's appearance at trial and protect the community."). Thus, at the very least, the Texas judge considered Y.Z.P. to present a risk of flight.

Furthermore, similar to the analysis of H.M.A.'s risk of flight due to failure to appear for an ICE check-in and lack of any attempts to communicate with ICE thereafter, Y.Z.P. is a flight risk in part because of his failure to appear. Indeed, on January 28, 2025, "Y.Z.P. was instructed to . . . check in with ICE on June 27, 2025. Y.Z.P. did not show up for his scheduled check-in on June 27, 2025," and "there is no record that Y.Z.P. ever attempted to check in or contact ICE at another time after he missed his scheduled appointment." Griffin Decl. ¶ 15. ICE did not have "contact with Y.Z.P. until he came into ICE custody on December 13, 2025"—nearly a year after the last check-in he attended in January 2025. *Id.* Therefore, because "Y.Z.P. did not meet the conditions of his release and failed to report," ICE found that there was a materially changed circumstance to reflect that Y.Z.P. is a flight risk. *Id.*

Plaintiffs note that this basis was not previously identified in the re-arrest report as a reason for Y.Z.P.'s re-detention but, again, the summary therein included information but not "all available information and/or documentation," Griffin Decl. ¶ 4. Nevertheless, should the Court discount this factor due to the timing at which Defendants directly identified it as part of the basis for re-

detention, Y.Z.P.'s involvement in and conviction for the vehicle collision reflects his dangerousness to the community.

In short, Y.Z.P. did not meet the conditions of his release due to his criminal conviction and failure to report. Given these circumstances, ICE correctly determined that there was "a material change in circumstance and that Y.Z.P. is both a flight risk and danger to the community" and is properly detained as such. Griffin Decl. ¶ 16.

CONCLUSION

The Court should deny Plaintiffs' motion to enforce in its entirety. Y.Z.P.'s and H.M.A.'s detentions are supported by material changes in circumstances.

Date: June 24, 2026

Respectfully submitted,

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