

**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 MODIFY THE COURT'S MONITORING AND ENFORCEMENT ORDER**

TABLE OF CONTENTS

FACTUAL AND PROCEDURAL HISTORY 3

LEGAL STANDARD 6

ARGUMENT 6

 I. Section 1252(f)(1) Bars the Court from Extending, and Retaining Jurisdiction Over, Its
 Classwide Injunctive Relief. 7

 II. Plaintiffs Have Failed to Establish Substantial Noncompliance Constituting Changed
 Circumstances Warranting Extension of the Injunction. 10

 III. Plaintiffs’ Request for a Three-Year Extension Is Not Suitably Tailored. 12

CONCLUSION 15

TABLE OF AUTHORITIES

CASES

<i>Avila v. Bondi</i> , 170 F.4th 1128 (8th Cir. 2026)	14
<i>Biden v. Texas</i> , 597 U.S. 785 (2022)	5, 12
<i>Buenrostro-Mendez v. Bondi</i> , 166 F.4th 494 (5th Cir. 2026)	11, 14
<i>Castanon-Nava v. U.S. Dep’t of Homeland Sec.</i> , 175 F.4th 828 (7th Cir. 2026)	9, 16
<i>Garland v. Aleman Gonzalez</i> , 596 U.S. 543 (2022)	10, 11
<i>Henderson v. Shinseki</i> , 562 U.S. 428 (2011)	12
<i>Horne v. Flores</i> , 557 U.S. 433 (2009)	6
<i>In re Black Farmers Discrimination Litig.</i> , 29 F. Supp. 3d 1 (D.D.C. 2014)	9, 15, 17
<i>Kelly v. Wengler</i> , 822 F.3d 1085 (9th Cir. 2016)	9, 16
<i>Matter of Yajure Hurtado</i> , 29 I. & N. Dec. 216 (BIA 2025)	7, 8, 14
<i>N.S. v. Dixon</i> , 141 F.4th 279 (D.C. Cir. 2025)	5, 11, 12
<i>Pigford v. Veneman</i> , 292 F.3d 918 (D.C. Cir. 2002)	15
<i>Rufo v. Inmates of Suffolk Cnty. Jail</i> , 502 U.S. 367 (1992)	9
<i>Steel Co. v. Citizens for a Better Env’t</i> , 523 U.S. 83 (1998)	12
<i>Thompson v. HUD</i> , 404 F.3d 821 (4th Cir. 2005)	14, 16
<i>Venezuela v. Helmerich & Payne Int’l Drilling Co.</i> , 581 U.S. 170 (2017)	12

STATUTES

8 U.S.C. §1232(c)(2)(B)	passim
8 U.S.C. §1252(f)(1)	5, 10
8 U.S.C. § 1225	10
8 U.S.C. § 1225(b)	7
8 U.S.C. § 1225(b)(2)(A)	5, 7, 11
8 U.S.C. §§ 1221–31	5, 10

RULES

Federal Rule of Civil Procedure 60(b)(5) 9, 15, 17

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Nearly five years ago, this Court entered a Permanent Injunction against certain practices of U.S. Immigration and Customs Enforcement (“ICE”) related to unaccompanied alien children (“UAC”) and ICE’s implementation of procedures under 8 U.S.C. §1232(c)(2)(B). The Court’s Orders impose series of burdensome obligations on ICE, including training, documentation, and reporting requirements, as well as oversight by Plaintiffs’ counsel. Although the Injunction is perpetual, the Court’s jurisdiction is time-limited and set to expire five years after the date of the Injunction, on September 21, 2026. There is no dispute that “[f]or four years, Defendants substantially complied with the Court’s order.” ECF No. 471 at 9. But now, with the five-year endpoint to the Injunction’s onerous oversight requirements on hand, Plaintiffs have filed a motion to extend those requirements *for another three years*—all based on conduct by ICE over the course of approximately the last ten months. This Court should deny that request for multiple reasons.

First and foremost, the Court lacks jurisdiction to enter that relief. Section 1252(f)(1) of Title 8 deprives district courts of “jurisdiction or authority to enjoin or restrain the operation of the

provisions of part IV of this subchapter [8 U.S.C. §§ 1221–31], other than with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated.” 8 U.S.C. §1252(f)(1).¹ Plaintiffs’ request falls squarely within that prohibition: They ask this Court to reimpose and extend classwide injunctive relief that necessarily enjoins the Government’s operation of a covered provision—specifically, the detention authority in 8 U.S.C. § 1225(b)(2)(A). That is exactly the kind of non-individualized relief the D.C. Circuit has held violates § 1252(f)(1). *See N.S. v. Dixon*, 141 F.4th 279 (D.C. Cir. 2025). And § 1252(f)(1)’s prohibition should not be construed as waivable. The provision expressly limits a district court’s “jurisdiction or authority,” and while § 1252(f)(1) does not “concern[] *subject matter* jurisdiction,” it “no doubt deprives the lower courts of ‘jurisdiction’ to grant classwide injunctive relief.” *Biden v. Texas*, 597 U.S. 785, 801 (2022).

Even if the Court had jurisdiction to grant the motion, Plaintiffs fall far short of carrying their heavy burden to justify the sweeping injunctive relief they request. Plaintiffs’ central claim that Defendants have engaged in substantial noncompliance is flatly contradicted by their concession that Defendants have substantially complied with the Injunction “[f]or four years.” ECF No. 721 at 9 (emphasis added). The instances of noncompliance over the last several months cannot erase years of conceded compliance. Moreover, Plaintiffs’ request for a *three-year*

¹ 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. Defendants respectfully disagree with that finding and have appealed. *See Garcia Ramirez v. ICE*, No. 26-5280 (D.C. Cir.). And, because Defendants maintain that this case directly implicates § 1252(f)(1)—and Defendants have not consented to the proposed extension of the Court’s jurisdiction over the Injunction and accompanying enforcement orders which, *inter alia*, order release from confinement—Defendants re-raise that bar now.

extension of the oversight requirements—a 60% expansion of the original requirement—is grossly disproportionate to the violations the Court has found.

Indeed, when institutional reform injunctions are at issue, federal courts are obliged to see that authority is “*returned promptly* to the [Government] and its officials.” *Horne v. Flores*, 557 U.S. 433, 450 (2009) (emphasis added). The sort of open-ended and perpetual extension of injunctive relief that Plaintiffs seek is antithetical to traditional principles of equity.

The Court should deny the motion.

FACTUAL AND PROCEDURAL HISTORY

A. On March 5, 2018, plaintiffs filed a complaint alleging that ICE routinely placed age-outs in adult detention without considering the least restrictive setting available in violation of § 1232(c)(2)(B) and the Administrative Procedure Act. ECF No. 1. On April 18, 2018, the district court issued a preliminary injunction, in part finding likelihood of success on the claim that ICE had not complied with § 1232(c)(2)(B). ECF Nos. 27, 28. On August 30, 2018, the court certified a nationwide class of “former [UACs] who are detained or will be detained by ICE after being transferred by ORR because they have turned 18 ... as to whom ICE did not consider placement in the least restrictive setting available.” ECF No. 49.

B. On July 2, 2020, the court issued its post-trial Findings of Fact and Conclusions of Law, determining that ICE failed to comply with § 1232(c)(2)(B). ECF No. 333. Thereafter, on September 21, 2021, the Court entered a Final Judgment and Permanent Injunction, “permanently enjoining [Defendants] from violating 8 U.S.C. § 1232(c)(2)(B) by repeating the violations and failures to comply described in the Court’s July 2, 2020 Decision.” ECF No. 368 at 2.

The Injunction also obligates Defendants to “comply[.]” with six additional requirements “intended to prevent Defendants’ further violations of, and to help ensure compliance with, Section

1232(c)(2)(B) going forward.” *Id.* Among other requirements, Defendants are obligated to provide Plaintiffs’ counsel monthly spreadsheet summaries of all age-outs from the prior month, along with the Age-Out Review Worksheet (“AORW”) and supporting materials. *Id.* at 6. Meanwhile, Plaintiffs’ counsel have been entitled to seek attorneys’ fees “for their time spent ... monitoring Defendants’ compliance with this Order or with 8 U.S.C. § 1232(c)(2)(B).” *Id.* at 7. The Court’s Order that it “retain jurisdiction” to “enforce and resolve any disputes concerning the terms of, and Defendants’ compliance with, this Order or with 8 U.S.C. § 1232(c)(2)(B),” however, were not perpetual; rather, jurisdiction and enforcement were set to expire within five years. *Id.* at 7-8.

C. Until late 2025, Plaintiffs raised no concerns regarding Defendants’ compliance with the Injunction and § 1232(c)(2)(B). *See* ECF No. 471 at 9 (“For four years, Defendants 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 Injunction, challenging Defendants’ now-enjoined October 2025 policy that required consideration of the mandatory detention provision at 8 U.S.C. § 1225(b). *See* ECF No. 417. Defendants adopted this policy in an effort to reconcile their obligation to comply with another provision of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1225(b)(2)(A) which governs the detention of unadmitted aliens. *See* ECF No. 427 at 24 n.3 (asserting Defendants were “reconciling the Permanent Injunction in light of binding caselaw.”) (citing *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)); ECF No. 427 at 22 (“Because Plaintiffs are subject to § 1225(b) as applicants for admission, and Defendants are bound by the parameters of that statute as well as their obligations under § 1232(c)(2)(B), parole acts as the release mechanism that is available for Plaintiffs who the AORW indicates could warrant release.”).

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 Defendants’ 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, 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.

Plaintiffs later moved to clarify and enforce the Court’s December 12, 2025 Order, challenging the sufficiency of the information Defendants produced and multiple re-detention determinations Defendants made. *See* ECF Nos. 422, 450, 453. In so doing, Plaintiffs asked the Court to clarify that Defendants must produce the documents relied on when rendering re-detention determinations and asked the Court to order release of specific re-detained individuals. Defendants opposed, contending that they were providing sufficient information to comply with the Court’s December 12, 2025 Order and that the re-detention determinations were valid. *See* ECF No. 446.

On June 2, 2026, the Court issued an Order granting in part and denying in part Plaintiffs’ motions to clarify and enforce. ECF Nos. 455, 456. The Court ordered the release of multiple re-detained individuals. ECF No. 455 at 2. The Court additionally clarified that Defendants must provide the documents on which they rely when rendering re-detention determinations. *Id.*

On June 17, 2026, Plaintiffs moved to enforce again, seeking the release of two re-detained individuals. *See* ECF No. 462. Defendants opposed. ECF No. 464. On July 7, 2026, the Court granted the motion and ordered release. ECF Nos. 468, 469. Defendants have appealed from the Court's December 12, 2025 and June 2, 2026 Orders. *See Garcia Ramirez v. ICE*, No. 26-5280 (D.C. Cir.).

LEGAL STANDARD

Under Federal Rule of Civil Procedure 60(b)(5), courts may afford relief from an injunction “where prospective application of the order is ‘no longer equitable.’” Fed. R. Civ. P. 60(b)(5). “[T]he standard for modification under this Rule is stringent.” *In re Black Farmers Discrimination Litig.*, 29 F. Supp. 3d 1, 3 (D.D.C. 2014). The party seeking modification of an injunction bears the burden of proving a “significant change either in factual conditions or in law” to warrant revision of the order. *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 384 (1992)). Moreover, modification must be “suitably tailored to the changed circumstance[s]” and in the public interest. *Rufo*, 502 U.S. at 383. Where a party seeks a modification in the form of an extension of an order's expiration due to violations of the order, the extension must be commensurate with the violations. *See, e.g., Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 175 F.4th 828, 840 (7th Cir. 2026) (affirming 118-day extension and rejection of three-year extension, accounting for actual length of violations); *Kelly v. Wengler*, 822 F.3d 1085, 1097 (9th Cir. 2016) (affirming grant of two-year extension where defendants were required to provide security personnel for two years but did not do so for “two-year period”).

ARGUMENT

The Court should deny Plaintiffs' motion. Section 1252(f)(1) deprives this Court of jurisdiction to grant the requested relief. Even if it did not, Plaintiffs have fallen far short of

satisfying the requirements for modification. They have failed to demonstrate substantial noncompliance justifying the requested extension of injunctive relief, and the Court’s jurisdiction, and the proposed three-year extension is manifestly excessive as an equitable remedy.

I. Section 1252(f)(1) Bars the Court from Extending, and Retaining Jurisdiction Over, Its Classwide Injunctive Relief.

Plaintiffs’ request to re-impose the oversight requirements from the Injunction for another three years—and to so impose the new requirements resulting from the Court’s recent Orders on Plaintiffs’ enforcement motions, which implicate new issues regarding the Government’s detention authority not raised before, ECF No. 471 at 15 n.6—is barred by 8 U.S.C. § 1252(f)(1). Under that provision, no court (save the Supreme Court) “shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of [8 U.S.C. §§ 1221-31] other than with respect to the application of such provisions to an individual alien against whom proceedings under [those provisions] have been initiated.” 8 U.S.C. § 1252(f)(1). In other words, § 1252(f)(1) “prohibits lower courts from entering injunctions”—“on behalf of an entire class of aliens”—“that order federal officials to take or to refrain from taking actions to enforce, implement, or otherwise carry out the specified statutory provisions.” *Garland v. Aleman Gonzalez*, 596 U.S. 543, 550–51 (2022). That prohibition governs “[r]egardless of the nature of the action or claim or of the identity of the party or parties bringing the action.” 8 U.S.C. § 1252(f)(1).

An order extending the Injunction’s oversight requirements, and the Court’s jurisdiction thereover, for another three years is barred by § 1252(f)(1). Such an order would plainly constitute injunctive relief, or an extension thereof, and the requested order would not be limited to “an individual alien,” 8 U.S.C. § 1252(f)(1), but rather extend to a nationwide class. ECF No. 368. The requested extension of the Injunction also “restrains” the “operation” of a covered provision. 8 U.S.C. § 1252(f)(1). By extending oversight, the Court would restrain the operation of the

Executive Branch’s detention authority under 8 U.S.C. § 1225—which is a covered provision directly implicated by the Court’s Injunction and enforcement orders.

A court order “restrains the operation” of a covered provision when it “require[s] officials to take actions that (in the Government’s view) are not required by [a covered statute] and to refrain from actions that (again in the Government’s view) are allowed by [that statute].” *Aleman Gonzalez*, 596 U.S. at 551. Here, extending jurisdiction and the specific obligations under the Injunction restricts the Government’s exercise of its detention authority under 8 U.S.C. § 1225(b)(2)(A), which the Government maintains mandates detention of all applicants for admission. *See Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026); *Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026). That restraint falls in the heartland of § 1252(f)(1).

The D.C. Circuit’s decision in *N.S. v. Dixon*, 141 F.4th 279 (D.C. Cir. 2025), bears this out. There, a district court ordered classwide injunctive relief prohibiting U.S. Marshals from making civil immigration arrests, including pursuant to Form I-200 warrants. *Id.* at 284. The D.C. Circuit agreed that the U.S. Marshals lacked authority to make civil immigration arrests, *see id.* at 287, but it nonetheless held that the classwide injunction violated § 1252(f)(1) by “prevent[ing] the Marshals from arresting and detaining any criminal defendant ... for a suspected civil immigration violation,” including pursuant to “an ICE detainer and I-200 form,” *id.* at 289.

To be sure, the Injunction in this case also restricts how the Government conducts its operations under § 1232. But a classwide injunction that restrains a covered provision cannot survive just because it also restrains a non-covered provision, too. In *Dixon*, for example, the plaintiff argued that the classwide injunction in that case “implicate[d] only § 1357—the provision governing warrantless arrests” because he was “arrested ... without a warrant” and that “there are multiple instances of the Marshals making civil immigration arrests without an I-200 form.” 141

F.4th at 290. The D.C. Circuit deemed this “beside the point” because the classwide injunction “include[d] arrests made with a warrant issued pursuant to § 1226(a).” *Id.* The same reasoning applies here.

Section 1252(f)(1) is a jurisdictional provision that certainly should not be construed as waivable—and certainly is not waived where a court extends or issues new relief not previously sought that bears directly on a covered provision. By its express terms, § 1252(f)(1) limits the “jurisdiction or authority” of the lower courts. Thus, “if the record discloses that the lower court was without jurisdiction,” federal courts must “notice the defect, [even if] the parties make no contention concerning it.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 95 (1998) (citation omitted).

That § 1252(f)(1) strips courts of jurisdiction to grant a particular form of relief, rather than adjudicate a particular type of case, does not alter that analysis. Although limits on relief ordinarily are not jurisdictional, Congress “is free to attach the conditions that go with the jurisdictional label”—including exemption from forfeiture—to whatever requirements it chooses. *Henderson v. Shinseki*, 562 U.S. 428, 435 (2011). Congress unambiguously did so in § 1252(f)(1), which expressly states that no court “shall have *jurisdiction or authority*” to grant the specified relief (emphasis added). Accordingly, that limitation “is jurisdictional ... because explicit statutory language makes it so.” *Venezuela v. Helmerich & Payne Int’l Drilling Co.*, 581 U.S. 170, 177 (2017). To be sure, *Biden v. Texas*, 597 U.S. 785 (2022), held that § 1252(f)(1) does not “concern[] *subject matter* jurisdiction,” but the Court acknowledged that § 1252(f)(1) “no doubt deprives the lower courts of ‘*jurisdiction*’ to grant classwide injunctive relief.” 597 U.S. at 801 (emphasis added). Thus while § 1252(f)(1) does not eliminate subject matter jurisdiction to adjudicate underlying merits issues, it *does* eliminate jurisdiction to grant relief inconsistent with its terms.

II. Plaintiffs Have Failed to Establish Substantial Noncompliance Constituting Changed Circumstances Warranting Extension of the Injunction.

Even if this Court had jurisdiction to grant Plaintiffs requested relief, they have not come close to justifying the *three-year* extension of injunctive relief that they seek. Plaintiffs argue that this Court’s findings of certain instances of noncompliance over the last few months constitutes a significant change in circumstances that justifies a three-year extension of the oversight provisions. ECF No. 471 at 15–20. It does not.

Plaintiffs do not dispute that Defendants have substantially *complied* with the Injunction. In their words, “[f]or four years, Defendants substantially complied with the Court’s order.” ECF No. 721 at 9. Specifically, during those four years, Field Office Juvenile Coordinators throughout the United States applied the text of § 1232(c)(2)(B) appropriately and documented their custody determination on AORWs. ECF No. 471 at 9 (recognizing four years of substantial compliance). Relatedly, Defendants consistently complied with their periodic reporting requirements by producing on a monthly basis spreadsheet summaries of all age-outs from the prior month, along with the AORW and supporting documents to Plaintiffs’ counsel. ECF No. 368 § VI, at 6–7. Defendants have also complied with the Injunction’s training requirements and requirement to provide a list of shelters, group homes, and other organizational sponsors that accept age-outs. *Id.* § IV, at 4–5; *id.* § II, at 3. Plaintiffs have not raised allegations of noncompliance in these areas. A party that has substantially complied with an injunction for more than four years out of an injunction’s five-year term cannot be guilty of substantial *non*compliance. Nevertheless, to be sure, this Court has recently concluded that Defendants had taken certain actions that did not comply with the Injunction, as briefly set forth above. But imperfect compliance does not equal substantial noncompliance.

A finding of substantial noncompliance is especially unwarranted here with respect to the now-enjoined October 2025 policy, where the Court’s findings of violations of the Injunction and § 1232(c)(2)(B) arose from the Executive Branch’s efforts to align its interpretation of an immigrant detention statute (§ 1225(b)(2)(A)) with its obligations under § 1232(c)(2)(B). *See also* ECF No. 427 at 24 n.3 (asserting Defendants were “reconciling the Permanent Injunction in light of binding caselaw.”) (citing *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)). Although the courts of appeals are divided on the Government’s interpretation of § 1225(b)(2)(A), both the Fifth and Eighth Circuits have adopted that interpretation. *See Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026); *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026). And once the Court enjoined the policy in December 2025, Defendants accordingly ceased to implement it. Defendants’ effort to conform its conduct to multiple statutory obligations is hardly the kind of defiance of a court’s Injunction justifying the sweeping extension Plaintiffs seek. *See Thompson v. HUD*, 404 F.3d 821, 825 (4th Cir. 2005) (affirming finding that “magnitude” of noncompliance “amounted to a change of circumstance sufficient to warrant modification”).

Unable to show substantial noncompliance, Plaintiffs allege instances of noncompliance that do not appear to have been raised to the Court and for which there has been no judicial determination of noncompliance. For example, Plaintiffs assert violations as to L.G.A., U.N.D.L.G., N.M.M., and M.R.L. *See* ECF No. 471 at 18–19. Those assertions of noncompliance cannot justify extending injunctive relief at all—let alone a 60% expansion of the five-year period that Plaintiffs seek here. Plaintiffs may allege these instances of noncompliance in a subsequent motion to enforce, but the Court should not construe any such allegations against Defendants absent an adjudication on the merits of the allegations and subsequent judicial determination of noncompliance. *Accord* ECF No. 368 § VII.C., at 7. Nor can Plaintiffs justify the requested

extension based on allegations of a “[c]ampaign [a]gainst [u]naccompanied [c]hildren” who are *not* class members. ECF No. 471 at 12–14. Plaintiffs cannot establish noncompliance with this Court’s orders based on alleged conduct toward those “who do not benefit from this Court’s orders.” *Id.* at 14.

Simply put, Defendants have consistently complied with the Court’s Injunction for years with only certain recent findings of noncompliance. The Court should not construe those recent violations as rendering Defendants in substantial noncompliance constituting changed circumstances that justify any extension of the Injunction—particularly not a lengthy extension of three years.

III. Plaintiffs’ Request for a Three-Year Extension Is Not Suitably Tailored.

Plaintiffs’ requested extension is also not tailored to the alleged changed circumstances. Instead, Plaintiffs’ purported “modest” request for a protracted three-year extension is arbitrary, notably speculative as to future action, and based on considerations other than equity—not consideration of the actual length and nature of the violations found by the Court. ECF No. 471 at 20. Such a sweeping extension is especially unwarranted.

A modification of a court order pursuant to Federal Rule of Civil Procedure 60(b)(5), on the grounds that applying it prospectively is no longer equitable, is “suitably tailored to the changed circumstance” when it “would return both parties as nearly as possible to where they would have been absent” the changed circumstances. *Pigford v. Veneman*, 292 F.3d 918, 927 (D.C. Cir. 2002) (emphasis omitted). Courts have typically, and appropriately, used a scalpel to carefully craft remedies for violations, not a cudgel as seemingly contemplated by Plaintiffs’ request.

Indeed, courts typically tie temporal extensions of orders such as the Court’s Injunction to the duration of the violation. In *Castanon-Nava*, the district court rejected plaintiffs’ request for a

three-year extension of the consent decree and instead issued a substantially shorter extension, accounting for the actual length of the violations of the consent decree. 175 F.4th 828 (7th Cir. 2026). The Seventh Circuit explained:

[T]he district court’s modification was reasonable and narrowly tailored to address Defendants’ noncompliance. In fact, the district court rejected Plaintiffs’ request for a three-year extension and instead extended the Consent Decree by only 118 days, the period between June 11, 2025 (the date of the DHS email) and October 7, 2025 (the date of the order’s issuance).

Id. at 840. Similarly, in *Thompson*, the district court rejected plaintiffs’ request for a three-year extension, despite finding that defendants’ “level of compliance fell so far short of complete as to be beyond any reasonable degree of expectations or acceptability.” 404 F.3d 821, 825 (4th Cir. 2005) (citation and internal quotes omitted). Instead of granting plaintiffs’ requested extension, the court “extended its jurisdiction ‘until such time as HUD shows that its obligations have been fulfilled approximately to the same extent as the parties and the Court originally and reasonably contemplated would have been fulfilled by June 25, 2003.’” *Id.* at 830 (citation omitted). Additionally, in *Kelly v. Wengler*, the district court conducted a reasonable temporal assessment when crafting its extension, tying the length of the extension to the actual duration of the breach. 822 F.3d 1085, 1097 (9th Cir. 2016) (affirming grant of requested two-year extension where defendants were required to provide security personnel for two years but did not do so for two years).

A three-year extension of the Injunction would be anything but tailored. The recent violations Plaintiffs have identified span a time period much shorter than three years and come against a backdrop of *four years of undisputed substantial compliance*. And as noted, the first of the asserted violations came as a result of the Government’s efforts to comply with its various statutory obligations under the INA. Moreover, Plaintiffs’ demand for a three-year extension

ignores that the Injunction is perpetual. ECF No. 368 at 2 (“Defendants are permanently enjoined from violating 8 U.S.C. § 1232(c)(2)(B) by repeating the violations and failures to comply described in the Court’s July 2, 2020 Decision”). After September 21, 2026, Defendants will remain bound to comply with that Injunction.

Ultimately, while Plaintiffs may dislike the expiration of their oversight, they have offered no sound argument justifying a three-year extension. The Court should use a “restrained approach” when considering Plaintiffs’ request—and reject their extreme request for a three-year extension. ECF No. 367 at 9.

Finally, Plaintiffs’ request appears to rely on punitive and not equitable considerations. *But see* Fed. R. Civ. P. 60(b)(5) (allowing modification where “the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or *applying it prospectively is no longer equitable.*”) (emphasis added). Indeed, Plaintiffs dedicate pages to concerns not precisely relevant to the overarching legal issues implicated by the violations in this case. They state that there exists a “[c]ampaign [a]gainst [u]naccompanied [c]hildren,” while this case concerns age-outs—individuals who have reached the age of majority. ECF No. 471 at 12–14. They likewise raise conditions-of-confinement concerns not specific to any age-out in this case. *See id.* at 22–23 (alleging “well-documented ‘cruel, inhumane, unacceptable’ conditions in Defendants’ custody, in which over 50 people have died under this administration”) (citation omitted); *id.* at 23 (alleging “Defendants are using these intolerable conditions to coerce more people to accept voluntary departures and removal orders.”) (citation omitted). Rule 60(b)(5) and the Court’s inherent equitable authority should not be used to impose punitive extensions—or any extensions untethered to the actual breach.

The Court should reject Plaintiffs' request for a three-year extension. An extension is not warranted because Defendants demonstrate substantial compliance. Even assuming an equitable extension were appropriate, a three-year extension could not be reasonably tethered to the actual violations as required.

CONCLUSION

The Court should deny Plaintiffs' motion in its entirety.

Date: August 11, 2026

Respectfully submitted,

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