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' SECOND MOTION TO ENFORCE THE COURT'S JUNE 2, 2026 ORDER

Plaintiffs challenge the detention of two former age-outs, B.I. and O.O.P.[1] They allege that Defendants failed to establish materially changed circumstances for both individuals and, through purported delay, caused B.I. to request voluntary departure from an Immigration Judge. A measured review of the record and application of the relevant standard establish otherwise.

INTRODUCTION

On August 14, 2026, Defendants properly detained B.I., due to material changes in circumstances rendering him a flight risk. *See* Sealed Exh. E at 3. Additionally, while B.I. was detained, he decided to request voluntary departure from an Immigration Judge ("IJ"), after he conferred with an immigration lawyer. *See* ECF No. 482-3 ¶ 20. The IJ granted B.I.'s counseled request, *see id.* ¶ 20, at which point his immigration proceedings concluded, and the protections of

[1] B.I. received an age-out custody determination by Defendants in October 2023, more than three years ago. He is twenty-one years old. O.O.P. received an age-out custody determination by Defendants in November 2025. He is eighteen years old.

this Court's Injunction no longer applied to him. *See, e.g.*, *Garcia Ramirez v. U.S. Immigr. & Customs Enf't*, No. CV 18-508 (RC), 2026 WL 1557609, *1 (D.D.C. June 2, 2026). To comply with the grant of voluntary departure, B.I. must depart the United States by November 4, 2026. If he fails to depart, an order of removal will automatically enter. *See* 8 C.F.R. § 1240.26(d).

Defendants also properly detained O.O.P. on August 10, 2026, due to material changes in circumstances reflecting that he is a danger to the community and flight risk. As discussed further below, the evidence reflects O.O.P.'s aggressive conduct and failure to obey lawful orders. Now, Plaintiffs present new, competing evidence, *see, e.g.*, Exhs. C, D, E, but those materials should be afforded no countervailing evidentiary weight.

While Plaintiffs disagree with Defendants' changed-circumstances analyses, Defendants disagree with Plaintiffs' characterization and weighing of the relevant evidence. The record shows that Defendants' decisions to detain B.I. and O.O.P. complied with this Court's Orders, and that B.I.'s immigration proceedings concluded such that he is no longer subject to the Court's Injunction.

RELEVANT BACKGROUND

On December 12, 2025, the Court issued an Order enforcing its 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 detained former age-outs to class counsel in monthly re-arrest reports. *See* ECF No. 456 at 5. The parties agreed that Defendants would provide re-arrest reporting on the twentieth day of each month, or the following business day if the twentieth falls on a weekend or holiday. *See* ECF No. 446 at 4 n.1; ECF No. 471-1 ¶ 5.

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 documents 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 omitted).

On Monday, September 21, 2026, Defendants produced the August 2026 re-arrest report and supporting documents to Plaintiffs, which contained a description of the material changes in circumstances as to B.I. and O.O.P., as well as the documents supporting that determination. On October 6, 2026, Plaintiffs' counsel requested the release of O.O.P. *See* ECF No. 482 at 2. On October 7, 2026, Plaintiffs' counsel requested the release of B.I. *See id.*

On October 15, 2026, Defendants informed Plaintiffs that Defendants maintain that B.I. is a flight risk and is no longer covered by the Court's orders due to the conclusion of his removal proceedings. In the same correspondence, Defendants informed Plaintiffs that Defendants maintain that O.O.P. is a flight risk and danger to the community due to the conduct raised in the reporting on his re-detention. On October 16, 2026, Defendants provided additional information regarding the decisions to detain B.I. and O.O.P.

LEGAL STANDARD

I. Motion to Enforce

District courts have "the authority to enforce the terms of their mandates." *Flaherty v. Pritzker*, 17 F. Supp. 3d 52, 55 (D.D.C. 2014). A court "should grant a motion to enforce if a 'prevailing plaintiff demonstrates that a defendant has not complied with a judgment entered against it.'" *Sierra Club v. McCarthy*, 61 F. Supp. 3d 35, 39 (D.D.C. 2014) (quoting *Heartland Hosp. v. Thompson*, 328 F. Supp. 2d 8, 11 (D.D.C 2004)). Success on an enforcement motion "gets

a plaintiff only the relief to which [the plaintiff] is entitled" under the "original action and the judgment entered therein." *Heartland Reg'l Med. Ctr. v. Leavitt*, 415 F.3d 24, 29 (D.C. Cir. 2005) (quoting *Watkins v. Washington*, 511 F.2d 404, 406 (D.C. Cir. 1975)) (internal quotes omitted).

II. APA[2]

In its July 6, 2026 Order granting Plaintiffs' motion to enforce, the Court applied the APA to determine whether Defendants' re-detention of two former age-outs was in accordance with its Injunction. *See Garcia Ramirez v. U.S. Immigr. & Cutstoms Enf't*, No. CV 18-00508 (RC), 2026 WL 1954459, *3 (D.D.C. July 6, 2026) (applying the APA's "arbitrary and capricious" standard when ordering the release of H.M.A. and Y.Z.P.); *see also Garcia Ramirez v. U.S. Immigr. & Customs Enf't*, No. CV 18-508 (RC), 2026 WL 1557609, *7 (D.D.C. June 2, 2026).

Under the APA, a court may set aside agency action if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An agency acts in "an arbitrary and capricious manner if it 'has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could

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[2] It is worth noting that this case was filed as an APA challenge to Defendants' prior practices related to the implementation of Section 1232(c)(2)(B). Review of individual, fact-based detention decisions of former age-outs was never previously at issue. Neither was issuing relief in the form of release from detention. Defendants maintain that the relief requested here sounds in habeas and must be brought through such proceedings, as argued previously. *See* ECF No. 446 at 11–13. Defendants respectfully disagree that they waived any such argument by not previously raising them earlier in the litigation, when the detention of former age-outs was never in question. Indeed, review of individual custody decisions of adult aliens years after they have aged out, and ordering release, were not issues previously implicated by this case. And the APA does not properly apply to review of individual custody determinations; court-ordered release supplanting a federal agency's custody decision contravenes the APA. *See, e.g.*, *Defs. of Wildlife v. Jewell*, 70 F. Supp. 3d 183, 190 (D.D.C. 2014) ("The court is not empowered to substitute its judgment for that of the agency." (citation omitted)). But, recognizing the law of the case, *see, e.g.*, *Garcia Ramirez v. U.S. Immigr. & Cutstoms Enf't*, No. CV 18-00508 (RC), 2026 WL 1954459, *3 (D.D.C. July 6, 2026), Defendants make their argument under the APA while preserving all prior arguments.

not be ascribed to a difference in view or the product of agency expertise.'" *Garcia Ramirez*, 2026 WL 1954459 at *3 (quoting *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.* ("*Motor Vehicle Mfrs.*"), 463 U.S. 29, 43 (1983)); *Defs. of Wildlife v. Jewell*, 70 F. Supp. 3d 183, 190 (D.D.C. 2014) (citation omitted). Thus, a reviewing court must be satisfied that the agency has "examine[d] the relevant data and articulate[d] a satisfactory explanation for its action including a rational connection between the facts found and the choice made." *Las Americas Immigrant Advoc. Ctr. v. DHS* ("*Las Americas*"), 783 F. Supp. 3d 200, 212 (D.D.C. 2025) (quoting *Alpharma, Inc. v. Leavitt*, 460 F.3d 1, 6 (D.C. Cir. 2006)) (internal quotes omitted). "[T]he party challenging an agency's action as arbitrary and capricious bears the burden of proof." *Davidson v. United States Dep't of State*, 113 F. Supp. 3d 183, 192 (D.D.C. 2015) (citation omitted).

The "arbitrary-and-capricious standard of review is 'very deferential.'" *Id.* at 191 (quoting *Rural Cellular Ass'n v. FCC*, 588 F.3d 1095, 1105 (D.C. Cir. 2009)); *Las Americas*, 783 F. Supp. 3d. at 213 ("An agency's decisions are entitled to a 'presumption of regularity'") (quoting *Citizens to Preserve Overton Park, Inc. v. Volpe* ("*Overton Park*"), 401 U.S. 402, 415 (1971)). "Although this inquiry into the facts is to be searching and careful, the ultimate standard of review is a narrow one. The court is not empowered to substitute its judgment for that of the agency." *Defs. of Wildlife*, 70 F. Supp. 3d at 190 (quoting *Overton Park*, 401 U.S. at 416) (internal quotes omitted).

Accordingly, "the court will generally defer to the wisdom of the agency as long as the action is supported by 'reasoned decisionmaking.'" *Davidson*, 113 F. Supp. 3d at 191 (quoting *Fox v. Clinton*, 684 F.3d 67, 75 (D.C. Cir. 2012)) (footnote omitted). An agency decision need not be "the only reasonable one, or even . . . the result [the court] would have reached." *Am. Paper Inst., Inc. v. Am. Elec. Power Serv. Corp.*, 461 U.S. 402, 422 (1983) (quoting *Unemployment Comp. Comm'n v. Aragon*, 329 U.S. 143, 153 (1946)).

ARGUMENT

Defendants' determinations of materially changed circumstances survive scrutiny under the APA and this Court's Orders. Plaintiffs allege that Defendants' decisions to re-detain B.I. and O.O.P. are arbitrary and capricious, but their APA analyses are erroneous. Further, B.I.'s immigration proceedings have ended, so he is no longer subject to Section 1232(c)(2)(B). The Court should deny Plaintiffs' motion in its entirety.[3]

I. B.I. Is No Longer Covered by Section 1232(c)(2)(B). Even Assuming *Arguendo* That He Is Covered, the Decision to Detain Him Is Adequately Reasoned and Supported.

B.I. is no longer subject to the protection of the Court's Orders because his immigration proceedings concluded upon his acceptance of voluntary departure from an IJ. Contrary to Plaintiffs' claim that this position is "erroneous and unjust," ECF No. 482 at 17, it is in fact supported by the exact text of the Court's Orders and requires no legal or linguistic gymnastics. *See id.* at 17–18. Additionally, the allegation that undue delay by Defendants caused B.I. to accept voluntary departure is, at best, flatly inaccurate, as are their related and unsupported suggestions of coercion and weaponization, *see id.* at 18.

The Court has explained at least twice that an age-out's protection under Section 1232(c)(2)(B) ends when the age-out's immigration proceedings "conclude." *Garcia Ramirez v. U.S. Immigr. & Customs Enf't*, No. CV 18-508 (RC), 2026 WL 1557609, *1 (D.D.C. June 2, 2026) ("These protections continue to apply until the age-out's immigration proceedings conclude.");

[3] An open question in this case is which party bears the burden in enforcement proceedings brought by Plaintiffs. *See* ECF No. 466-1. Defendants maintain that it is the party who makes the request for enforcement who bears the burden of showing enforcement is warranted. *See id.* at 2–3. Defendants also emphasize that, in the APA context, "the party challenging an agency's action as arbitrary and capricious bears the burden of proof." *Davidson*, 113 F. Supp. 3d at 192. Accordingly, the Court should clarify that the analytical framework applicable to Plaintiffs' enforcement motions places the burden on Plaintiffs.

Garcia Ramirez v. U.S. Immigr. & Customs Enf't, 812 F. Supp. 3d 86, 108 (D.D.C. 2025) ("[T]he protections Section 1232(c)(2)(B) affords age-outs remain in effect until the age-out's immigration proceedings conclude."). The words here are clear. The event that triggers loss of protection under Section 1232(c)(2)(B) is the *conclusion* of removal proceedings—not whether a "final order of removal" has issued. ECF No. 482 at 17.[4]

Plaintiffs attempt to rebut this clear conclusion in part by knotting together statutory provisions not at issue in this case and a U.S. Supreme Court opinion. *See* ECF No. 482 at 17–18 (citing 8 U.S.C. §§ 1231(a)(2)(A), (a)(1)(B); *Monsalvo v. Bondi*, 604 U.S. 712, 715 (2025)). But this puzzling argument cannot overcome the Court's express finding that protection ends upon the conclusion of removal proceedings. And their alternative argument fails.

Plaintiffs' accusations that Defendants "delayed over five weeks" in producing information about B.I. to cause B.I. to accept voluntary departure are misguided and wrong. ECF No. 482 at 1. The Court set no timeframe within which Defendants must produce information, and—crucially—the parties agreed that Defendants would provide re-arrest reports on the twentieth of each month or the following business day. *See* ECF No. 446 at 4 n.1; ECF No. 471-1 ¶ 5. Defendants provided the relevant re-arrest report on Monday, September 21, 2026. Sixteen days later (and two days *after* B.I. made his counseled request for voluntary departure), on October 7, 2026, Plaintiffs raised a challenge to B.I.'s detention. Defendants responded on October 15 and again on October 16.[5]

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[4] Voluntary departure is a benefit. A respondent in Immigration Court may choose to seek voluntary departure, in lieu of continuing proceedings, potential entry of a final removal order, and applicability of a potential re-entry ban. 8 U.S.C. § 1229c; *see also* 8 U.S.C. § 1182(a)(9)(A). If an alien requests and accepts voluntary departure in lieu of continuing proceedings, he must concede removability, withdraw all requests for relief, and waive appeal. 8 C.F.R. § 1240.26(b)(i). The end result is that his removal proceedings have concluded. *See* 8 C.F.R. § 1240.26(b)(i).

[5] Monday, October 12, 2026, was a federal holiday. Defendants thus responded within four business days of receiving Plaintiffs' request.

There is no requirement in the Court's Orders regarding the timeframe in which Defendants should respond to such inquiries, nor have the parties agreed to a response time.[6] Thus, the timing of Defendants' responses neither constitutes a violation of any of the Court's Orders nor can it fairly be colored as undue delay.

Moreover, even if B.I.'s removal proceedings continued such that he remained entitled to the protection of the Court's Orders, Defendants' flight risk determination is well reasoned and supported by reliable evidence. "Agency action is arbitrary and capricious if an agency 'has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.'" *Garcia Ramirez*, 2026 WL 1954459, at *3 (quoting *Motor Vehicle Mfrs.*, 463 U.S. at 43). B.I.'s detention is lawful.

Defendants' detention determination is plausible, and the records reflect Defendants considered the important aspects of the problem and offered an explanation that aligned with the evidence before them. Specifically, Defendants considered B.I.'s two failures to comply with his check-in requirement and failure to update his address with Defendants as required. *See* Sealed Exh. E at 3–4. Indeed, Defendants' records reflect that on October 24, 2023, B.I. attended his initial reporting appointment after release on an Order of Release on Recognizance ("OREC"), with conditions; at that time, his next check-in date was scheduled for October 23, 2024. *See id.* at 3

[6] Additionally, unlike the parties' agreement that Defendants produce re-arrest reports on the twentieth of each month, the parties did not agree on the timing of responses. A purported delay of five business days, or eight calendar days, *see supra* footnote 5, to respond is hardly undue delay or an attempt to "weaponize" time. ECF No. 482 at 18. Moreover, Defendants have also explained the efforts that career public servants undergo to review detention determinations, among their other duties. *See* ECF No. 446-1 ¶¶ 3, 7, 9. And Plaintiffs do not claim there was an agreement regarding response time in their motion—rightfully so.

(entry dated 10/23/2023). He failed to report for that appointment. *See id.* at 4 (entry dated 10/23/2024). Moreover, Defendants' records reflect that they notified the Young Adult Case Management Program case manager of B.I.'s next reporting date so the information would be relayed to him. *Id.*

After B.I. failed to appear for his scheduled appointment on October 23, 2024, a new reporting date was set for October 23, 2025. *See id.* B.I. failed to attend that appointment as well. *See id.* There is no record that B.I. ever contacted Defendants regarding his missed appointments or otherwise for nearly three years. Based on this information, Defendants' conclusion that B.I. failed to report as required is certainly plausible and an important aspect of flight risk considerations. *See Defs. of Wildlife*, 70 F. Supp. 3d at 190 (citation omitted).

Further supporting the flight risk determination, Defendants' records indicate that B.I. failed to update his address with Immigration and Customs Enforcement ("ICE") when he moved, which his conditions of release required. Indeed, on July 31, 2024, Defendants attempted to mail information regarding B.I.'s next reporting date, time, and location to the most recent address on record for B.I. *See* Sealed Exh. E at 4 (entry dated 07/31/2024). The mail was returned as undeliverable, *see id.* at 3 (entry dated 08/29/2024), and as discussed below, B.I. concedes that he did not update his address with ICE.

Due to his two missed appointments and failure to update his address, ICE did not have contact with B.I. for nearly three years. Even assuming the allegations that B.I. fled on foot from law enforcement are inaccurate, B.I.'s failures to report and to update his address are important aspects of the problem and support the determination that he is a flight risk—to include valid concern that he would not voluntarily report to ICE or appear before an IJ. *See, e.g.*, *Sagarwala v. Cissna*, 387 F. Supp. 3d 56, 64 (D.D.C. 2019) ("Where . . . an agency offers multiple independent

grounds for a decision, '[a court] will affirm the agency so long as any one of the grounds is valid . . . .'") (quoting *Fogo De Chao (Holdings) v. U.S. Dep't of Homeland Sec.*, 769 F.3d 1127, 1149 (D.C. Cir. 2014)) (bracketed alteration in original). And, during his three years without any contact with ICE, B.I. did not have any scheduled appearances before an IJ, constituting the absence of a factor against which to weigh the likelihood of future appearances; Defendants were therefore left to analyze a history of one earlier attendance at a check-in and two more recent failures to attend. *Cf.* ECF No. 482 at 16 (citing *Garcia Ramirez*, 2026 WL 1954459 at *3). Defendants' determination that B.I. is a flight risk is the result of "reasoned decisionmaking," and the Court should defer to the agency. *Davidson*, 113 F. Supp. 3d at 191 (citation and internal quotes omitted).

Additionally, although Plaintiffs have proffered new materials not originally before the decisionmakers, the Court should not accept this information. *See Univ. of Colorado Health v. Azar*, 486 F. Supp. 3d 185, 200 (D.D.C. 2020) ("[S]upplementation is appropriate if the agency 'did not include materials that were *part of its record*, whether by design or accident. . . . But to overcome the presumption of regularity, 'a plaintiff must put forth *concrete evidence* that the documents it seeks to "add" to the record were *actually before the decisionmakers*.'") (emphasis added). Even if the Court accepted the new materials, they do not render Defendants' determination arbitrary or capricious.

Notably, in his declaration, B.I. does not categorically deny that Defendants informed him of his conditions of release. *See* ECF No. 482-3 ¶ 5 ("As far as I remember, ICE did not tell me I needed to come back to check-in again on a certain date."). B.I. further acknowledges that he and his brother relocated after his release on OREC, but he did not report his change of address to ICE. *See id.* ¶¶ 7–8. Although Plaintiffs allege that B.I. did not know that he was required to report any change of address to ICE, B.I.'s I-220A would have made him aware of this requirement.

Defendants' records reflect that he was served with an I-220A on October 12, 2023. *See* Sealed Exh. E at 4 (entry dated 10/12/2023). While B.I. specifies that he did not receive any documentation (in a language he understands) from ICE at his check-in on October 24, 2023, in contrast, he does not deny that he received an I-220A or other documentation from ICE on October 12, 2023. *See* ECF No. 882-3 ¶ 4.

Moreover, contrary to Plaintiffs' suggestion that B.I. reasonably believed updating his address with U.S. Citizenship and Immigration Services ("USCIS") had the effect of updating ICE records, it does not. *See* ECF No. 482 at 14–15. While USCIS and ICE are both components of DHS, they are separate agencies, with different functions. *See* DHS, *Operational and Support Components*, *available at* https://www.dhs.gov/operational-and-support-components (last visited Oct. 22, 2026).[7] Plaintiffs further point to language access issues to buttress B.I.'s alleged misunderstandings, but they likewise explain that B.I.'s brother—with whom he lived—had served as an unofficial interpreter at the one check-in B.I. did attend, on October 11, 2023. *See* ECF No. 482-3 ¶¶ 4–5 ("My brother came with me and helped translate but ICE did not provide an official translator or provide copies of any of the documents in Uzbek or another language I understand."). It strains credulity that B.I. did not know of his reporting requirements or that he should maintain contact with ICE.

Moreover, Plaintiffs' contention that Defendants "failed to account for the fact that B.I. had a pending asylum application and was a member of the *J.O.P.* class" is also misplaced. ECF No.

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[7] The Court may take judicial notice of adjudicative facts, *see* Fed. R. Evid. 201(a)–(c), to include this objective and publicly available information regarding the responsibilities of DHS components. Relatedly, Plaintiffs have repeatedly and incorrectly cited to extra-record materials, presumably to raise purported adjudicative facts, with no more than a quick citation—that is, without properly bringing said information to the Court's attention. The Court should disregard Plaintiffs' extra-record citations and argument based on them.

482 at 17. The information Defendants relied on and provided to Plaintiffs in fact reflects potential *J.O.P.* membership, *see* Sealed Exh. E at 3, and contrary to Plaintiffs' assertion that said factors "diminish[] any incentive to abscond," ECF No. 482 at 17, B.I. had already failed to report in October 2024 and October 2025, *after* he filed his asylum application in August 2024, *see* Sealed Exh. D ¶ 6.[8] Generally, although Plaintiffs may disagree with the level of detail provided by Defendants, Defendants are not required to "write an exegesis on every contention." *Liu v. Mayorkas*, No. CV 20-704 (FYP), 2021 WL 5578672, * 7 (D.D.C. Nov. 30, 2021) (quoting *Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010)); *id.* (refusing to disturb USCIS decision while noting "USCIS's explanation is unquestionably brief"); *see also Tourus Recs., Inc. v. DEA*, 259 F.3d 731, 737 (D.C. Cir. 2001) ("[T]he core requirement is that the agency explain why it chose to do what it did.") (citation omitted). Nor are Defendants required to present their decisionmaking in any particular form or fashion. *See Garcia Ramirez*, 2026 WL 1557609, *5, 8 n.5 (explaining Defendants must provide "information" and what documents said information includes) (citation omitted).

Overall, Defendants' decision to detain B.I. was sound, and the Court's Orders establish that B.I. is no longer covered by the Injunction, because his immigration proceedings have ended. Indeed, Defendants' decision is not arbitrary or capricious, 5 U.S.C. § 706(2)(A), as it "examine[d] the relevant data and articulate[d] a satisfactory explanation for its action including a rational connection between the facts found and the choice made." *Las Americas*, 783 F. Supp. 3d at 212. The Court is not authorized to "substitute its judgment for that of the agency." *Defs. of Wildlife*, 70 F. Supp. 3d at 190. The Court should deny Plaintiffs' request that it order B.I.'s release.

[8] ICE's records reflect that B.I. did not claim a fear of removal to his country of origin. *See* Sealed, Form I-213 Narrative, dated Aug. 14, 2026, Exh. E at 7.

II. The Decision to Detain O.O.P. Is Reasoned and Supported.

Defendants' decision to detain O.O.P. is likewise compliant with the Court's Orders. Indeed, the record reflects that ICE considered important aspects of the problem, and its ultimate decision squarely aligns with the evidence before it. *See Garcia Ramirez*, 2026 WL 1954459, at *3 (quoting *Motor Vehicle Mfrs.*, 463 U.S. at 43). O.O.P.'s detention is lawful.

Defendants' records reflect that O.O.P. was arrested by local law enforcement in Kenner, Louisiana, on August 9, 2026, for Improper Lane Usage, Driver Not Licensed, Refusal or Failure to Obey Lawful Orders, Criminal Damage to Property, and Resisting an Officer & Arrest. *See* Sealed Exh. B at 7. According to Defendants' records, O.O.P. was observed driving a vehicle in a manner that almost caused a collision. *See id.* at 6. The records further reflect that during the encounter, he became irate, repeatedly struck his head against the police vehicle's rear glass partition, and aggressively and repeatedly kicked the rear metal partition and area surrounding the rear seat-belt buckle, which caused property damage. *See id.* ICE therefore exercised "reasoned decisionmaking" to determine that O.O.P. presents a danger to the community due to the above-referenced encounter. *Davidson*, 113 F. Supp. 3d at 191 (citation omitted).

Moreover, when O.O.P. aged out, he was placed on OREC and was notified of his conditions of release, which included a prohibition on violating local, state, or federal law. *See id.* at 22. As illustrated above, O.O.P.'s conduct reflects that he violated those conditions. As such, ICE likewise "examined the relevant data" and identified a "a rational connection between the facts found and the choice made." *Las Americas*, 783 F. Supp. 3d at 212 (internal quotes and citation omitted).

Plaintiffs challenge the decision to detain O.O.P. in part based on their observation that his charges are still pending, *see* Sealed Exh. C at 1, but that Defendants allegedly did not consider

the fact that he has not yet been convicted, and that he was in fact not charged with Resisting Arrest. *See* ECF No. 482 at 7. The information Defendants relied upon, however, acknowledges that the charges are pending. *See* Sealed Exh. B at 9 (entry dated 9/15/2026). Moreover, while Plaintiffs suggest that criminal history alone does not necessarily establish danger, particularly where there is no conviction, ECF No. 482 at 8, the agency was nonetheless obligated to consider "the relevant data," which included O.O.P.'s conduct described in its records, and articulate a "satisfactory explanation for its action." *Las Americas*, 783 F. Supp. 3d at 212. As to the Resisting Arrest charge, Defendants' decision to detain O.O.P. rests on grounds other than that one specific charge, including his documented conduct during his encounter with law enforcement and the other pending charges. *See Sagarwala*, 387 F. Supp. 3d at 64 ("Where . . . an agency offers multiple independent grounds for a decision, '[a court] will affirm the agency so long as any one of the grounds is valid . . . .'") (citation omitted).

Plaintiffs have also supplied new materials not originally before the decisionmakers regarding O.O.P.'s arrest by Kenner law enforcement. But, again, the Court should not accept this information. *See Univ. of Colorado Health*, 486 F. Supp. 3d at 200. And the materials fail to persuasively undermine Defendants' determination.

For example, O.O.P.'s declaration corroborates key facts raised in Defendants' records, including information demonstrating aggressive behavior. *See* ECF No. 482-1 ¶ 7. Moreover, Plaintiffs assert that Kenner police "pretextually arrested [O.O.P.]," ECF No. 482 at 4, but they do not claim O.O.P. has challenged the arrest as unlawful. There is no indication that O.O.P. or any criminal defense counsel has acted on his behalf to attempt to dismiss the charges or otherwise challenge them. Moreover, the publicly available memorandum of understanding ("MOU") between ICE and the Kenner police department explicitly provides a process to lodge complaints

against officers assisting ICE under the MOU, but there is no indication that a complaint has been filed by or on behalf of O.O.P. challenging O.O.P.'s encounter. *See Memorandum of Understanding*, 287(g) Jail Enforcement Model, Kenner, LA Police Dep't, *available at* https://www.ice.gov/doclib/287gMOA/LouisianaDPSCLA_JEM_MOA_072425.pdf (last accessed Oct. 22, 2026) (explaining that "287(g) Complaint Process posters will be displayed in processing areas of the [law enforcement officers] to ensure aliens encountered under the 287(g) Program are aware of the complaint process. Posters will be displayed in English and Spanish.").[9]

The information produced under the Court's Orders supports Defendants' decision to detain O.O.P. The record shows that Defendants "examine[d] the relevant data and articulate[d] a satisfactory explanation for [the] action including a rational connection between the facts found and the choice made." *Las Americas*, 783 F. Supp. 3d at 212. Defendants' decision need not be "the only reasonable one, or even . . . the result [the Court] would have reached." *Am. Paper Inst., Inc.*, 461 U.S. at 422. Defendants' action is "supported by reasoned decisionmaking," and the Court should defer to it. *Davidson*, 113 F. Supp. 3d at 191. The Court should deny Plaintiffs' request that it order O.O.P.'s release.

CONCLUSION

The Court should deny Plaintiffs' motion in its entirety.

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[9] The Court may take judicial notice of this information. *See* Fed. R. Evid. 201(a)–(c).

Date: October 26, 2026

Respectfully submitted,

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