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17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA
19 WESTERN DIVISION

20 JENNY LISETTE FLORES, *et al.*,

21 Plaintiffs,

22 v.

23 WILLIAM P. BARR, *et al.*,

24 Defendants.

Case No. CV 85-4544-DMG (AGR_x)

**[PROPOSED] TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE RE: PRELIMINARY
INJUNCTION AND CONTEMPT ORDER**

Hearing: None

Time: n/a

Room: n/a

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1 This matter is before the Court on Plaintiffs’ application for a temporary
2 restraining order requiring Defendants to remedy the conditions at United States
3 Customs and Border Protection (“CBP”) facilities in the El Paso and Rio Grande
4 Valley CBP Sectors (herein, the “Facilities”) that have and continue to constitute a
5 public health emergency and to hold the Defendants in contempt. This application
6 seeks an immediate remedy for the public health emergency at the Facilities caused
7 by Defendants’ blatant violation of the June 17, 1997 Flores Settlement Agreement
8 (the “Agreement”) in this matter, and this Court’s prior orders holding Defendants in
9 violation of the Agreement, including the Order dated June 27, 2017 (the “Order”), as
10 follows: (1) an immediate inspection of all CBP Facilities by a public health expert
11 authorized to mandate a remediation plan that Defendants must follow to make these
12 facilities safe and sanitary, (2) immediate access to the Facilities by independent
13 medical professionals appointed by Plaintiffs’ class counsel or the Court-appointed
14 Special Master who can assess the medical needs of the children and triage
15 appropriately, and (3) deployment of an intensive case management team to focus on
16 expediting the release of Category 1 and Category 2 children (as classified in The
17 Trafficking Victims Protection Reauthorization Act) to alleviate the backlog caused
18 by the inadequate Office of Refugee Replacement placement array, and (4) for an
19 Order finding Defendants in contempt of Court, with a suitable and appropriate
20 remedy to be determined by the Court.

21 IT IS ORDERED that Plaintiffs’ ex parte application for a temporary restraining
22 order is GRANTED.

23 IT IS FURTHER ORDERED that Defendants herein forthwith permit independent
24 medical professionals and/or any intensive case management team immediate access
25 to the Facilities.

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1 IT IS FURTHER ORDERED that Defendants shall not impede independent medical
2 professionals and/or any intensive case management team from examining and
3 talking to class members and staff at the Facilities.

4 The foregoing order shall expire ten days from the date of entry.

5 IT IS FURTHER ORDERED as follows:

- 6 1. Defendants shall file their opposition to Plaintiffs' request for a preliminary
7 injunction and request that Defendants be held in contempt for violation of the
8 Agreement and Order by _____. Plaintiffs shall file their reply by
9 _____.
- 10 2. Defendants shall appear before the Court on _____ at _____ to show
11 cause why the preliminary injunctive relief sought in the *Ex Parte* Application
12 for a Temporary Restraining Order, and Request for a Preliminary Injunction
13 and Contempt Order should not be granted.

14 IT IS SO ORDERED.

15 Dated: June __, 2019

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17 _____
18 Dolly M. Gee
19 United States District Judge
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