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UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.: 5:26-cv-03709-KS

OPPOSED - PETITIONER'S FIRST EX PARTE APPLICATION FOR AN ORDER (1) EXPEDITING RULING ON THE FULLY SUBMITTED PETITION PURSUANT TO 28 U.S.C. § 2243, OR, IN THE ALTERNATIVE, (2) ORDERING INTERIM RELEASE PENDING ADJUDICATION, BASED ON CHANGED MEDICAL CIRCUMSTANCES; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF COUNSEL (L.R. 7-19.1)

Hon. Karen L. Stevenson
United States Magistrate Judge

I. INTRODUCTION

Petitioner Jorge Gonzalo Samaniego respectfully applies, ex parte, pursuant to Local Rule 7-19 and the Court's authority under 28 U.S.C. § 2243, for an order (1) expediting the Court's ruling on the Petition for Writ of Habeas Corpus, which has stood fully submitted since July 13, 2026; or, in the alternative, (2) ordering Petitioner's interim release from custody pending the Court's adjudication of the Petition.

This application rests on a material change in circumstances that has arisen since the Petition was submitted. Petitioner suffered a serious fracture of his left hand that was surgically repaired with internal metal hardware. Since submission, that hardware has come loose. As set out in the concurrently filed Supplemental Declaration of Celia Margarita Samaniego, Petitioner is now in severe pain, has lost feeling in part of his hand, has developed a bleeding wound beneath a cast he has been forbidden to remove and a growing lump on his finger, and can feel the loosened hardware inside his hand — yet, despite requesting medical attention nearly every day, he has been told he is "not a priority" and has received neither the revision surgery that medical staff reportedly approved nor any adequate treatment. Left untreated, a loosened internal fixation of this kind risks permanent loss of the use of his hand — the kind of irreparable harm that supplies both good cause for ex parte relief and a compelling reason for the Court to act on the submitted record now.

This application does not ask the Court to revisit anything it has already decided. In its July 13, 2026 order, the Court temporarily stayed Petitioner's transfer and stated that it would lift that stay only "after the Court has considered the merits of the Petition and the relevant briefing, and determines that no issues remain to be decided." (Dkt. No. 11.) The briefing is now complete and the matter fully submitted. Petitioner asks only that, in light of the intervening medical emergency, the Court act on that submitted record now by expediting its merits determination or, pending that determination, granting interim release.

II. COMPLIANCE WITH LOCAL RULES 7-19 AND 7-19.1

Pursuant to Local Rule 7-19.1, counsel for Petitioner gave notice of this ex parte application to counsel for Respondents. On July 23, 2026, the undersigned served written notice by email on counsel for Respondents at USACAC.Habeas@usdoj.gov, oil-dcs.cacd@usdoj.gov, and nithya.senra@usdoj.gov to advise them of the date this application would be filed and of the substance of the relief requested. As of the filing of this application, Respondents have not responded to that notice and have not stated a position. Because Respondents have not affirmatively indicated that they do not oppose the requested relief, this application is designated OPPOSED. The names and email addresses of Respondents' counsel are set out in the accompanying Declaration of Counsel. (See L.R. 7-19.)

III. RELEVANT BACKGROUND

Petitioner Jorge Gonzalo Samaniego has been detained at the Adelanto ICE Processing Center since June 3, 2026. On July 3, 2026, Petitioner filed his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Dkt. No. 1) together with an ex parte application to restrain his imminent transfer out of the District (Dkt. No. 2). The parties consented to Magistrate Judge jurisdiction for all purposes, and the matter proceeded on the expedited schedule set by General Order 26-05. Respondents filed their answer on July 10, 2026 (Dkt. No. 10). Petitioner filed his reply, together with the Declaration of Petitioner's Mother attesting to his health, on July 13, 2026 (Dkt. Nos. 12 & 12-1). Under General Order 26-05, "[t]he matter [stood] submitted for final disposition upon [the] filing of the reply." It has therefore been fully submitted since July 13, 2026.

Also on July 13, 2026, the Court issued a minute order temporarily staying Petitioner's transfer outside the Central District of California and denying the transfer application as moot, stating that it would lift the stay after considering "the merits of the Petition and the relevant briefing." (Dkt. No. 11.)

Since the matter was submitted, Petitioner's hand condition has materially and rapidly deteriorated. As set out in the Supplemental Declaration of Celia Margarita Samaniego, Petitioner's left hand was fractured and surgically repaired with internal hardware on or about May 29, 2026; since his detention, the hardware has loosened, and Petitioner now suffers severe pain, numbness near his palm and smallest finger, a bleeding wound beneath a filthy cast he has been forbidden to

remove, and a growing lump on his finger. (Suppl. Decl. ¶¶ 2–4.) Petitioner has requested medical attention from Adelanto staff nearly every day and has been told only to complete a form and that he is "not a priority"; he was warned that he would be sent to the psychiatric unit if he removed the covering on his hand. (Id. ¶ 4.) A nurse who examined him reported that surgery for his hand had been approved and recommended by medical staff but had not been signed off by ICE officials, and Petitioner did not see that nurse again. (Id. ¶ 5; see Dkt. No. 1-6.) These facts were not, and could not have been, before the Court when the matter was submitted on July 13, 2026.

IV. LEGAL STANDARD

Ex parte relief is warranted where the moving party establishes (1) that its cause will be irreparably prejudiced if the underlying request is heard on the regular noticed-motion schedule, and (2) that the moving party is without fault in creating the need for ex parte relief, or that the need arose from circumstances beyond its control. Mission Power Eng'g Co. v. Cont'l Cas. Co., 883 F. Supp. 488, 492 (C.D. Cal. 1995).

A court entertaining a habeas petition "shall forthwith" act on it and "shall summarily hear and determine the facts, and dispose of the matter as law and justice require." 28 U.S.C. § 2243. Where warranted, a district court has authority to order a habeas petitioner's release from immigration custody, including as interim relief pending adjudication, and to remedy unconstitutional conditions of confinement. See Roman v. Wolf, 977 F.3d 935, 943–44 (9th Cir. 2020). A request

for interim release is evaluated under the familiar equitable factors: likelihood of success on the merits, irreparable harm absent relief, the balance of equities, and the public interest. Winter v. Nat'l Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). Civil immigration detainees are protected by the Fifth Amendment's Due Process Clause, which forbids deliberate indifference to their serious medical needs under an objective standard. See Gordon v. County of Orange, 888 F.3d 1118, 1124–25 (9th Cir. 2018).

V. ARGUMENT

A. Good cause exists for ex parte relief.

Both Mission Power requirements are met. First, Petitioner will be irreparably prejudiced if this request must await the ordinary noticed-motion schedule: a loosened internal fixation is a time-sensitive medical condition, and weeks of delay risk permanent loss of hand function while Petitioner remains in custody and is refused care. Second, Petitioner is without fault. The condition worsened after the Petition was submitted, through no act of Petitioner or his counsel, and counsel brings it to the Court promptly upon learning of it. This is precisely the kind of intervening emergency for which ex parte relief exists.

B. The Court should expedite its ruling on the fully submitted Petition.

The most complete relief the Court can grant is a ruling on the Petition itself, which has stood submitted since July 13, 2026. Section 2243 directs the Court to act "forthwith" and to dispose of the matter "as law and justice require," and General Order 26-05 exists to secure the "expeditious resolution" of immigration

habeas petitions. The Court has already signaled its intention to decide the merits once briefing was complete. (Dkt. No. 11.) Briefing is complete. The intervening medical emergency supplies a compelling, case-specific reason for the Court to reach its ruling now rather than allow further time to pass while Petitioner remains detained, refused care, and deteriorating. Petitioner respectfully requests that the Court expedite its determination.

C. Alternatively, the Court should order interim release pending adjudication.

If the Court is not prepared to rule on the Petition immediately, the equitable factors support interim relief. Petitioner is likely to succeed on the merits for the reasons set out in the Petition and reply, which are incorporated by reference. The irreparable-harm factor is satisfied by these facts: the untreated loosening of internal surgical hardware, accompanied by a bleeding wound, numbness, and a growing lump, threatens permanent physical injury, the paradigm of harm that cannot be repaired by a later judgment. The balance of equities and the public interest favor relief, because there is no legitimate governmental or public interest in continuing to detain a petitioner under conditions that deny constitutionally adequate medical care, and the Ninth Circuit has recognized release as an available remedy in such circumstances. Roman, 977 F.3d at 943–44.

This showing is corroborated by this District's recent decision in L.T. v. U.S. Immigration & Customs Enforcement, No. 5:26-cv-00322-SSS-SP (C.D. Cal. July

16, 2026) (Dkt. No. 104), of which Petitioner requests judicial notice. There, in a case naming Respondent Mullin as a defendant, the court found detainees at the Adelanto ICE Processing Center likely to prevail or at least to raise serious questions on Fifth Amendment inadequate-medical-care claims, found they face irreparable harm, and enjoined the defendants to provide detainees "timely treatment ... for routine, urgent and emergent cases." That Respondents leave Petitioner's urgent condition untreated even while operating under such an order is compelling evidence of both his likelihood of success and their deliberate indifference to his serious medical needs. Because L.T. affords only classwide conditions relief and cannot order Petitioner's release, it corroborates, but does not supplant, the individualized relief Petitioner seeks here.

VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court (1) expedite its ruling on the fully submitted Petition; or, in the alternative, (2) order Petitioner's interim release pending adjudication; and (3) grant such further relief as law and justice require.

Dated: July 24, 2026

Respectfully submitted,
/s/ Alejandro Barajas

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DECLARATION OF ALEJANDRO BARAJAS

I, Alejandro Barajas, declare as follows:

1. I am an attorney licensed to practice before this Court and counsel of record for Petitioner Jorge Gonzalo Samaniego. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently to them.

2. Counsel for Respondents in this matter include Assistant United States Attorney Nithya Senra and the OIL-DCS trial attorney of record. Notice to Respondents' counsel was directed to the following email addresses of record: USACAC.Habeas@usdoj.gov; oil-dcs.cacd@usdoj.gov; and nithya.senra@usdoj.gov.

3. On July 23, 2026, I served written notice by email on counsel for Respondents at the addresses identified above, advising them of the date this ex parte application would be filed and of the substance and purpose of the relief requested.

4. As of the execution of this declaration, Respondents have not responded to that notice and have not stated a position on the requested relief. Because Respondents have not affirmatively indicated non-opposition, this application is designated OPPOSED.

5. This application is made ex parte because Petitioner will be irreparably prejudiced if the requested relief must await the ordinary noticed-motion schedule, for the reasons and on the facts set out above and in the Supplemental Declaration

of Celia Margarita Samaniego. The need for ex parte relief did not arise from any fault of Petitioner or counsel; the underlying condition worsened after the Petition was submitted, and counsel presented it to the Court promptly upon learning of it.

6. Filed concurrently in support of this application are: the Supplemental Declaration of Celia Margarita Samaniego; Petitioner's Request for Judicial Notice; and a [Proposed] Order.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on July 24, 2026 at Los Angeles, California.

Dated: July 24, 2026

Respectfully submitted,

/s/ Alejandro Barajas

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Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.: 5:26-cv-03709-KS

SUPPLEMENTAL DECLARATION OF CELIA MARGARITA SAMANIEGO IN SUPPORT OF PETITIONER'S EX PARTE APPLICATION

Hon. Karen L. Stevenson
United States Magistrate Judge

I, Celia Margarita Samaniego, declare as follows:

1. I am the mother of Petitioner Jorge Gonzalo Samaniego. My son is detained at the Adelanto ICE Processing Center, where he has been held since June 3, 2026. I previously submitted a declaration in this matter, filed with my son's reply on July 13, 2026 (Dkt. No. 12-1), describing his health. I submit this supplemental declaration to inform the Court that his condition has become seriously worse since then. The statements in this declaration are based on my own personal knowledge and on what my son has personally told me during our telephone calls and visits. Where I describe something my son told me, I believe it to be true. If called as a witness, I could and would testify competently to these facts. This declaration was read and translated to me from English into Spanish, the language I understand, before I signed it.

2. My son suffered a serious fracture of his left hand. To repair it, he had surgery in which doctors placed internal metal hardware to hold the bones in place while they healed. This surgery took place on or about May 29, 2026 in Guadalajara Mexico. I am familiar with his injury and this treatment because I was involved in his care and he and I have discussed it.

3. Since my son has been detained at Adelanto, his hand has not healed properly, and recently his condition has become much worse. On or about July 22, 2026, during a telephone call, my son told me that the hardware in his hand, the

bolts, had come loose. He told me he was in severe pain, that his hand was swollen, and that he could not move or use it normally.

4. My son has told me that he asked the medical staff at Adelanto for help with his hand. He told me that he requested medical attention nearly every single day. When he asks for medical attention, he is told to complete a form. He reported that he has completed the form for medical attention nearly every day, but is told that he is not a priority. He has noticed that other people with medical issues have been given help despite completing the medical form for medical attention. He is repeatedly told "I don't care, it's not my problem. We can't help you right now."

5. He told me that his hand and cast are black from how filthy they are. He states that his hand has begun to feel numb near his palm and his pinky. He also shared that where he does have feeling, there is severe pain that keeps him from sleeping. He states that he can feel the bolts inside his hand which have also caused him severe pain and discomfort. He expressed to staff that he wanted to remove the covering surrounding his hand due to the odor it was emitting, how filthy it was, and the severe pain he felt. Staff told him that he would be sent to the psych ward if he removed the covering around his hand despite his grievances.

6. On July 22, 2026, he shared with me that his hand was bleeding but he did not know from where. The wound appeared to be from within the covering around his hand which he was threatened not to take off. Aside from the severe pain, the odor, the mysterious wound, and loss of feeling, he told me that a lump has begun

to grow on his pinky that is the size of a small bean. He told me that he is beginning to fear the loss of his hand.

7. He has also begun to develop flu symptoms and a cough which he is not certain are related to his hand injury. He states that he has also reported his flu symptoms to staff, but they continue to ignore him. To my knowledge, he has still not received the surgery or the follow-up treatment that his hand needs.

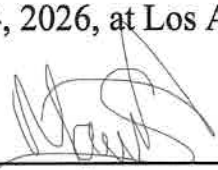
8.My son shared with us that he received care from a nurse that officials did not note that he was detained after receiving surgery from Mexico (Dkt. No. 1-6). She told him that she was shocked about the omission and that she would be sure he received the attention that he needed. That nurse also told him that the medical staff had approved and recommended surgery for his hand, but ICE officials had not signed off on the procedure (Dckt. No. 1-6). After that interaction, he never saw her again. He is afraid that he will lose his hand which has affected his mood.

9. Recently he has sounded very depressed on the phone. In the last few days, he has shared with me that he is losing hope that he will ever receive medical attention to his hand. He asked staff whether family members could come see him and he was told that they could not share that information with him. Likewise, his friends and family members call to ask whether they can visit him, they are told they cannot see him. According to his friends that have called, they are told they are not on an approved family members list and therefore cannot see him.

10. I am very frightened for my son. Each time we speak, he tells me he is in constant pain and cannot use his hand, and I can hear how much he is suffering. I understand that if the loosened hardware in his hand is not treated soon, he could lose the use of his hand permanently. It is very hard for our family to know that he is going through this without the care he needs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 24, 2026, at Los Angeles, CA



Celia Margarita Samaniego

CERTIFICATE OF TRANSLATION

I, Edwar Hernandez, declare that I am fluent in the English and Spanish languages, that I accurately translated this declaration from English into Spanish for the declarant, Celia Margarita Samaniego, and that she indicated she understood its contents before signing it. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 24, 2026.

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Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.: 5:26-cv-03709-KS

PETITIONER'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF EX PARTE APPLICATION

Hon. Karen L. Stevenson
United States Magistrate Judge

Petitioner Jorge Gonzalo Samaniego respectfully requests, pursuant to Federal Rule of Evidence 201, that the Court take judicial notice of the following document in connection with his concurrently filed Ex Parte Application:

Exhibit A: Order Granting, in Part, Plaintiffs' Renewed Motion for Preliminary Injunction, L.T. v. U.S. Immigration & Customs Enforcement, No. 5:26-cv-00322-SSS-SP (C.D. Cal. July 16, 2026) (Dkt. No. 104).

A court may take judicial notice of a fact that is "not subject to reasonable dispute" because it "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). Courts routinely take judicial notice of orders and other filings from other court proceedings as matters of public record. See, e.g., Lee v. City of Los Angeles, 250 F.3d 668, 689–90 (9th Cir. 2001).

Petitioner requests that the Court take judicial notice of the existence and contents of the order in *L.T.* (Exhibit A), including that the court found detainees at the Adelanto ICE Processing Center likely to prevail, or to raise serious questions, on Fifth Amendment inadequate-medical-care claims and exposed to irreparable harm, and enjoined the defendants to provide timely treatment for urgent and emergent conditions, and not for the truth of any disputed fact recited therein. Petitioner offers the order solely as persuasive corroboration of the conditions he describes. He does not seek relief in this action as a member of the *L.T.* class, and *L.T.* affords no remedy of release.

Dated: July 24, 2026

Respectfully submitted,

/s/ Alejandro Barajas

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EXHIBIT A

Order Granting, in Part, Plaintiffs' Renewed Motion for Preliminary Injunction

L.T. v. U.S. Immigration & Customs Enforcement, No. 5:26-cv-00322-SSS-SP (C.D. Cal. July 16, 2026) (Dkt. No. 104)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No.	5:26-cv-00322-SSS-SP	Date	July 16, 2026
Title	*L.T., et al., v. United States Immigration and Customs Enforcement, et al.*		

Present: The Honorable SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE

Irene Vazquez	Not Reported
Deputy Clerk	Court Reporter
Attorney(s) Present for Plaintiff(s):	Attorney(s) Present for Defendant(s):
None Present	None Present

Proceedings: (IN CHAMBERS) ORDER GRANTING, IN PART, PLAINTIFFS' RENEWED MOTION FOR PRELIMINARY INJUNCTION [DKT. NO. 77]

Before the Court is Plaintiffs' Renewed Motion for Preliminary Injunction. [Dkt. No. 77, Renewed Mot.]. Defendants Department of Homeland Security, Immigration and Customs Enforcement, Markwayne Mullin, Todd Lyons, Jaime Rios ("Defendants") oppose the motion. [Dkt. No. 87, Opp'n]. The Court has considered the parties' written and oral arguments, relevant legal authority, and record in this case.

Pursuant to Federal Rules of Civil Procedure 65(a) and 23, the Court finds that Plaintiffs have demonstrated they are likely to prevail—or at the least, raise serious questions—on the merits of their Fifth Amendment and Rehabilitation Act claims; that they will suffer irreparable harm if the Court does not issue preliminary injunctive relief; that the balance of equities tips strongly in their favor; and that the public interest lies in issuing a preliminary injunction. The Court also finds that the requirements for provisional class certification for purposes of issuing preliminary injunctive relief have been satisfied.

Accordingly, Plaintiffs' Renewed Motion for Preliminary Injunction is **GRANTED**. Defendants and their officers, agents, servants, employees, attorneys,

and other persons who are in active concert or participation with Defendants are **PRELIMINARY ENJOINED** as follows:

(1) Defendants are immediately ordered to ensure Plaintiffs and the detainees are provided the following:

a. 24-hour access to clean potable drinking water;

b. Nutritious and sanitary meals that contain a sufficient number of calories;

c. Adequate sanitation throughout Adelanto ICE Processing Center East and West. At a minimum, Defendants must ensure that (1) the facility is cleaned daily; (2) soap and hygiene products are consistently available to detainees free of charge; and (3) mold is identified, treated, and remediated at the facility;

d. Adequate privacy to detainees when using the restroom or showering that is consistent with the safety needs of the facility;

e. Access to clean, sanitary, and temperature-appropriate clothing;

f. Access to clean, sanitary, and temperature-appropriate mattresses, pillows, and blankets;

g. Access to outdoor recreation spaces that must include individual access to the yard (i.e., not the "mini-yard") for at least four hours per day, seven days per week, unless there are documented security risks or reasons necessitating otherwise;

h. Visits during the facility's business hours. Visits must not be subject to time limits unless such visits interfere with normal operation of the facility or visitation rooms reach capacity. Detained individuals and their families must be allowed to use the restroom during visits without the visit being subject to automatic cancellation. Physical contact (e.g., hugging, holding hands, etc.) must be allowed during visitation absent a documented security risk justifying otherwise.

(2) **Headcounts:** Defendants must ensure headcounts are conducted in a manner and at times that minimize disruption to the operation of the facility.

a. **9:00 A.M. to 8:00 P.M.:** Absent a documented security risk or reasons necessitating otherwise, headcounts conducted between 9:00 A.M. and 8:00 P.M. must be performed on an out-count basis. Out-count basis is defined as a headcount that occurs while detainees are temporarily outside their assigned housing or units. No more than two headcounts may occur between 9:00 A.M. to 8:00 P.M.

b. **8:01 P.M. TO 8:59 A.M.:** Headcounts conducted between 8:01 P.M. to 8:59 A.M. must be performed in a manner designed to minimize intrusion on the detainees while they are sleeping. No more than two headcounts can occur between 8:01 P.M. TO 8:59 A.M.

(3) **Administrative Segregation:** Defendants are enjoined from isolating detainees in the Special Housing Unit, Special Management Unit, or administrative segregation absent (1) a documented security concern that threatens the safety and/or security of the facility or staff, or (2) a request from a detainee to be placed in administrative segregation. If a detainee is placed in administrative segregation, that detainee must be given notice of (1) the reasons why they have been placed in administrative segregation within 24 hours of their placement, and (2) the process by which they can contest such placement.

Any segregation must account for the detainee's mental and physical health and evaluate whether segregated housing is likely to worsen their health. If segregation is likely to worsen a detainee's mental or physical health, alternative remedies must be considered and segregated housing should only be used if absolutely necessary.

(4) **Remedial Plan:** Within 14 calendar days of this order, Defendants are ordered to develop and file a remedial plan to implement comprehensive systems for medical care and disability accommodations at Adelanto Processing Center East and West.

a. **Medical care:** The remedial plan must specify policies, procedures, staffing, and required training sufficient to ensure the following:

i. A documented health intake screening for all new detainees within eight hours of that person's arrival at the facility. The health intake screening must be sufficient to (1) identify and begin necessary treatment of those with

physical or mental illnesses or injuries, (2) ensure continuity of pre-detention treatment and medication, and (3) recognize, segregate, and treat those with communicable diseases;

ii. Access to primary, secondary, and tertiary medical care for all detainees according to their health care needs. This includes timely treatment appropriate to the severity of their physical or mental conditions, consistent with the established standards of care and required timeliness for routine, urgent and emergent cases;

iii. Timely diagnostic testing (including procedures for prioritizing the urgency of laboratory orders) and required timeframes for review, communication to patients, and follow-up of results; and

iv. Continuous provision of ordered medications, according to the prescribed dosage regimen, from the time of intake and throughout the period of detention. If there are any medications changes, a qualified medical provider must explain immediately to the detainee the reason for the change; and

v. Provision of patients' rights materials, translated as appropriate, for all detainees that inform them of their rights as patients, including rights to confidentiality, informed consent, refusal of treatment, access to medical records, and procedures for requesting medical attention.

b. **Disability accommodations:** The remedial plan must also specify policies, procedures, staffing, and required training to ensure the following:

i. A system to identify and track all detainees who have qualifying disabilities, as defined by Section 504 of the Rehabilitation Act and its implementing regulations, upon intake and throughout the period of detention;

ii. A system for identifying and tracking the reasonable accommodations necessary for detainees with qualifying disabilities to participate in programs, services, and activities at the facility; and

iii. Disabled detainees are provided reasonable accommodations; and

iv. Provision of disability-specific materials, translate as appropriate, for all detainees that inform them of their right to reasonable accommodations and procedures to request reasonable accommodations.

(5) **Independent Monitors:** To ensure compliance with the remedial plan described in paragraph 4, Defendants are ordered to provide access to two qualified, independent, third-party monitors for the duration of this litigation or until terminated by court order. One independent monitor will observe and report on the systems for medical care and disability accommodations ("Medical Monitor"), and the other will focus on the conditions of confinement ("Conditions Monitor").

a. **Selection of independent monitors:** The parties are ordered to meet and confer regarding the selection of the independent monitors and file a written proposal within 14 days of this order identifying the proposed monitors. After receiving the parties' written proposal(s), the Court will then appoint the Medical and Conditions Monitors.

b. **Remedial plan review:** Within 14 days after their appointment or receipt of the remedial plan, whichever is later, the Medical Monitor must review the plan and provide feedback to the Court and the parties regarding the plan.

The parties will have 14 days after receipt of the Medical Monitor's feedback to meet and confer, and if necessary, submit feedback to the Court regarding the adequacy of the remedial plan.

The Court will then enter a separate order adopting a Remedial Plan based on the feedback from the Medical Monitor and the parties. That subsequent order will be incorporated by reference into this order.

c. **General duties:** The Medical and Conditions Monitors must prepare monthly reports for the Court and the parties detailing their findings and recommendations. The status reports are due on the 1st of every month.

d. **Permissions:** Defendants must ensure that the Medical and Conditions Monitors are able to conduct unannounced, independent inspections of Adelanto Processing Center East and West. Defendants must also ensure that the Medical and Conditions Monitors have reasonable access to Adelanto Processing Center East and West, any physical and electronic health records relevant to the implementation of this order, staff, and detainees. The Medical and Conditions Monitors must keep any medical records confidential to this case. If the Medical or Condition Monitors believe any medical records need to be filed on the public docket, that monitor must first consult with the parties' counsel to determine whether such documents need to be filed under seal as required under Local Rule 79-5.2.2.

e. **Duration:** The Medical and Conditions Monitors will be appointed for the duration of this litigation if and until (1) this preliminary injunction order is dissolved by this Court or an intermediate appellate court, (2) a permanent injunction is entered, or (3) if this action is dismissed.

f. **Grievance System:** Defendants are ordered to ensure there is a process by which detainees can submit complaints or comments directly to the Medical or Conditions Monitors. Detainees must have free access to this system. Detainees must be able to submit a complaint or comment through (1) a physical written grievance submitted directly to the monitor or a locked box that is only accessible by the Medical or Conditions' Monitors, or (2) through an electronic grievance submitted via a tablet that is only accessible by the Medical or Conditions Monitors.

Federal Defendant must post written information about how to use this system throughout the facility in English and Spanish. Defendants must also ensure that the same information is provided to a detainee upon their request. Posters should not that the complaints or comments go directly to (1) the monitor or a locked box or (2) through an electronic grievance.

Defendants must ensure that all staff are trained to answer any questions about this system from the detainees.

g. **Payment of Costs and/or Fees:** Defendants must pay the Medical and Conditions Monitors' reasonable rates.

(6) Defendants are enjoined from retaliating in any form against the named Plaintiffs, any declarant, or any class member for complaining about any violation of this order, participating in this case, or otherwise asserting their constitutional or statutory rights with respect to medical care, disability accommodations, and conditions at Adelanto ICE Processing Center East and West. Defendants may not harass, intimidate, or threaten any such individuals, whether at Adelanto, in their immigration proceedings, or in any other capacity.

(7) Federal Rule of Civil Procedure 65(c)'s bond requirement is waived.

Plaintiffs' request that the Class and Disability Subclass be provisionally certified is **GRANTED**. The Class and Disability Subclass are defined as follows:

Provisional Class: All people who are now, or who in the future will be, in the legal custody of the United States Immigration and Customs Enforcement and detained at the Adelanto ICE Processing Center East and West.

Provisional Disability Subclass: All people who have disabilities within the meaning of the Rehabilitation Act and are now, or in the future will be, in the legal custody of the United States Immigration and Customs Enforcement and detained at the Adelanto ICE Processing Center East and West.

Plaintiffs L.T., J.M., Sevak Mesrobian, Jose Mesrobian, and Coalition for Humane Immigrant Rights are **PROVISIONALLY APPOINTED** the named representatives of the Provisional Class.

L.T., Sevak Mesrobian, and Jose Mauro Salazar Garza are **PROVISIONALLY APPOINTED** the named representatives of the Provisional Disability Subclass.

Public Counsel, Immigrant Defenders Law Center, Coalition for Humane Immigrant Rights, and Willkie Farr & Gallagher are **PROVISIONALLY APPOINTED** as class counsel for the Provisional Class and Provisional Disability Subclass.

All other relief sought by Plaintiffs but not addressed in this order is held in abeyance pending the Court's issuance of its full memorandum of decision on the

Renewed Motion for Preliminary Injunction and Plaintiffs' Renewed Motion for Class Certification.

IT IS SO ORDERED.

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Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.: 5:26-cv-03709-KS

[PROPOSED] ORDER GRANTING PETITIONER'S EX PARTE APPLICATION

Hon. Karen L. Stevenson
United States Magistrate Judge

Having considered Petitioner's Ex Parte Application for an order (1) expediting the Court's ruling on the fully submitted Petition for Writ of Habeas Corpus, or, in the alternative, (2) ordering Petitioner's interim release pending adjudication, together with the supporting declarations and the record in this case, and good cause appearing, the Application is GRANTED.

IT IS HEREBY ORDERED that:

1. The Court shall issue its ruling on the Petition for Writ of Habeas Corpus on or before **July 29, 2026**; or, in the alternative,

2. Pending the Court's adjudication of the Petition, Petitioner Jorge Gonzalo Samaniego shall be released from custody, on his own recognizance or on such conditions of supervision as the Court deems appropriate, **within forty-eight (48) hours of the date of this Order**.

IT IS SO ORDERED.

Dated: _____, 2026

_____

Hon. Karen L. Stevenson
United States Magistrate Judge