

# **Exhibit 1**

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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 Barr, Attorney General of the  
24 United States, *et al.*,  
25 Defendants.

26 Case No. 2:16-cv-08104-CAS-GJSx

27 **SUMMARY OF THE  
28 EVIDENTIARY RECORD IN  
SUPPORT OF EX PARTE  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER, AND ORDER TO SHOW  
CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT  
ISSUE**

SUMMARY OF THE EVIDENTIARY RECORD IN SUPPORT OF  
EX PARTE APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO SHOW CAUSE  
WHY A PRELIMINARY INJUNCTION

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SUMMARY OF THE EVIDENTIARY RECORD IN SUPPORT OF  
EX PARTE APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO SHOW CAUSE  
WHY A RPRELIMINARY INJUNCTION SHOULD NOT  
ISSUE

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SUMMARY OF THE EVIDENTIARY RECORD IN SUPPORT OF  
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1 **Unsanitary Conditions**

2 The declarations that have been collected to date show that the children at the  
3 CPB facilities in El Paso and the Rio Grande Valley (“RGV”) are not provided with  
4 soap, clean and dry clothing, regular showers, toothbrushes, towels or sanitary toilet  
5 facilities. *See* A.I.V.F. Decl. ¶ 11 (“We have only bathed once since being detained  
6 [eight days ago].) (Ursula); B.P.M.M. Decl. ¶ 14 (“The toilets are extremely dirty.  
7 There’s no water or soap to wash your hands.”) (Ursula); C.G.G.P. Decl. ¶ 6 (“We  
8 were allowed to shower together once, the day after we arrived, but I have not  
9 showered since. That was 12 days ago.”) (Ursula); C.C.L.G. Decl. at 1 (“I was wet  
10 when I got here and was placed in the cage without being given dry clothes. I am  
11 still wearing the clothes I came in with.”) (Ursula); K.J.J.H. Decl. ¶ 6 (“We have  
12 only been allowed to shower and brush our teeth one time since we arrived twelve  
13 days ago.”) (Ursula); K.L.R.L. Decl. ¶ 7 (“We have only been allowed to shower  
14 and brush our teeth one time since we arrived nine days ago. A woman in my cell  
15 was here for twenty days and not allowed to shower.”) (Ursula); K.G.G.Q. Decl. ¶ 7  
16 (“The bathrooms at Ursula do not have water for handwashing. What little water  
17 we are given, we need to use to wash our hands. Sometimes, there is not enough  
18 water for drinking and handwashing, so we do not wash our hands.”) (Ursula);  
19 K.B.A.J. Decl. ¶ 22 (“We do not have toothbrushes or toothpaste or towels.”)  
20 (Ursula); L.L.M.G. Decl. at 2 (“I do not have soap, towel or toothbrush. Every five  
21 days I get to shower. On that day, I get a toothbrush, but I can only use it then. I  
22 can only bathe the baby when I bathe.”) (Ursula); M.I.R.C. Decl. ¶ 6 (“There is no  
23 sink or running water to wash the baby and we haven’t been able to take a  
24 shower.”) (Ursula); M.G.F.B. Decl. ¶ 11 (“In the twenty days my baby and I have  
25 been here, we have been permitted to shower only four times. We ask to shower  
26 more often, but we are told that we may not.”) (Ursula); M.S.T.P. Decl. ¶ 6 (“I have

1 not showered in 4 days. My daughter and I showered together, so I have also not  
2 been able to wash my daughter in 4 days. I have been able to brush my teeth only  
3 once since I arrived, 7 days ago. I have not been given a hairbrush to brush my  
4 long hair. There is a sink but no soap or towels to dry my hands.”) (Ursula);  
5 O.B.L.V. Decl. ¶¶ 9-10 (“The bathrooms here are very dirty because there are so  
6 many people using them. The toilets clog and cannot be used. And the smell goes  
7 everywhere, even to where we are sleeping. Since the time my baby and I arrived, I  
8 have been permitted to shower only once, five days after I have arrived. I haven’t  
9 had a shower since then, and it has been six days. The soap in the showers is for  
10 hands and not for hair, so my hair is itchy and dirty.”) (Ursula); W.A.C.L. Decl. ¶  
11 10 (“I have been here without bathing for 21 days.”) (Ursula); L.R.C. Decl. ¶ 5,  
12 attached to Mukherjee Decl. (“They have never let [child] [age 5] brush her teeth.  
13 There is nowhere to wash her hands with soap.”) (Clint); J.O.A.M. Decl. ¶ 7 (“I  
14 have been in the U.S. for six days and I have never been offered a shower or been  
15 able to brush my teeth. There is no soap here and our clothes are dirty.”) (Clint);  
16 K.S.P.P. Decl. ¶ 5 (“My brother and I [ages 9 and 11] have had one shower since  
17 we came here, but they have not called [child] [age 7] for any showers yet. We  
18 have only brushed our teeth once.”) (Clint); C.A.H.H. Decl. ¶ 4 (“I was taken to  
19 this place (Clint CBP) where I have been for 3 days. I have not showered or  
20 changed my clothes.”) (Clint); K.M.C.T. Decl. ¶ 11 (“I haven’t had a shower the  
21 whole time I have been here [11 days]. Two times I was allowed to brush my teeth,  
22 but the doctor took the toothbrush away after I used it.”) (Clint); L.F.A. Decl. ¶ 7  
23 (“I have not showered again while here [since the day he arrived]. I don’t brush my  
24 teeth because I don’t have any toothbrush. When I go to the bathroom, I try to  
25 wash. But there is no soap. There is some creamy stuff for cleaning our hands.”)  
26 (Clint); L.G.L.L. Decl. ¶¶ 5-6 (“I have been at the Clint Station for about 17 days.

1 ... Here at Clint, I've bathed 4 or 5 times for 2 or 3 minutes each time. There are  
2 bathrooms in my cell but there is no soap for washing our hands. There is  
3 disinfectant though.”) (Clint); M.Z.L. Decl. ¶ 7 (“I have only been allowed to bathe  
4 twice since we came here [in three weeks]. My sister has only been allowed to  
5 bathe once. ... We have only been allowed to brush our teeth twice here. There is  
6 no soap except when you take a bath.”) (Clint); M.F.M.O. Decl. ¶ 14 (“Since  
7 crossing the border, we have not had any opportunity to bathe. We have not had  
8 the opportunity to brush our teeth.”) (Clint); W.A.S.G. Decl. ¶ 6 (“We have only  
9 bathed once [in 13 days]. Our clothes are the same clothes that we had on when we  
10 arrived. We have not been given soap.”) (Clint); K.P.T.M., R.A.T.P. and B.D.T.P.  
11 Decl. ¶ 15 (“[Girl] has not had a single opportunity to bathe or shower since  
12 crossing the border [five days ago]. [Boys] were permitted to shower for five  
13 minutes yesterday and the day before yesterday . . . . All of us were allowed to  
14 brush our teeth just two times since we crossed the border.”) (Clint). E.Y.F.C.  
15 Decl. ¶ 10 (“[My five-month-old daughter] and I have not been allowed to bathe  
16 since we were apprehended. We have also not been given toothbrushes or  
17 toothpaste.”) (Clint); G.S.C.C. Decl. ¶ 10 (“They only let me brush my teeth  
18 twice—ten days after we arrived and then three days later. They took the toothpaste  
19 and toothbrush away afterwards so that I can't brush my teeth.”) (Clint); J.V.S.M.  
20 Decl. ¶ 5 (“ We are not permitted to bath or shower regularly here. We have only  
21 been permitted to shower two times in 17 days. Our showers are only five minutes  
22 long.”) (Clint); M.J.R.R. Decl. ¶ 13 (“They have not given me a toothbrush or  
23 toothpaste.”) (Clint); C.R.A. Decl. ¶ 5 (“We've only been able to take a shower  
24 once in the whole time we've been here. It was about a week after we got here. I  
25 felt so dirty and my baby was so dirty too. He has a cold and a runny nose.”) (Santa  
26 Teresa); E.J.P. Decl. ¶ 2 (“There are two toilets in [our] room; there is water, but no

1 soap.”) (Santa Teresa); L.A.D.P. Decl. ¶ 9 (“There are two bathrooms with sinks  
2 but there is no soap to wash hands inside the room. . . . I had to borrow soap from  
3 another woman who brought it with her.”) (Santa Teresa); E.R.G.E. Decl. ¶ 17 (“I  
4 haven’t asked to shower or for a toothbrush because I have heard other people ask  
5 for a bathroom or toothbrush but officers get angry. They have said many things,  
6 including ‘you’re not in your country’ and ‘you’re being punished here, not to be  
7 asking for things.’”) (Weslaco).

8 The children and infants are forced to wear soiled and inadequate clothing.  
9 See A.I.V.F. Decl. ¶¶ 11-12 (“My daughter’s onesie is very dirty. I have not been  
10 able to wash it since June 4th [seven days prior].”) (Ursula); C.G.G.P. Decl. ¶ 5  
11 (“Once, I needed clean clothes for my baby because she threw up, but when I asked  
12 for them I was told they didn’t have any available. She is still in the same dirty  
13 clothes.”) (Ursula); K.B.A.J. Decl. ¶ 20 (“I have not washed my baby because I  
14 don’t have any clean or warm clothes for her.”) (Ursula); Y.M.M.C. Decl. ¶ 2 (“3  
15 days ago, my baby soiled his clothes. I had no place to wash the clothes so I could  
16 not put them back on my baby because when he went to the bathroom his poop  
17 came out of his diaper and all over the clothing. Since then, my baby of only 3  
18 months has been wearing a small little jacket made of t-shirt material. I have  
19 nothing else for my son to wear.”) (Ursula); L.R.C. Decl. ¶ 5, attached to  
20 Mukherjee Decl. (“The officers here do not wash anyone’s clothes. [Child’s]  
21 clothes are very dirty. Everyone’s clothes are dirty because no one washes them.”)  
22 (Clint); M.Z.L. Decl. ¶ 7 (“We have been wearing the same clothes the entire time  
23 we have been here [for three weeks] and no one has washed them.”) (Clint);  
24 U.E.P.F. Decl. ¶ 9 (“I have not been offered any new clothing since I arrived [19  
25 days ago]. I have not been able to wash my clothes.”) (Clint); K.P.T.M., R.A.T.P.  
26 and B.D.T.P. Decl. ¶ 15 (“We are all wearing the same clothes since we crossed the



1 border [five days ago]. [Girl] has not had any opportunities to wash her clothes.  
2 [Boys] tried to wash their t-shirts during one of their showers.”) (Clint); J.V.S.M.  
3 Decl. ¶ 13 (“For 17 days, my daughter and I have been wearing the same clothing.  
4 We do not have opportunities to wash our clothes. Our clothing is dirty. I wish we  
5 could change our clothes.”); M.J.R.R. Decl. ¶ 13 (“I have not had a chance to wash  
6 my clothing since crossing the border.”) (Clint); E.S.Y. Decl. ¶ 16 (“I have one  
7 change of clothes. They haven’t been washed. I’ve been wearing the same shirt and  
8 the same underwear since I’ve been here. When I take a shower, I have to put on  
9 the same dirty clothes.”) (Clint).

10 Extra clothing, medicine and supplies that the children have brought with  
11 them has been taken away. See K.P.T.M., R.A.T.P. and B.D.T.P. Decl. ¶ 2 (“The  
12 immigration police found us . . . . They told us that we could have only one layer of  
13 clothing, and they threw away the rest of our clothes in the garbage.”) (Clint);  
14 K.B.A.J. Decl. ¶ 13 (“the officers told me to throw away the backpack that had my  
15 baby daughter’s clothes. The officers told me that I would be given clean clothes  
16 for my baby, but I have not received any.”) (Ursula); L.L.M.G. Decl. at 1 (“[My 1-  
17 year-old son] had gotten sick on the trip so I had medicine for him for fever, but  
18 when immigration grabbed me when I first came to the US they took it away.”)  
19 (Ursula); O.B.L.V. Decl. ¶ 4 (“[The police] took the clothes I was carrying and told  
20 me to climb into the truck.”) (Ursula); M.I.R.C. Decl. ¶ 3 (When we arrived here at  
21 the Ursula Processing Station, they took our extra clothes and belongings. We were  
22 wet, but we were not allowed to change before we were put in very cold cells. My  
23 baby has only been wearing a T-shirt, and diaper since we arrived. They have not  
24 given her pants or socks and she is extremely cold.”); S.P.T.G. Decl. ¶ 2 (“They  
25 took my jacket and my mother’s jacket and put in in the trash. My mother had a  
26 shawl to wrap my baby brother in. The officer put [the] shawl in the trash, too. My

1 mother had a t-shirt for my baby brother, too, and she told the officer that she  
2 wanted to keep it in case it was cold inside and he needed it. The officer just said  
3 ‘No. In the trash.’”) (Santa Teresa); G.S.C. Decl. ¶ 4 (“My baby had a fever and I  
4 had brought medicine for my baby but a U.S. government official made me throw  
5 away the baby’s medicine. I explained that my baby was sick, but they made me  
6 throw away my baby’s medicine anyway. He also made me throw away my baby’s  
7 clothes, bottle, baby formula, baby food, and diapers.”) (Clint); E.A.M.G. Decl. ¶ 8  
8 (“They took all our things. . . . My baby nephew had a jacket, but he was taken  
9 away for 2 days and when they brought him back, he didn’t have it.”) (Weslaco).

10 Children are given either limited access to the bathroom or are outright  
11 refused access. *See* K.J.J.H. Decl. ¶ 6 (“There are toilets near the cage but not  
12 inside. So we have to ask the guards to use the bathroom and they don’t always let  
13 us use them.”) (Ursula); K.L.R.L. Decl. ¶ 7 (“There are toilets near the cage but not  
14 inside. Sometimes the guards get angry and will close them.”) (Ursula); M.G.F.B.  
15 Decl. ¶ 10 (“The bathrooms near us are very dirty. Sometimes, to punish us, the  
16 guards close the bathrooms and do not permit us to use the toilet. I am very  
17 pregnant, so I must urinate often. But when the bathrooms are closed, I just have to  
18 bear it.”) (Ursula). In other instances, the toilets are in the same cell where children  
19 sleep and they have no privacy while using the bathroom. *See* E.J.A.S. Decl. ¶ 5  
20 (“The toilet is out in the open in the cage, there is no door for any privacy.”)  
21 (Ursula); K.S.P.P. Decl. ¶ 6 (“The toilet is inside of the room where we sleep.  
22 There is no separate room, just two stalls with no doors. The older girls try to cover  
23 themselves with a blanket so we don’t see them when they go to the bathroom. The  
24 bunkbeds are right in front of the toilet stalls and so the people from the top bunks  
25 can see the kids going to the bathroom, but they try to look away to give the person  
26 on the toilet privacy and the person using the toilet usually tries to cover

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1 themselves.”) (Clint); M.Z.L. Decl. ¶ 8 (“My sister and I hold a blanket up for one  
2 another so no one can see us when we go to the bathroom.”) (Clint); K.P.T.M.,  
3 R.A.T.P. and B.D.T.P. Decl. ¶ 11 (“The guards get mad if a child needs to use the  
4 toilets more than once in a short period of time. Instead of letting the child use the  
5 bathroom a second time, the guards just close the door. When the door is closed,  
6 no child is permitted to open it. . . . They tell us it is the law.”); A.F.T.C. Decl. ¶ 6  
7 (“On Saturday, I was trying to leave our cell to go to the bathroom and a guard said,  
8 “where are you going?” I said, “I’m going to the bathroom.” He said, “you don’t  
9 even say thank you.” Then he pushed me in the chest back into the cell and  
10 slammed the door. After that, they locked the door to the cell and we have to ask for  
11 permission to go to the bathroom. I don’t want to ask to go to the bathroom because  
12 I’m afraid they are going to yell at us.”) (Clint); K., R., and B.T.P Decl. ¶ 11  
13 (“There are nine toilets total for the girls and boys to use. The guards get mad if a  
14 child needs to use the toilets more than once in a short period of time. Instead of  
15 letting the child use the bathroom a second time, the guards just close the door.  
16 When the door is closed, no child is permitted to open it. All the time we must ask  
17 the guards for permission to open the door. They tell us it is the law.”); N.L.Q.D.  
18 Decl. ¶ 7 (“We aren’t allowed to go to the bathroom at night. I have to put diapers  
19 on [my son] at night since he isn’t allowed to use the bathroom. He didn’t wear  
20 diapers for years, because he is 6.”) (Clint).

21 **Access to Clean Drinking Water**

22 The declarations show that the children are not provided with regular or  
23 sufficient access to clean water to drink, make formula with, or to sanitize baby  
24 bottles. See B.P.M.M. Decl. ¶ 15 (“In the cage there is a table with a jug of water  
25 and formula. The water is very bad. I use the bottled water from my meals to mix  
26 the formula for my baby. I only have one bottle to use over and over and no way to

1 wash it.”) (Ursula); C.G.G.P. Decl. ¶ 4 (“We get a water bottle at mealtime. If we  
2 run out of water, we are given cups to fill from a fountain, but the water tastes and  
3 smells like chlorine, and is dirty, so we don’t drink it.”) (Ursula); L.L.M.G. Decl. at  
4 2 (“There is water in the cell but it tastes like bleach. I don’t drink the water from  
5 the cooler because I’m afraid it will poison the baby because I’m still nursing.”)  
6 (Ursula); M.I.R.C. Decl. ¶ 5 (“There was a jug of water in the cell but not enough  
7 cups so we had to share.”) (Ursula); W.A.C.L. Decl. ¶¶ 4 & 9 (“There is no  
8 drinkable water available for me and the baby. The water that is in the jugs tastes  
9 awful like it is from a dirty well. The water available to wash or clean the baby  
10 smells like urine and I am not about to use that water to wash my baby. I have to  
11 wait until the [sic] give me water with a meal and I use a bit of that to clean him. ...  
12 I have no place to wash the bottle that my baby uses. Every two or three days I try  
13 to beg the officers to give me a new one because I am worried about the cleanliness  
14 of the bottle.”) (Ursula); M.F.M.O. Decl. ¶ 11 (“The water here is horrible. It tastes  
15 like chlorine. We can use cups to drink the water. But the water tastes awful and I  
16 don’t like it at all. None of the kids here like the water.”) (Clint); L.A.D.P ¶ 9 (“We  
17 are given water that we have to pour into our own bottles that we have to share and  
18 reuse. Sometimes the guards are nice and will give us a new bottle. Sometimes  
19 they won’t.”) (Santa Teresa); G.M.M.A. Decl. ¶ 14 (“The water they give us makes  
20 us sicker. It smells like chlorine.”) (Clint).

21 Dr. Sevier recounts that “all parents of infants drinking formula from a bottle  
22 reported having no ability to wash bottles.” Sevier Decl. ¶ 7. It is Dr. Sevier’s  
23 medical opinion that “Re-feeding a child spoiled formula is a significant health  
24 hazard that can cause severe infectious diarrhea and death in this vulnerable  
25 population. . . . Many mothers regularly boil their infant’s bottles to ensure there is  
26

1 no chance of their infant acquiring an infection. . . ., to deny parents the ability to  
2 wash their infant’s bottles is unconscionable.” *Id.*

3 In addition, nursing mothers at CPC-Ursula are experiencing an inadequate  
4 milk supply from lack of drinking water. *Id.* at 11. The nursing mothers reported  
5 to Dr. Sevier that they are “drinking only 1.5L of water per day (offered at meals)”  
6 and that “they would drink more if they had more access to water.” *Id.* “All felt  
7 that the water in the cells was undrinkable due to taste.” According to Dr. Sevier,  
8 “[a]n average-sized adult requires 2L of water per day to maintain adequate  
9 hydration. A breast-feeding woman in requires at least 3L per day and extra caloric  
10 needs to maintain adequate hydration.” *Id.* “Breast-feeding mothers should be  
11 offered . . . extra bottled water and extra calories since they are producing the  
12 primary source of nutrition for their children.” It is Dr. Sevier’s medical opinion  
13 that Defendants are “endangering the health of these infants” by providing  
14 “breastfeeding mothers less than adequate supplies of fluids and nutrition.” *Id.*  
15 “An infant without adequate nutrition is at risk of complications from even the most  
16 minor of illnesses.” *Id.*

17 **Access to Adequate Food**

18 The children’s declarations show that the food at CPC-Ursula and Clint  
19 facilities is inadequate and often inedible. *See* C.G.G.P. Decl. ¶ 4 (“We are  
20 sometimes given sandwiches that are cold and raw, and so we don’t eat it.”)  
21 (Ursula); L.L.M.G. Decl. at 2 (“When I got here, I got a ham sandwich. The ham  
22 was slimy.”) (Ursula); M.I.R.C. Decl. ¶ 9 (“I am not able to eat or drink much of  
23 the food and water here and I can not sleep so I am not producing very much breast  
24 milk. I am very scared and anxious about my baby’s health and safety and what  
25 will happen to us.”) (Ursula); M.S.T.P. Decl. ¶ 5 (“We don’t get any snacks  
26 between meals. I get a bottle of water with meals but there is no other way to get

1 water. I am often hungry.”) (Ursula); O.B.L.V. Decl. ¶ 12 (“I am having trouble  
2 with the food. We often receive tacos of tortilla, beans, and rice. But the rice is  
3 partially raw and not fully cooked. This has made the rice hard to digest and has  
4 made me sick to my stomach.”) (Ursula); W.A.C.L. Decl. ¶ 5 (“The food that we  
5 are getting here is not even suitable for dogs. The burritos they give us have rice  
6 and beans but the rice is not cooked. My baby cannot eat that. They give us a  
7 sandwich with lunchmeat that is not cooked and is just out of the freezer. It is not  
8 edible. I cannot give that to my baby.”) (Ursula); L.R.C. Decl. ¶ 4, attached to  
9 Mukherjee Decl. (“I can’t eat the food here. It is instant oatmeal and instant soup.  
10 It is not good for me. . . . I am supposed to eat food with nutrition in it, like iron.  
11 Here they feed us no healthy food, only food with chemicals. I am hungry all the  
12 time.”) (Clint); U.E.P.F. Decl. ¶ 9 (“The meals are the same everyday and there is  
13 not enough. I am often hungry. One time the food was so bad, it gave me a  
14 stomach ache.”) (Clint); C.A.H.H. Decl. ¶ 4 (“[T]he food does not fill you up and I  
15 am hungry.”) (Clint); M.F.M.O. Decl. ¶ 8 (“I am always hungry here and wish I  
16 had more food. My sisters are hungry too. . . . Everyone here is hungry because  
17 there is not sufficient food.”) (Clint); L.G.L.L. Decl. ¶¶ 7–8 (“We have to choose  
18 between eating lunch and making a phone call. . . . I’m hungry here at Clint all the  
19 time. I’m so hungry that I’ve woken up in the middle of the night with hunger.”)  
20 (Clint); J.O.A.M. Decl. ¶ 8 (“At dinner, they give us a bean burrito, Jello, and a  
21 silver pouch of fruit punch. There is nothing else in the burrito. No rice or cheese.  
22 . . . We get no fruit or vegetables.”) (Clint); K.P.T.M., R.A.T.P. and B.D.T.P. Decl.  
23 ¶ 10 (“We are hungry nearly every day. There is not enough food. We are given  
24 meals three times a day in the same detention space. We cannot eat at other times.  
25 There are no snacks. . . . For lunch, we are given one cup of instant noodles that  
26 can be cooked in water for three minutes, plus juice. For dinner, we are given juice,

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1 a cookie and one small burrito with beans and, sometimes, with meat. We do not  
2 know what would happen if we asked for more food. We are too scared to ask.”)  
3 (Clint); A.F.T.C. Decl. ¶ 7 (“The food here is not enough. . . . They don’t give any  
4 milk to my niece, who is two years old. . . . The food is not good, and I feel  
5 hungry.”) (Clint); C.R.A. Decl. ¶ 3 (“My son, Victor, is not eating well here in  
6 detention. They give us burritos in the morning and the evening and some bread at  
7 lunchtime. It’s not the food he is used to and he doesn’t eat very much of it. I think  
8 he is hungry.”) (Santa Teresa); K.A.S.D. Decl. ¶ 9 (“Although we receive regular  
9 meals, the food is not nutritious and it is not enough. We are still hungry. There are  
10 no fruits and vegetables.”) (Clint); K., R., and B.T.P Decl. ¶ 10 (“We are hungry  
11 nearly every day. There is not enough food. We do not know what would happen if  
12 we asked for more food. We are too scared to ask.”) (Clint); E.R.G.E. Decl. ¶ 13  
13 (“They gave me a sandwich (two slices of bread and a still frozen piece of ham).  
14 We tried to eat in the cell . . . but I couldn’t eat much because the food was bad and  
15 we had to eat next to the dirty toilet. Lunch and dinner this Sunday went the same  
16 way[.]”) (Weslaco).

17 Additionally, babies and children are not given age-appropriate food that  
18 they can or will eat, and the age-appropriate food that they are given is not provided  
19 in sufficient quantity. *See* B.P.M.M. Decl. ¶¶ 17-18 (“In four days, they have only  
20 given us baby food once. Before we came here, my baby was eating baby food  
21 regularly during the day as well as eating some adult food. She can not eat the food  
22 here. It makes the adults sick and would be worse for a baby. Since we arrived  
23 here my baby has lost a lot of weight. Her pants are very loose now.”) (Ursula);  
24 C.C.L.G. Decl. at 1 (“[J.] can only eat a little of the food. He took formula in a  
25 bottle when we were in El Salvador. Here, I am given one meal and share it with  
26 him. He will eat potato chips and when there is a sandwich I take out the filling and

1 give him the bread. When he tries to eat the burritos in the morning he gets sick  
2 after a few bites and refuses to eat anymore.”) (Ursula); K.J.J.H. Decl. ¶ 5 (“Before  
3 we came here my baby was eating solid food three times a day but now he is only  
4 getting breast milk and sometimes a cookie. I’m only making a little breast milk  
5 because I am not eating or drinking enough.”) (Ursula); K.L.R.L. Decl. ¶ 6  
6 (“Before we came here my baby was eating regular food but now she is only getting  
7 formula. The sandwiches they give to us for lunch are frozen so I can’t even give  
8 my baby food. The guards only let me give my baby 3 bottles of formula a day.  
9 Before we came here she had at least five. We are given one cookie in the morning  
10 and one cookie at night but no baby food.”) (Ursula); K.G.G.Q. Decl. ¶ 14 (“My  
11 baby has not eaten a full meal in 15 days.”) (Ursula); L.L.M.G. Decl. at 1 (“They  
12 give me one jar of baby food for [D.]. I breast feed him. I don’t make enough milk  
13 so I have to give him some powdered milk. It made him sick at first. He isn’t  
14 getting enough to eat so I also feed him the rice from the burrito.”) (Ursula);  
15 M.I.R.C. Decl. ¶ 8 (“Before we came here, my baby would eat several times a day,  
16 breast milk and solid food. Here she barely eats and only breast feeds in small  
17 amounts and is losing weight.”) (Ursula); M.G.F.B. Decl. ¶ 12 (“The food here is  
18 not appropriate for children, and it is making them sick. The food is of poor  
19 quality, of small quantity, and tastes very bad. I try to eat it so that my son will eat,  
20 but we both feel so sick from the food.”) (Ursula); W.A.C.L. Decl. ¶ 5 (“They give  
21 us two cookies each day, one for me and one for my baby, but I have to give both of  
22 them to the baby because he can’t eat anything else they give us. Juice is not  
23 available and when I have asked for juice for the baby the officers have said NO. I  
24 have notice [sic] that the guards give the juice and snacks that are for the children to  
25 those that are “working” in the cages. So in order to get the food and drinks, the  
26 people detained with me have to “work” for food. It makes me sad because my

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1 baby has always been a very good eater. But since we have been here it has been  
2 very hard because he is hungry.”) (Ursula); J.O.A.M. Decl. ¶ 8 (“They give my  
3 daughter formula, but otherwise we get no milk.”) (Clint); G.S.C.C. Decl. ¶ 11 (“I  
4 am always hungry here. They do not give us enough to eat. . . . The baby is losing  
5 weight and so am I. I am nursing my baby and it is not enough nutrition for a  
6 breastfeeding mother. I cannot make enough milk to meet my baby’s needs and  
7 they threw away his formula and baby food (baby cereal) so they gave him some  
8 food, but it is the same food they give us. His body could not process it so he threw  
9 it up and got diarrhea.”) (Clint); M.J.R.R. Decl. ¶ 12 (“There’s no milk, fruit, or  
10 vegetables here.”) (Clint); A.F.L.P Decl. ¶ 10 (“My daughter is still nursing but she  
11 needs food as well. I think the food here gave her diarrhea.”) (Clint); E.J.P ¶ 4  
12 (“[My] baby breastfeeds. At home, he was eating cereals and bananas. But there is  
13 no baby food here. Here he will not drink the formula they give me. So he is only  
14 breast feeding and I am afraid that my milk is not sufficient. He is often hungry.”)  
15 (Santa Teresa); S.P.T.G. Decl. ¶ 6 (“[My little brother] can only have my mother’s  
16 milk because there is no food [here] for him.”) (Santa Teresa); G.S.C. Decl. ¶ 11 (“I  
17 am nursing my baby and it is not enough nutrition for a breastfeeding mother. I  
18 cannot make enough milk to meet my baby’s needs and they threw away his  
19 formula and baby food (baby cereal) so they gave him some food, but it is the same  
20 food they give us. His body could not process it so he threw it up and got  
21 diarrhea.”) (Weslaco).

22 Dr. Sevier reports that “[i]nfants between 6-12 months should be fed pureed  
23 foods in addition to formula.” Sevier Decl. ¶ 9. But, the infants in that age range  
24 are only being provided with “infant formula, apple sauce and solid foods.” *Id.*  
25 This improper nutrition of formula and apple sauce “leaves a child at risk for  
26 developing nutritional deficiencies, including but not limited to iron deficiency

1 anemia. This can cause serious health and developmental consequences given  
2 anemia in infancy is linked to reduced standardized testing scores in school-aged  
3 children.” *Id.* (citation omitted).

4 The CPB’s own standards require access to food that is “in edible condition  
5 (not frozen, expired, or spoiled)” and provide that minors “must have regular access  
6 to snacks, milk, and juice.” CBP National Standards on Transport, Escort,  
7 Detention, and Search (“TEDS Manual”) §§ 4.13, 5.6. These conditions are  
8 particularly dangerous for the youngest detained children:

9 Age appropriate nutrition and hydration are essential to avoid serious  
10 sequelae such as dehydration, electrolyte imbalance, and growth and  
11 developmental delay. Nutrition offered must be appropriate for a  
12 child’s developmental age. Babies require adequate quantities of breast  
13 milk or formula. Breast milk is the ideal food for infants. It is the most  
14 nutritious, offers immunologic defenses, and is the most available and  
15 affordable but requires adequate nutrition and hydration of the lactating  
16 mother. Formula can be adequate, but must be given in appropriate  
17 quantities and be mixed with clean water in the right proportions,  
18 otherwise formula can cause electrolyte imbalance, dehydration, and  
19 malnourishment. Young children, as they transition to solid food, are  
20 particularly vulnerable to lack of appropriate nutrition. In addition to  
21 breast milk or formula, young children require baby food of the  
22 appropriate nutritional value and texture (so it can be swallowed safely  
23 without the need to chew). Children, after the age of about one, require  
24 continued and adequate amounts of nutritious, uncontaminated food,  
25 milk and adequate hydration.

1 Wang Decl. ¶ 4. These concerns are amplified when children are suffering  
2 from gastrointestinal illnesses. *See* Wang Decl. ¶ 7 (“Children with gastrointestinal  
3 disease (vomiting and/or diarrhea) are particularly vulnerable to dehydration.  
4 Children who are malnourished are at increased risk of severe disease and  
5 complications from diarrhea.”).

6 **Cold Temperatures**

7 The declarations show that children are held in cages that are described as  
8 incredibly cold and crowded with nowhere to sit. Gialluca Decl. ¶ 5. *See* M.I.R.C.  
9 Decl. ¶ 3 (“When we arrived here at the Ursula Processing Station, they took our  
10 extra clothes and belongings. We were wet, but we were not allowed to change  
11 before we were put into very cold cells.”) (Ursula); K.M.C.T. Decl. ¶ 9 (“There is  
12 one bed in the room. The younger children share the bed. The others sleep on the  
13 floor. I’m always cold, because the air conditioning bothers me.”) (Clint). In  
14 addition, children are given mylar blankets and very thin mats, which are taken  
15 away between 3-5 a.m. *See* B.P.M.M. Decl. ¶ 12 (“There are not many places to sit  
16 and we have to sleep on very small, thin mats on the floor. There are thin foil  
17 blankets only.”) (Ursula); C.G.G.P. Decl. ¶ 7 (“We got a mat to sleep on here. But  
18 the guards will take the mats in the early morning. Sometimes we each get a mat,  
19 but other times we have to share a mat between four people. We have only one thin  
20 mylar blanket to share.”) (Ursula); M.G.F.B. Decl. ¶ 7 (“The temperature where we  
21 are kept is very, very cold. They raise the air conditioning at night. Without the  
22 blankets at night, the babies get sick.”) (Ursula); L.L.M.G. Decl. at 1 (“It’s very  
23 cold all the time and I have trouble sleeping at night because of the cold. My son  
24 get [sic] so cold he feels frozen to the touch.”) (Ursula); O.B.L.V. Decl. ¶ 7 (“It was  
25 very cold, and my baby got sick from the cold.”) (Ursula); K.G.G.Q. Decl. ¶ 10 (“It  
26 is very cold here. We have only an aluminum blanket for warmth, and this not  
27

1 enough. We are always cold.”) (Ursula); K.J.J.H. Decl. ¶ 4 (“There are only foil  
2 blankets and it is extremely cold.”) (Ursula); A.M.O.R. Decl. ¶ 6 (“We live in  
3 Room 203 with 25 children. I estimate that it is about 10’ by 15’. The first night I  
4 slept on the concrete ground and used the blanket to cover me because it was so  
5 cold. I could not sleep because I was so cold and my head hurt.”) (Clint); K., R.,  
6 and B.T.P. Decl. ¶ 13 (“During the night, it is too cold. There is a large ventilator  
7 on one side of the cell. The ventilator produces water which leaks onto the floor.  
8 Sometimes there is a lot of water.”) (Clint).

9 Many children also are in dirty clothing and have not bathed regularly or at  
10 all or provided with clean clothing, further exacerbating the extreme cold  
11 temperatures of the facility. *See* C.C.L.G. Decl. at 1 (“I was wet when I got here  
12 and was placed in the cage without being given dry clothes. I am still wearing the  
13 clothes that I came in with.”) (Ursula); M.I.R.C. Decl. ¶ 3 (“When we arrived at the  
14 Ursula Processing Station, they took our extra clothes and belongings. We were  
15 wet, but were not allowed to change before we were put into very cold cells. My  
16 baby has only been wearing a T-shirt, and diaper since we arrived. They have not  
17 given her pants or socks and she is extremely cold.”) (Ursula); J.I.L.Z. Decl. ¶ 8 (“It  
18 is cold at night when we sleep. I have shoes but no socks.”) (Clint). Moreover,  
19 declarations obtained over the weekend show that these inhumane conditions  
20 persist. *See* S.Y.M.C. Decl. ¶ 2 (“My baby got wet and I had to take his pants off  
21 two days ago and I have not been able to get any pants for him.”) (Ursula);  
22 Y.M.M.C. Decl. ¶ 2 (“[m]y baby of only 3 months has only been wearing a small  
23 little jacket made of t-shirt material. I have nothing else for my son to wear. I have  
24 been covering him up by opening up diapers and placing them against his body and  
25 then wrapping him up in bad [sic] pad. I can only use the bad [sic] pad until the  
26 cotton starts to fall out. I have been told that they do not have any clothes here at

1 this place. I just want my baby to be warm enough. I am having to make sure that I  
2 carry my baby super close to me to keep his little body warm. I also have borrowed  
3 a jacket from another person detained with me just to keep him covered.”) (Ursula);  
4 K.P.T.M., R.A.T.P. and B.D.T.P. Decl. ¶ 13 (“During the day, our cells are too hot.  
5 The roof is made of tin metal. During the night, it is too cold. There is a large  
6 ventilator on one side of the cell. The ventilator produces water which leaks onto  
7 the floor. Sometimes there is a lot of water.”) (Clint); E.Y.F.C. Decl. ¶ 8 (“I wish I  
8 could wear clean clothes. I have been wearing the same clothes for days. . . . I’m  
9 still wearing my own shirt, but it is dirty and has stains from breastmilk on it. My  
10 socks have a hole and are dirty. Emily [my five-month-old daughter] has also been  
11 wearing the same clothes for days. We have not been given an opportunity to  
12 change.”) (Clint); A.F.T.C. Dec. ¶ 4–5 (“We weren’t allowed to take a shower for  
13 five days after arriving. Finally, today we were allowed to take a shower, but we  
14 haven’t been allowed to change or wash our clothes. . . . This morning they put us  
15 in a new cell. It is so cold. I was shaking so hard and my little niece was very cold  
16 too.”) (Clint); C.V.L.G. Decl. ¶ 7 (“Since I have been here, I have not been able to  
17 wash my clothes”) (Santa Teresa); E.A.M.G. Decl. ¶ 16 (“We have not had a  
18 shower since we have been in custody which is 18 days. We are in the same clothes  
19 we came in which are filthy.”) (Weslaco); N.C.O.V. Decl. ¶ 11 (“I have finally  
20 been able to take a shower, but I was not able to wash myself because I had to carry  
21 my son, who is too young to walk.”) (Weslaco).

22 These conditions have been independently verified by visiting attorneys.  
23 While the attorneys were not permitted to view the living or sleeping quarters, they  
24 nonetheless found the temperatures in office spaces to be very cold and noted the  
25 children were “visibly chilled and complained of cold temperatures.” Gialluca  
26 Decl. ¶ 4; Grabman Decl. ¶ 6 (noting she was forced to wear a sweater and a suit

1 jacket during interviews with detainees). In addition, the attorneys also noted many  
2 children were dirty and without clothing. Gialluca Decl. ¶ 5 (“Most children are  
3 wearing filthy clothing and have not bathed or been provided clean clothing since  
4 crossing the river. Many of the babies and toddlers are dirty and most are not fully  
5 clothed as a result of CBP confiscating their clothing and failing to provide new  
6 clothing.”); Grabman Decl. ¶ 9 (discussing K.B.A.J.’s premature infant daughter  
7 who was “swaddled in a dirty towel.”).

8 **Sleeping Conditions**

9 Numerous children have testified that the conditions make it impossible to  
10 sleep. Children consistently report that bright lights are on 24 per hours per day,  
11 and they are forced to sleep in crowded cages, often sharing blankets or mats that  
12 are taken away from them early. *See e.g.* L.L.M.G. Decl. at 1 (“We sleep on the  
13 floor on a mat. I only have one mat. I only get one thin aluminum blanket for  
14 myself and my son.”) (Ursula); K.J.J.H. Decl. ¶ 4 (“The lights are very bright and  
15 on all the time and it is very noisy. I am not able to sleep.”) (Ursula); C.C.L.G.  
16 Decl. at 1 (“We sleep on the concrete floor without a mat and only aluminum  
17 blankets. The lights are also on all the time which is very disturbing and makes my  
18 son not know when it is day or night which is confusing for his body.”) (Ursula);  
19 A.I.V.F. Decl. ¶ 9 (“We have been staying in different cages here in Ursula with  
20 other girls. We have thin mattresses put on the floor to sleep. I do not have a crib  
21 or separate area for my baby to sleep. We all sleep together on the mattress.”)  
22 (Ursula); B.P.M.M. Decl. ¶ 12 (“There are not many places to sit and we have to  
23 sleep on very small, thin mats on the floor. There are thin foil blankets only. It is  
24 very crowded and there is no room. The lights are very bright and on all the time  
25 and it is very noisy and impossible to sleep.”) (Ursula); C.G.G.P. Decl. ¶ 7 (“It is  
26 very crowded. We got a mat to sleep on here. But the guards will take the mats in  
27

1 the early morning. Sometimes we each get a mat, but other times we have to share  
2 a mat between four people. So then I have to sleep directly on the floor with my  
3 daughter in my arms. We have only one thin mylar blanket to share. The lights are  
4 always on.”) (Ursula); E.T.P.E. Decl. ¶ 5 (“We have one mat we need to share with  
5 each other. It is very cold. We each got a mylar blanket, but it is not enough to  
6 warm us up. There are benches but we cannot sleep there. Sometimes it is so  
7 crowded we cannot find a place to sleep, so they allow a few of us to sleep outside  
8 the fenced area. The lights are on all the time.”) (Ursula); K.G.G.Q. 11 (“We cannot  
9 sleep. The guards never turn off the lights in the location where we are kept. We  
10 cannot sleep because of the light and the noise of everyone talking.”) (Ursula);  
11 W.A.C.L Decl. ¶ 6 (“We only are given mats to sleep on about 9 pm and they take  
12 them away from us at about 5 am. We have been given two mylar blankets. The  
13 lights are on ALL the time and we can not sleep because every 15 to 20 minutes the  
14 guards are yelling something out. GET UP! COUNT TIME! GET UP.”) (Ursula);  
15 J.O.A.M. Decl. ¶ 6 (“We stay in a room with 45 other children. There are ten  
16 bunkbeds. We sleep two children per mattress so four children sleep in each bed.  
17 The other children sleep on thin mats on the concrete floor.”) (Clint); M.F.M.O.  
18 Decl. ¶ 12 (“The officials here are very bad to us. During the night when we’re  
19 trying to sleep they come in and wake us up, yelling and scaring us. Sometimes  
20 children rise up in the night and officials yell at them to lay back down. The guards  
21 who are yelling don’t speak much Spanish, so it’s hard to understand what they’re  
22 saying. My sisters and I are very scared when they yell at us and other children.”)  
23 (Clint); K.P.T.M., R.A.T.P. and B.D.T.P. Decl. ¶ 14 (“[We] have slept each night  
24 on a mat on the floor. When we first arrived, we had to share a mat because there  
25 were not sufficient mats for all the boys. . . . At night, all three of us wake up  
26 repeatedly because we are cold and hungry and because guards come in and yell the

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1 names of children who need to be transferred.”) (Clint); G.S.C.C. Decl. ¶ 12 (“Four  
2 of us (two mothers with babies) share a mattress. The other mother and baby slept  
3 on the floor. Most of the girls sleep on the floor. . . . There are only two mats in the  
4 room and so most of the children on the floor sleep directly on the concrete.”)  
5 (Clint); J.V.S.M. Decl. ¶ 8 (“Sometimes in the middle of the night, at about 3 or 4  
6 a.m., the guards will come to call people, which wakes everyone up.”) (Clint);  
7 A.F.T.C Dec. ¶ 3 (“After we got the foil blankets I have slept a little but it’s hard to  
8 rest because the lights are always on, all day and all night.”) (Clint); A.M.O.R. Dec.  
9 ¶ 6 (“Today a nurse got mad at us because a comb is missing [and] they came in  
10 and took out all of the beds and all of the blankets in order to punish us. Now we  
11 will have to sleep on the floor.”) (Clint); G.M.C.B. Decl. ¶ 6 (“[The guards] took  
12 pillows and blankets. . . . [The officer] said that we were going to sleep on the floor.  
13 He said that it was punishment for losing the combs.”) (Clint); K., R., and B.T.P.  
14 Decl. ¶ 9 (“We are woken up at 5 a.m. each day.”); L.A.D.P. Decl. ¶ 7 (“[Where we  
15 sleep] is very cold because the air conditioner is always on. We are scared to ask  
16 the guards to change the temperature. The room is so crowded there is not enough  
17 space to lie down. Many of us have to sleep sitting up. The overhead fluorescent  
18 lights are always on and it is difficult to sleep.”) (Santa Teresa); Y.A.M.A. Decl. ¶  
19 5 (“I sleep very badly because the TV is on all night. At about 6 in the morning, one  
20 of the officials puts music on very loud to wake us up.”) (Clint); E.R.G.E. Decl. ¶  
21 10 (“There were many people in the cell, all were crammed into a cell—we didn’t  
22 fit. The cell was dirty—there [was] paper strewn everywhere and I had to sit next to  
23 the toilet because it was the only place that was left. The toilet smelled and it was  
24 dirty—it was full of paper, the trash was overflowing.”) (Weslaco).

25 In addition, minors and infants often sleep on hard concrete floors and  
26 benches, including pregnant mothers. *See e.g.* K.B.A.J. Decl. ¶ 9 (“I was really



1 worried about my baby. I was exhausted and could not hold her. Other mothers  
2 carried her for a time. I was afraid to fall asleep and have her drop. I ended up  
3 putting her on the bench so she could sleep.”) (Ursula); M.G.F.B. Decl. ¶ 8 (8-  
4 month pregnant minor describing that “[t]he lights where we live and sleep are kept  
5 on all day and all night. We cannot sleep with the bright lights always shining.”)  
6 (Ursula). *See also* Grabman Decl. ¶ 10 (“The Ursula Border Patrol guards have  
7 made both pregnant mother and toddler sleep on the cold floor without a mattress or  
8 blanket, causing the mother back and hip pain.”); K.S.P.P. Decl. ¶ 4 (“We sleep on  
9 a mat on the floor. There are about 10 kids who sleep on our mat. There is another  
10 mat, too. Some children sleep directly on the floor. It is tile. We shared our bed  
11 with a teenage mom and her baby, but she left so now one of the kids who has been  
12 sleeping the floor can now sleep on the mat with us.”) (Clint); M.Z.L. Decl. ¶ 8  
13 (“We sleep on a cement bench. There are two mats in the room, but the big kids  
14 sleep on the mats so we have to sleep on the cement bench. We have been sleeping  
15 on the cement bench ever since we came here, except when my sister got sick, she  
16 was quarantined and she got to sleep on a mat on the floor in another room.”)  
17 (Clint); J.V.S.M. Decl. ¶ 8 (“In the room, there are a few mats and cots, but no beds  
18 or mattresses. For the past several nights, my daughter, my sister, and I have been  
19 sleeping on the cement floor because there is no other place to sleep.”) (Clint);  
20 M.O.M.O Decl. ¶ 3 (“I have been staying in a room with 25 children. There were  
21 no beds, only four mats. . . . The rest of the children slept right on the ground,  
22 including little children. It is concrete. There are babies, as well as older children.  
23 They give us two blankets.”); A.F.L.P Decl. ¶ 6 (“My [one-year-old] daughter and I  
24 have been sleeping on the floor with just a blanket, no mattress for two weeks.”)  
25 (Clint).

1 Dr. Sevier also reports that the lights are kept on all night long in the CPC-  
2 Ursula daycare which interferes with the ability of the children to sleep. Sevier  
3 Decl. ¶ 12. “This is a serious detriment to a child’s developing brain.” *Id.*

4 **Denial of Emergency Medical Care**

5 Conditions have led to rampant sickness, as reported by the media and  
6 documented firsthand by attorneys visiting the facility. *See* Cohen Decl. ¶¶ 3-5  
7 (noting that attorney attending June 13 visit observed “a number of what appeared  
8 to be profoundly ill infants and children as well as a pregnant teenager whose  
9 toddler has tested positive for flu, which may be fatal to pregnant women and their  
10 fetuses” and discussing media reports of flu outbreak); Grabman Decl. ¶¶ 8-11  
11 (discussing illnesses of six Ursula child detainees, including K.B.A.J. who was  
12 confined to a wheelchair following an emergency caesarian section and her  
13 premature infant who was “listless”); Gialluca Decl. ¶¶ 6-10 (describing ill minors,  
14 including infants who were “listless,” “sallow,” and “frail.”) *See also* W.A.C.L.  
15 Decl. ¶ 7 (“The conditions are very crowded in the cage where I am at. There are  
16 about 75 people each night that I have been here. We sleep literally stacked on top  
17 of each other should to shoulder. So many are sick. On any given day there are at  
18 least 20 that are sick. They try to separate the ones that are sick, so that means  
19 people come and go. But not everyone goes if they are sick.”).

20 There are numerous sick class members (*see* Sevier Decl. with details of  
21 medical examinations), but despite that the flu and other sicknesses are rampant  
22 throughout the facility, testimony of numerous declarants shows that there is no  
23 access to emergency care. *See e.g.* K.L.R.L. Decl. ¶ 8 (“Five days after we arrived  
24 here, my baby started coughing and having diarrhea. The guards told me that only  
25 the very sick babies can see doctors so my baby can’t go although she has had a  
26 fever and was vomiting. She hasn’t vomited for over a day but she still has a very

1 bad cough, fever, and continues to have diarrhea. There are many sick children and  
2 they are not being taken to the doctor.”); M.I.R.C. Decl. ¶ 7 (“The day we arrived,  
3 my baby became sick. She she [sic] could not open her eyes and had a fever with  
4 got much worse during the day. I asked the guard for help and he told me to ‘just  
5 deal with it.’ I asked for help again, and was ignored. The third time I asked, I was  
6 crying because she was so much worse I was very worried for her. After two days,  
7 they took her to the doctor. They gave my baby acetaminophen and called in a  
8 prescription for an antibiotic. We didn’t receive the amoxicillin until the next  
9 day.”); W.A.C.L. Decl. ¶ 8 (“I am very worried about my baby. He has not been  
10 seen by any medical professionals since I have been here. When I have asked about  
11 getting the baby seen, the officers come and touch him and say, he is just fine.  
12 Today was the first time that a doctor or any medical professional has seen him.”);  
13 K.A.R.L. Dec. ¶ 7 (“There are young children with no parents. . . . [I] started taking  
14 care of [a four-year-old girl] myself. I take her to the bathroom, give her my extra  
15 food if she is hungry, and tell people to leave her alone if they are bothering her.  
16 She has been sick the whole time I have been taking care of her, and is coughing  
17 and has mucous.”) (Clint); M.J.S. Decl. ¶ 3–4 (“I . . . came down with the flu. I  
18 then went into the flu cell for 7 days. They were 21 other kids in that space with the  
19 flu. I had a fever in there and I was shaking. Some of the other kids were vomiting.  
20 They all had fevers. No one was taking care of the kids with the flu.”); A.F.T.C.  
21 Decl. ¶ 3 (“My mom started to get a fever and sore throat on the second day. I have  
22 a fever now and a sore throat.”); A.M.O.R. Decl. ¶ 3–4 (“A Border Patrol Agent  
23 came in our room with a two-year-old boy and asked us, ‘Who wants to take care of  
24 this little boy?’ . . . I started taking care of him yesterday. His bracelet says he is  
25 two years old. . . . He is sick. He has a cough and a runny nose and scabs on his  
26 lips. He was coughing last night so I asked to take him to see the doctor and they

SUMMARY OF THE EVIDENTIARY RECORD IN SUPPORT OF  
EX PARTE APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO SHOW CAUSE  
WHY A PRELIMINARY INJUNCTION SHOULD NOT  
ISSUE

1 told me that the doctor would come to our room, but the doctor never came.”)  
2 (Clint); A.J.E.M. Decl. ¶ 4 (“About three days ago I got a fever. They moved me  
3 alone to a flu cell. There is no one to take care of you there. They just give you pills  
4 twice a day. I am also having an allergic reaction all over my skin. My skin is itchy  
5 and red and my nose is stuffed up, Two times they gave me a pill for it but not  
6 anymore.”) (Clint); G.M.M.A. Decl. ¶ 10 (“I had a sore throat. I went to the doctor,  
7 and she said I had a little fever, but she didn’t look at my throat. She gave me a  
8 piece of candy and sent me back to the room I was in. I felt worse later—my throat  
9 hurt more—and when I asked to see the doctor again, the doctor said she was very  
10 busy and I should go back and wait. I went back again and had to wait an hour.  
11 [The doctor] didn’t do anything to help. I feel sicker today. My throat is very  
12 sore.”) (Clint); E.A.M.G. Decl. ¶ 8 (“[M]y baby nephew . . . was very sick. He saw  
13 the doctor and was given medicine, but he didn’t get better. His stomach still hurts,  
14 he has a bad cough and fever.”) (Weslaco).

15 Other medical conditions also are going untreated. In one of the most glaring  
16 examples of neglect, K.B.A.J. is a 17 year-old who gave birth to a premature baby  
17 by cesarean section in Mexico over a month ago and was gravely harmed during  
18 this surgery. Grabman Decl. ¶ 8. She complained of shooting, sharp pain from her  
19 waist through her right buttock and leg to her foot, and has difficulty walking due to  
20 her post-surgical pain, and she has been confined to a wheelchair. *Id.* As she is  
21 always seated, she reports that her buttocks are sore and red and that she is  
22 developing a pressure wound on one buttock. *Id.* She appears very thin and  
23 K.B.A.J.’s pain prevented her from eating much; she says she is nauseated from the  
24 pain. *Id.* More concerning is her premature infant daughter, K.E.A., who appears  
25 “small, weak, and listless.” *Id.* ¶ 9. During the five hours spent with the visiting  
26 attorney Ms. Grabman, the baby did not cry, she slept most of the time and had to

1 be roused to nurse. *Id.* She would not nurse for long periods, although K.B.A.J.  
2 conscientiously tried to breastfeed her. *Id.* The baby was swaddled in a dirty  
3 towel. *Id.* The day prior, the Border Patrol permitted K.B.A.J. to wash her baby  
4 for the first time since their arrival in detention – nearly 8 days. *Id.* However, a  
5 Border Patrol official confiscated the sweatshirt K.B.A.J. had wrapped around her  
6 baby. *Id.* K.B.A.J. stated that her baby was “shaking and trembling with cold and  
7 could not maintain her temperature”; she begged the Border Patrol guard for  
8 something to wrap the baby in, and she was given a dirty towel. *Id.*

9 The medical issues can only be remedied via immediate care. *See* Wang  
10 Decl. ¶ 22 (“These minor children and infants should have immediate access to  
11 emergency medical services.”). Furthermore, failure to provide the necessary  
12 medical treatment is a violation of the Agreement’s requirement that the conditions  
13 at the facility must be “safe and sanitary” and “consistent with the INS’s concern  
14 for the particular vulnerability of minors.” Agreement ¶ 12A; Order ¶¶ 7-8.

15 In addition, the conditions at these facilities, especially when combined with  
16 the weakened immune systems of children, are causing a genuine public health  
17 crisis that will persist and indeed worsen if left untreated. *See* Wang Decl. ¶¶ 4-11,  
18 22 (“In my professional opinion as a pediatric emergency physician, the appropriate  
19 place for these children to receive the services that they need is the emergency  
20 department of a hospital, which has the needed capacity and capability to  
21 appropriately evaluate and treat these children.”). In short, the children need  
22 immediate access to emergency care and improved living conditions to prevent  
23 more illness and even death. *See generally* Wang Decl.; Sevier Decl.