

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSE L. VELESACA and ABRAHAM CARLO
UZATEGUI NAVARRO, on their own behalf and on
behalf of others similarly situated,

Petitioners-Plaintiffs,

v.

THOMAS R. DECKER, in his official capacity as New
York Field Office Director for U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT; MATTHEW
ALBENCE, in his official capacity as the Acting Director
for U.S. Immigration and Customs Enforcement;
UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD WOLF, in his official
capacity as Secretary of the U.S. Department of
Homeland Security; UNITED STATES DEPARTMENT
OF HOMELAND SECURITY; CARL E. DUBOIS, in
his official capacity as the Sheriff of Orange County,
Respondents-Defendants.

Case No. 1:20-cv-1803

NOTICE OF MOTION TO ENFORCE THE PRELIMINARY INJUNCTION

PLEASE TAKE NOTICE that the petitioners-plaintiffs will move this Court on a return date to be determined by the Court for an order to enforce its preliminary injunction issued March 30, 2020. As described more fully in their supporting memorandum and declaration, the petitioners seek an order requiring ICE to comply with this Court's March 30, 2020 preliminary injunction. In light of ICE's non-compliance with this Court's order, the petitioners respectfully seek the following relief:

- That the Court order ICE to set aside the June 2017 changes to its risk classification assessment tool;
- That the Court order ICE to disregard certain 2017 policy directives prioritizing detention over release to the extent those directives affect custody determinations for class members;

- That the Court order ICE to issue revised guidance to the NYFO informing employees of the specific policies and practices enjoined by the preliminary injunction.

In support of their motion, the petitioners file their Memorandum of Law in Support of the Motion to Enforce the Preliminary Injunction; the Declaration of Jesse Barber; and the Declaration of Amy Belsher with exhibits.

Dated: December 18, 2020

New York, N.Y.

Respectfully Submitted,

/s/ Amy Belsher
AMY BELSHER
ROBERT HODGSON
CHRISTOPHER DUNN
TERRY DING*
MEGAN SALLOMI
New York Civil Liberties
Foundation
125 Broad Street, 19th Floor
New York, NY 10004
Tel: (212) 607-3300
abelsher@nyclu.org

THOMAS SCOTT-RAILTON*
NIJI JAIN
JENN ROLNICK BORCHETTA
The Bronx Defenders
360 E. 161st Street
Bronx, NY 10451
Tel: (718) 838-7878
njain@bronxdefenders.org

Counsel for Petitioners-Plaintiffs

* Not admitted in S.D.N.Y.