

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

HANAD ABDI; JOHAN BARRIOS RAMOS,
on behalf of himself and all others similarly situated,

Petitioners,

v.

ALEJANDRO MAYORKAS,¹ in his official capacity
as Secretary of U.S. Department of Homeland Security;
THOMAS BROPHY, in his official capacity as Acting
Director of Buffalo Field Office of Immigration and
Customs Enforcement; JEFFREY SEARLS, in his
official capacity as Acting Administrator of the Buffalo
Federal Detention Facility; and MERRICK
GARLAND,² in his official capacity as Attorney
General of the United States,

Respondents.

Case No. 17-cv-721 (EAW)

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF
PROPOSED CLASS ACTION SETTLEMENT AND NOTICE**

PLEASE TAKE NOTICE that Johan Barrios Ramos, on behalf of himself and all others similarly situated—cumulatively, a class defined as all arriving asylum-seekers who have passed a credible fear interview and who are or will be detained at the Buffalo Federal Detention Facility in Batavia, New York—(“Petitioners”), by their attorneys, hereby move this Court, pursuant to Federal Rule of Civil Procedure 23(e), to approve the form and manner of notice of a proposed settlement the parties have reached, and to schedule a hearing to determine whether the settlement is fair, reasonable, and adequate (the “Motion”).

¹ Alejandro Mayorkas is the current U.S. Secretary of Homeland Security. Accordingly, he is substituted as a respondent in this action. *See* Fed. R. Civ. P. 25(d).

² Merrick Garland is the current Attorney General of the United States. Accordingly, he is substituted as a respondent in this action. *See* Fed. R. Civ. P. 25(d).

In support of their Motion, Petitioners submit (i) the Memorandum of Law in Support of the Petitioners' Motion for Preliminary Approval of Proposed Class Action Settlement and Notice; (ii) the Declaration of Robert Hodgson, dated October 7, 2021, and the exhibits annexed thereto; and (iii) a proposed Order granting preliminary approval, approving the form and manner of notice of proposed settlement to the class, and scheduling a hearing to determine whether the settlement is fair, reasonable, and adequate.

PLEASE TAKE NOTICE that the Motion will be heard before the Honorable Elizabeth A. Wolford at the United States Courthouse, 2 Niagara Square, Buffalo, New York at a time and date, and in a manner, to be determined by the Court.

Dated: October 7, 2021
New York, New York

Respectfully submitted,

New York Civil Liberties Union Foundation
By:

/s/ Robert Hodgson
ROBERT HODGSON
CHRISTOPHER DUNN
125 Broad Street, 19th Floor
New York, NY 10004
Tel: (212) 607-3300

Counsel for Petitioners

International Refugee Assistance Project
By:

/s/ Deepa Alagesan
DEEPA ALAGESAN
MARIKO HIROSE
One Battery Park Plaza, 4th Floor
New York, NY 10004
Tel: (516) 838-7044

Counsel for Petitioners

Sidley Austin LLP

By:
/s/ Heidi Levine
HEIDI LEVINE
MICHAEL D. MANN
787 Seventh Avenue
New York, NY 10019
Tel: (212) 839-5300

Counsel for Petitioners