

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARVIN DUBON MIRANDA, <i>et al.</i> , on behalf of themselves and all others similarly situated, <i>Plaintiffs-Petitioners,</i>)	
v.)	Civil No. 1:20-cv-01110-CCB
WILLIAM P. BARR, et al., <i>Defendants-Respondents.</i>)	

**PLAINTIFFS-PETITIONERS’ MOTION FOR TEMPORARY RESTRAINING
ORDER AND/OR PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that Plaintiffs-Petitioners Marvin Amilcar Dubon Miranda, Ajibade Thompson Adegoke, and Jose de la Cruz Espinoza (“Petitioners”), individually and on behalf of all those similarly situated, hereby move this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a class-wide temporary restraining order and/or preliminary injunction related to all Claims of the Class Action Complaint and Petition for Writ of Habeas Corpus (Dkt. No. 1).¹ Petitioners respectfully request that the Court grant this Motion and enter a temporary restraining order and preliminary injunction requiring constitutionally and statutorily adequate bond-setting procedures to ensure that Petitioners and Class members are not unlawfully

¹ Pursuant to Fed. R. Civ. P. 65, Petitioners’ counsel have made efforts to give notice to the Defendants-Respondents of this motion. On the morning of May 4, 2020, counsel informed U.S. Attorney Allen Loucks by e-mail that Petitioners intended to file a motion for a temporary restraining order and/or preliminary injunction that evening. U.S. Attorney Evelyn Lombardo Cusson contacted Mr. Steiner by e-mail later in the afternoon informing him that she would be the AUSA point of contact for the case.

detained in violation of the Fifth Amendment of the United States Constitution and the Immigration and Nationality Act.

Specifically, and as set forth in the accompanying Proposed Order, Petitioners ask that this Court require that, for all noncitizens detained under 8 U.S.C. § 1226(a) following a bond hearing before the Baltimore Immigration Court, such individuals receive a bond hearing at which the government bears the burden to justify continued detention by proving by clear and convincing evidence that the detainee is a danger to the community or a flight risk and that no condition or combination of conditions will reasonably assure the detainee's future appearance and the safety of the community, and which includes consideration of a detainee's ability to pay in selecting the amount of any bond and suitability for release on alternative conditions of supervision. Petitioners also request that the Court require, among other things, that the government produce certain information relating to the implementation of this remedy and monitoring compliance.

As detailed in Petitioners' accompanying Memorandum of Points and Authorities, if a temporary restraining order and/or preliminary injunction do not issue, Petitioners and the putative class members will continue to suffer irreparable injury as a result of Respondents' unlawful bond procedures. Petitioners are likely to prevail on the merits of their claims that detaining civil immigration detainees following a bond hearing at which (1) the detainee must bear the burden of proving he or she is not a flight risk or danger to the community and (2) monetary bond is set without consideration of the detainee's ability to pay or suitability of alternative conditions of release violates the Fifth Amendment's due process guarantees. Petitioners are also likely to show that Respondents' bond practices violate the INA, which requires basic procedures to prevent wealth-based detention. Finally, the balance of hardships and public interest weigh in favor of granting the requested injunction.

For the foregoing reasons, and as set forth in the accompanying Memorandum of Points and Authorities, this Motion should be granted.

DATED: May 5, 2020

Respectfully Submitted,

/s/

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+ Application for admission to the U.S. District
Court for the District of Maryland pending

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