

ATTACHMENT
TO SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER AND
EMERGENCY WRIT OF HABEAS CORPUS

Case	Relief granted?	Discussed appropriateness of habeas to claims?	Ordered alternative conditions for safer detention?
<i>Hope v. Doll</i> , Case No. 1:20-cv-00562-JEJ (M.D. Pa. Apr. 7, 2020), ECF No. 11	TRO granted: “TRO shall be granted, and the Respondents shall be directed to immediately release Petitioners today on their own recognizance.” See p.1	No.	No. The Court did state, however, “we note that ICE has a plethora of means other than physical detention at their disposal by which they may monitor civil detainees and ensure that they are present at removal proceedings, including remote monitoring and routine check-ins. Physical detention itself will place a burden on community healthcare systems and will needlessly endanger Petitioners, prison employees, and the greater community.” See p.11
<i>Malam v. Adducci</i> , Case No. 2:20-cv-10829-JEL-APP (E.D. Mich. Apr. 5, 2020), ECF No. 22	TRO granted in part: Petitioner will be subject to the following restrictions: Petitioner is subject to fourteen days of home quarantine; Petitioner must comply with all Michigan Executive Orders; and Petitioner must appear at all hearings pertaining to her removal proceedings.	Court explained: “For over 100 years, habeas corpus has been recognized as the vehicle through which noncitizens may challenge the fact of their detention. <i>See Chin Yow v. U.S.</i> , 208 U.S. 8, 13 (1908) (“Habeas corpus is the usual remedy for unlawful imprisonment.”) (emphasis added).	No.

Court found: “Petitioner may

April 8, 2020 that HCDC and WCDC have COVID-19 tests and will administer a test to any individual at HCDC or WCDC with suspected COVID-19 symptoms; (3) the postponement of a Petitioner's currently scheduled immigration hearing; or (4) other materially changed circumstances. Any renewed Motion will be handled on an extremely expedited basis and may be decided without a hearing. Respondents will be ORDERED to (1) immediately inform the Court and Petitioners of any evidence that a detainee or staff member at HCDC or WCDC has COVID 19; and (2) immediately provide to the Court

Apr. 3, 2020) <i>Nguyen v. Marin</i> , Case No. 5:20-cv-000646-			
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	<p>defined by the Centers for Disease Control and Prevention ('CDC'), with a living situation that facilitates "social distancing." No later than 9:00 a.m. on April 6, 2020, the respondents shall report to the Court as to whether any or all of the steps outlined in the plan have been taken and, if so, which ones. They also shall identify for which petitioners the measures have been taken and provide a brief explanation why any petitioner does not meet the CDC's high-risk criteria respondents' failure to take these steps is a violation of their substantive rights under the Due Process Clause."</p>		<p>the previously-identified Due Process violations." ECF No. 54 at 3. It found Respondent's response about social distancing to be "vague." <i>Id.</i> The court ordered additional information, including affidavits that the detention center at issue cannot comply with the Court's orders. A hearing is scheduled for April 9, 2020.</p>
<p><i>Hernandez v. Wolf</i>, 5:20-cv-00617-TJH-KS (C.D. Cal. Apr. 1, 2020), ECF No. 17</p>	<p>TRO granted: Respondents shall release Petitioner by end of the next day, Petitioner shall reside at a fixed address and not leave except to obtain medical care, Petitioner shall no use or possess illegal drugs or otherwise violate the law, ICE may monitor Petitioner upon release at its discretion</p>		
<p><i>Thakker v. Doll</i>, No. 1:20-cv-00480-JEJ (M.D. Pa. Mar. 31,</p>	<p>TRO granted: Respondents shall release Petitions same day on recognizance.</p>	<p>"[W]e note that federal courts, including the Third Circuit, have condoned conditions of</p>	<p>No.</p>

2020), ECF No. 47		confinement challenges through habeas. <i>See Amer v. Obama</i> , 742 F.3d 1023, 1032 (D.C. Cir. 2014); <i>see also Woodall v. Fed. Bureau of Prisons</i> , 432 F.3d 235, 242-44 (3d Cir. 2005); <i>see also Ali v. Gibson</i> , 572 F.2d 971, 975 n.8 (3d Cir. 1978).” At 5.	
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Frailhat v. Wolf, No.

March 27, 2020)

doing so is required to protect the court's ability to consider the petitioner's claim that has been properly brought before it," see *3, "[a]llegations that challenge rules, customs, and procedures affecting

		<p>implement, thus creating a “significantly higher” risk for spread of infectious diseases like COVID-19” and “Petitioners’ medical needs remain unmet.” See *4. Moreover, although “ICE has taken some steps,” “[n]one of these steps are adequate to mitigate the transmission of the virus when there’s already documented community-based transmission.” See *5.</p>	
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Basank v. Decker,
Case No. 1:20-cv-
02518-AT, 2020 WL
1481503 (S.D.N.Y.
Mar. 26, 2020).
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