

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,  
et al.,

Petitioners-Plaintiffs,

v.

THOMAS HODGSON, et al.,

Respondents-Defendants.

Case No. 1:20-cv-10617-WGY

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Petitioners-Plaintiffs, through undersigned counsel, submit this notice to inform the Court of relevant supplemental authorities not available to them when they filed their Motion for Temporary Restraining Order and Memorandum in Support of Motion. ECF Nos. 11, 12:

1. The opinion and order of Judge Terry Hatter of the U.S. District Court for the Central District of California dated March 27, 2020, directing the immediate release of two petitioners from immigration detention. *Castillo v. Barr*, CV 20-00605 TJH (AFMx), ECF No. 32, (copy attached as Exhibit A). Judge Hatter relied on evidence of conditions similar to those at Bristol County, *id.* at 10 (individuals “are not kept at least 6 feet apart[,] . . . are forced to touch surfaces touched by other[s] . . . such as common sinks, toilets, and showers”), and concluded that “[a] civil detainee’s constitutional rights are violated if a condition of his confinement places him at substantial risk of suffering serious harm, such as the harm caused by a pandemic” and that detention centers “cannot be deliberately indifferent to the potential exposure of civil detainees to a serious, communicable disease.” *Id.* at 6, 9.

2. The opinion and order of Judge Judith Levy of the U.S. District Court for the Eastern District of Michigan, dated March 27, 2020, directing the release of a criminal defendant, subject to the requirement that he self-quarantine for 14 days. *U.S. v. Kennedy*, No. 5:18-cr-20315, ECF No. 77 (copy attached as Exhibit B), at 14. Judge Levy explained that “under the facts of this case, the danger posed to Defendant in the Saginaw County Jail by the COVID-19 pandemic constitutes an independent compelling reason to temporarily release him from custody.” *Id.* at 2.

3. The Declaration of Ben Haldeman dated March 29, 2020, and attached exhibits containing handwritten letters from immigration detainees at Bristol County Immigration Detention Facilities attesting to the dangerous and unsanitary conditions there, the ongoing admission of new ICE detainees, and the precarious health of many putative class members (copy attached as Exhibit C). Mr. Haldeman is an immigration attorney at New Haven Legal Assistance Association, Inc. who visited Bristol County on March 27 and 28 and provided these detainee statements to undersigned counsel the night of March 28, 2020.

4. The Declaration of Vanesa Suarez dated March 29, 2020 (copy attached as Exhibit D), attesting to phone conversations with Mr. Lloyd Wafula, a man detained by ICE at Bristol County Immigration Detention Facilities, who has helped organize the collective statements of putative class members pleading for assistance, *see* ECF Nos. 1-4, 1-5. Ms. Suarez is the Deportation Defense Organizer at the Connecticut Bail Fund. Shortly after Mr. Wafula’s organizing efforts, he was moved to solitary confinement, where his communication privileges became severely limited. As a result, he cannot provide his own statement and asked Ms. Suarez to provide his account to undersigned counsel.

Respectfully Submitted,

/s/ Michael J. Wishnie

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<sup>†</sup> Motion for admission *pro hac vice* pending.

\* Motion for law student appearance forthcoming.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2020, the above-captioned document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Michael J. Wishnie