

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LILIAN PAHOLA CALDERON JIMENEZ,
and LUIS GORDILLO, *et al.*,

Individually and on behalf of all others
similarly situated,

Plaintiffs-Petitioners,

v.

MARKWAYNE MULLIN, *et al.*,

Defendants-Respondents.

No. 18-cv-10225-PBS

**PETITIONERS' MOTION TO ENFORCE THE *CALDERON* SETTLEMENT
AGREEMENT ON BEHALF OF TWO CLASS MEMBERS**

Petitioners, on behalf of class members Ms. Nathalya Alves da Silva and Mr. Victor Alexander Granda Jimenez, respectfully move that this Court enforce the Settlement Agreement in this case (ECF No. 654-1) as to Ms. Alves da Silva and Mr. Granda Jimenez, including by (1) finding that U.S. Immigration and Customs Enforcement (“ICE”) has violated Section II of the Settlement Agreement by refusing to join Ms. Alves da Silva’s and Mr. Granda Jimenez’s motions to reopen and dismiss their removal orders directed to the U.S. Department of Homeland Security (“DHS”); (2) ordering ICE’s Office of the Principal Legal Advisor (“OPLA”) to review Ms. Alves da Silva’s and Mr. Granda Jimenez’s joint motion to reopen requests in accordance with Section II of the Settlement Agreement; and (3) ordering ICE OPLA¹ and any other

¹ ICE OPLA has already completed a review of Ms. Alves da Silva’s joint motion to reopen request and determined that she is not subject to any exception to the Settlement Agreement’s presumption that DHS will join in her motion. Accordingly, ICE OPLA is required to join Ms. Alves da Silva’s motion to reopen and dismiss her removal proceedings.

necessary DHS component to join Ms. Alves da Silva's motion to reopen and dismiss her removal proceedings.

A proposed order is attached hereto as Exhibit A. Further, Petitioners have conferred with counsel for Respondents and agreed upon a proposed briefing schedule for this Motion. A proposed scheduling order is attached as Exhibit B.

Respectfully submitted this 17th day of August, 2026.

Counsel for the Petitioners

/s/ Kevin S. Prussia

Kevin S. Prussia (BBO # 666813)

Jonathan A. Cox (BBO # 687810)

Christina Luo (BBO # 705590)

Peter H. Merritt (BBO # 711435)

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, MA 02109

Telephone: (617) 526-6000

Facsimile: (617) 526-5000

kevin.prussia@wilmerhale.com

jonathan.cox@wilmerhale.com

christina.luo@wilmerhale.com

peter.merritt@wilmerhale.com

Adriana Lafaille (BBO # 680210)

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION OF MASSACHUSETTS, INC.

One Center Plaza

Suite 850

Boston, MA 02108

(617) 482-3170

alafaille@aclum.org

Kathleen M. Gillespie (BBO # 661315)

Attorney at Law

6 White Pine Lane

Lexington, MA 02421

(339) 970-9283

kathleenmgillespiesq@gmail.com

LOCAL RULE 7.1(a)(2) CERTIFICATION

Pursuant to Local Rule 7.1, the undersigned certifies that counsel for Petitioners conferred with counsel for Respondents and attempted in good faith to narrow or resolve the issues that are the subject of this motion to enforce the Settlement Agreement.

Dated: August 17, 2026

/s/ Kevin S. Prussia

Kevin S. Prussia (BBO # 666813)

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LILIAN PAHOLA CALDERON JIMENEZ,
and LUIS GORDILLO, *et al.*,

Individually and on behalf of all others
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Plaintiffs-Petitioners,

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MARKWAYNE MULLIN, *et al.*,

Defendants-Respondents.

No. 18-cv-10225-PBS

**[PROPOSED] ORDER GRANTING PETITIONERS' MOTION
TO ENFORCE THE *CALDERON* SETTLEMENT AGREEMENT
ON BEHALF OF TWO CLASS MEMBERS**

This matter is before the Court on the Petitioners' Motion to Enforce the *Calderon* Settlement Agreement ("Motion") on behalf of two class members, Ms. Nathalya Alves da Silva and Mr. Victor Alexander Granda Jimenez. The Court, having considered the arguments and evidence submitted in support, hereby GRANTS Petitioners' Motion.

Accordingly, **IT IS HEREBY ORDERED** as follows:

1. The Court finds that Respondents have violated Section II of the Settlement Agreement by refusing to join Ms. Alves da Silva's and Mr. Granda Jimenez's motions to reopen and dismiss their removal orders.
2. U.S. Immigration and Customs Enforcement's Office of the Principal Legal Advisor ("ICE OPLA") is ordered to review Ms. Alves da Silva's and Mr. Granda Jimenez's joint motion to reopen requests in accordance with Section II of the Settlement Agreement.

3. ICE OPLA and any other necessary Department of Homeland Security (“DHS”) agency are ordered to join Ms. Alves da Silva’s motion to reopen and dismiss her removal proceedings.

4. Respondents are enjoined from taking any further Enforcement Action, as defined by Section I(E) of the Settlement Agreement (ECF No. 654-1), against Ms. Alves da Silva and Mr. Granda Jimenez, unless (a) either class member has received final adjudication of his or her joint motion to reopen request; (b) such Enforcement Action is based on new evidence that Ms. Alves da Silva or Mr. Granda Jimenez poses a threat to public safety or national security; and (c) Respondents have complied fully with the reporting requirements of Section V of the Settlement Agreement with respect to such Enforcement Action as to each class member.

IT IS SO ORDERED.

Dated: _____

Hon. Patti B. Saris
United States District Judge

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LILIAN PAHOLA CALDERON JIMENEZ,
and LUIS GORDILLO, *et al.*,

Individually and on behalf of all others
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Plaintiffs-Petitioners,

v.

MARKWAYNE MULLIN, *et al.*,

Defendants-Respondents.

No. 18-cv-10225-PBS

**[PROPOSED] SCHEDULING ORDER REGARDING PETITIONERS' MOTION
TO ENFORCE THE *CALDERON* SETTLEMENT AGREEMENT
ON BEHALF OF TWO CLASS MEMBERS**

This matter is before the Court on the Petitioners' Motion to Enforce the Settlement Agreement on behalf of two class members, Ms. Nathalya Alves da Silva and Mr. Victor Alexander Granda Jimenez.

IT IS HEREBY ORDERED that:

1. Respondents shall file an Opposition to Petitioners' Motion to Enforce by Tuesday, September 8, 2026.
2. Petitioners may file a reply brief by Friday, September 18, 2026.
3. Should the Court deem it necessary, a further order setting a hearing date shall issue.

IT IS SO ORDERED.

Dated: _____

Hon. Patti B. Saris
United States District Judge