

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOSE ARNULFO GUERRERO
ORELLANA,

Petitioner-Plaintiff,

v.

ANTONE MUNIZ, Superintendent,
Plymouth Correctional Facility;

Respondents-Defendants.

Civil Action No. 1:25-cv-12664-PBS

**DEFENDANTS' MOTION FOR LIMITED RELIEF FROM CERTAIN TIMING
ASPECTS OF THE NOTICE REQUIREMENTS OF THE DECEMBER 19 JUDGMENT**

Respondents-Defendants hereby move under Federal Rules of Civil Procedure 59(e) and 60(b) for limited relief from certain of the notice requirements in the Court's order (ECF 112) and judgment (ECF 113). Respondents-Defendants are not by this motion seeking to modify the substantive contours of the notice requirements, but instead—reserving all other objections to the order and judgment—seek limited alterations of certain timelines and other timing requirements based on operational reasons. Respondents-Defendants seek (i) an extension of the timeline for serving notice on aliens currently in detention from January 2, 2026, to January 30, 2026; and (ii) a modification of the timing requirements for the provision of telephone access after service of the notice. Respondents-Defendants make this request consistent with the Court's recognition at the December 17 hearing that some notice requirements may later need to be modified.

Specifically, Respondents-Defendants seek to amend Paragraph 3 of the judgment's notice requirements as follows:

By January 30, 2026~~Within fourteen days~~, Defendants shall serve the notice on all noncitizens already in immigration detention who Defendants reasonably believe may be members of the class. The notice shall be in a language the noncitizen understands. Should Defendants not have the notice translated into a language the noncitizen understands, they shall secure an interpreter to translate the notice as soon as feasible.

Respondents-Defendants seek to amend Paragraph 6 of the judgment's notice requirements as follows:

Defendants shall provide the noncitizen with access to a telephone to call an attorney as soon as possible, and no later than within one hour 24 hours after the noncitizen receives the notice.

Respondents-Defendants also respectfully request that the Court grant interim relief by January 2, 2026, pending consideration of the relief requested.

Dated: December 26, 2025

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

DREW C. ENSIGN
Deputy Assistant Attorney General

AUGUST FLENTJE
Special Counsel for Immigration

By: /s/ Katherine J. Shinnners
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Counsel for Defendants

CERTIFICATE UNDER LOCAL RULE 7.1(a)(2)

I conferred with Petitioner's counsel about the relief requested in this motion via emails on December 24 and 26, 2025. Petitioner's counsel stated that Petitioner opposes the relief requested.

By: /s/ Katherine J. Shinnors
KATHERINE J. SHINNERS
United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2025, I electronically filed this motion with the Clerk of the Court for the United States Court of for the District of Massachusetts by using the CM/ECF system.

By: /s/ Katherine J. Shinnors
KATHERINE J. SHINNERS
United States Department of Justice

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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Petitioner-Plaintiff,

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ANTONE MONIZ, Superintendent,
Plymouth Correctional Facility;

Respondents-Defendants.

Civil Action No. 1:25-cv-12664-PBS

**[PROPOSED] ORDER GRANTING RESPONDENTS-DEFENDANTS' MOTION FOR
LIMITED RELIEF FROM CERTAIN TIMING ASPECTS OF THE NOTICE
REQUIREMENTS OF THE DECEMBER 19 JUDGMENT**

Having considered Respondents-Defendants' Motion for Relief, it is hereby ORDERED that Respondents-Defendants' Motion is GRANTED. The Court's Judgment (ECF Docket No. 113) is AMENDED as follows.

Paragraph 3 at pages 3 to 4 of the Judgment is modified to state: By January 30, 2026, Defendants shall serve the notice on all noncitizens already in immigration detention who Defendants reasonably believe may be members of the class. The notice shall be in a language the noncitizen understands. Should Defendants not have the notice translated into a language the noncitizen understands, they shall secure an interpreter to translate the notice as soon as feasible

Paragraph 6 at page 4 of the Judgment is modified to state: Defendants shall provide the noncitizen with access to a telephone to call an attorney as soon as possible, and no later than 24 hours after the noncitizen receives the notice

An amended judgment will issue.

SO ORDERED:

Dated: _____

Hon. Patti B. Saris
UNITED STATES DISTRICT JUDGE