

judge. *Id.* ICE has further advised that Petitioner Lucas posted bond on the day of this filing and has now been released from custody.²

Based on the Court's statements during the June 26, 2019 status conference hearing, Respondents understand that responses to the individual petitions are no longer necessary insofar as two of the three Petitioners have now been released, and none of the Petitioners continues to be detained based on the result of a custody redetermination hearing before an immigration judge.³ June 26, 2019 Tr. 12:15-14:1; *cf.* ECF No. 34 (Electronic Clerk's Notes reflecting that the Government should file a response to the individual petitioners by July 8, 2019). Accordingly, unless the Court directs otherwise, Respondents will forego filing responses to the individual petitions on July 8, 2019, and will, instead, proceed to file their opposition to Petitioners' Motion for Class Certification by July 19, 2019, as directed by the Court during the June 26, 2019 status conference hearing. *See* ECF No. 34.

DATE: July 1, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director
Office of Immigration Litigation
District Court Section

ELIANIS N. PÉREZ
Assistant Director

² The Department of Justice has not yet been informed whether Petitioner Celicourt has posted bond and been released, but will promptly advise the Court if and when this occurs.

³ As noted above, it appears Petitioner Celicourt is not seeking review of ICE's new custody determination before an immigration judge. *See* Ex. B. As such, the issue of which party bears the burden of proof at custody redetermination hearing (and whether due process requires consideration of specific factors) is no longer at issue in his case.

J. MAX WEINTRAUB
Senior Litigation Counsel

HUY M. LE
TRIAL ATTORNEY

/s/ C. Frederick Sheffield
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Attorneys for Respondents

CERTIFICATE OF SERVICE

I, C. Frederick Sheffield, Trial Attorney for the Department of Justice Office of Immigration Litigation, hereby certify that this document filed through the ECF system 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/ C. Frederick Sheffield
C. Frederick Sheffield

Dated: July 1, 2019

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: AVILA-LUCAS, FLORENTINA-File Number: [REDACTED]Date: 06/28/2019Event ID: [REDACTED]Subject ID: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☐ Detained by the Department of Homeland Security.
- ☒ Released (check all that apply):
- ☒ Under bond in the amount of \$ 3,000
- ☐ On your own recognizance.
- ☐ Under other conditions. [Additional document(s) will be provided.]

WESLING, D 7266

Name and Signature of Authorized Officer

SDDO

Title

06/28/2019 09:17 AM

Date and Time of Custody Determination

ICE ERO Boston Field Office 1000 District Avenue Burlington, MA
US 01803

Office Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
- ☐ I do request an immigration judge review of this custody determination.
- ☒ I do not request an immigration judge review of this custody determination.

Florentin Avila Lucas
Signature of Alien

06/28/19
Date

The contents of this notice were read to AVILA-LUCAS, FLORENTIN in the _____ language.
(Name of Alien) (Name of Language)

Michael P. [Signature]
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

D.O.
Title

EXHIBIT B

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: CELICOURT, JACKYA-File Number: [REDACTED]Date: 01/16/2019Event ID: [REDACTED]Subject ID: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

☐ Detained by the Department of Homeland Security.

☒ Released (check all that apply):

☒ Under bond in the amount of \$ 5,000

☐ On your own recognizance.

☐ Under other conditions: [Additional document(s) will be provided.]

MARFISSI, YOLANDA

Name and Signature of Authorized Officer

01/16/2019 03:27 PM

Date and Time of Custody Determination

SDDO

Title

ICE ERO Boston Field Office 1000 District Avenue Burlington, MA
US 01803

Office Location/Address

You may request a review of this custody determination by an immigration judge.

☒ I acknowledge receipt of this notification, and

☐ I do request an immigration judge review of this custody determination.

☒ I do not request an immigration judge review of this custody determination.

Signature of Alien

Date

The contents of this notice were read to CELICOURT, JACKY in the _____ language.

(Name of Alien)

(Name of Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Title