

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

GILBERTO PEREIRA BRITO, FLORENTIN)	
AVILA LUCAS, JACKY CELICOURT,)	
)	
Petitioners,)	
)	
v.)	C.A. No. 1:19-cv-11314-PBS
)	
WILLIAM P. BARR, U.S. Attorney General, <i>et al.</i> ,)	
)	
Respondents.)	
)	

NOTICE OF RESPONDENTS’ COMPLIANCE WITH JUDGMENT

William P. Barr, *et al.*, (“Respondents” or “the Government”) hereby notify the Court that Respondents have complied with the Court’s November 27, 2019 Memorandum and Order. *See* ECF No. 88. The Court ordered the Government to provide the Court’s declaratory judgment and permanent injunction to all members of both classes by December 13, 2019 and to all new members of the Pre-Hearing Class once the Government makes the initial determination to detain them pursuant to 8 U.S.C. § 1226(a). *Id.* at 23.

Respondents certify that Immigration and Customs Enforcement (“ICE”) has provided the Court’s declaratory judgment and permanent injunction to all detainees in both sub classes. *See* Declaration of Assistant Field Office Director Immaculata Guarna-Armstrong (“Guarna-Armstrong Dec.”), attached as Ex. A at ¶¶ 6-10. Further, ICE has implemented procedures in detention operations to provide the same notice to all Pre-Hearing Class members who are initially determined to be detained pursuant to 8 U.S.C. § 1226(a). *See id.* at ¶ 11.

Respondents also certify that starting on December 13, 2019, immigration judges (“IJ”) have complied with this Court’s declaratory judgment (ECF No. 88 at 22). *See* Declaration of Assistant Chief Immigration Judge Jose A. Sanchez (“Sanchez Dec.”), attached as Ex. B at ¶ 3.

Specifically, IJs holding bond hearings pursuant to 8 U.S.C. § 1226(a) are placing the burden of proof on the Government to prove that the detainee is either dangerous by clear and convincing evidence or a risk of flight by a preponderance of the evidence and that no condition or combination of conditions will reasonably assure the alien's future appearance and the safety of the community. *Id.* At the bond hearings, the IJs are also evaluating the aliens' ability to pay in setting bond above \$1,500 and considering alternative conditions of release, such as GPS monitoring, that reasonably assure the safety of the community and the aliens' future appearances. *Id.*

Date: December 16, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

Civil No. 1:19-cv-11314-PBS

I hereby certify that this document will be filed through the electronic filing system of the Court, which system will serve counsel for all parties.

Dated: December 16, 2019

/s/ Huy M. Le

By: HUY M. LE
Trial Attorney