

DeCologero, 821 F.2d 39, 43 (1st Cir. 1987)). It is therefore no surprise that District Courts in this Circuit have relied on public health guidance to conclude that ICE's civil detention facilities are likely not providing constitutionally adequate protection from the COVID-19 pandemic. *See, e.g., Savino v. Souza*, No. CV 20-10617-WGY, 2020 WL 3529664, at *2-*3 (D. Mass. June 18, 2020); *Yanes v. Martin*, No. 120CV00216MSMPAS, 2020 WL 3047515, at *3-*5; (D.R.I. June 2, 2020); *Gomes v. US Dep't of Homeland Sec., Acting Sec'y*, No. 20-CV-453-LM, 2020 WL 2514541, at *12-*13 (D.N.H. May 14, 2020). As the government acknowledges, the Supreme Court has not altered these requirements.

The government's mistaken assertion that it is constitutionally immune from compliance with public health standards raises serious questions about whether the Plymouth County Correctional Facility is implementing adequate safety measures and is further good cause for allowing Petitioners' motion for expedited discovery (D.E. 176).

Dated: August 25, 2020

Respectfully submitted,

/s/ Laura K. McCready

Wm. Shaw McDermott (BBO # 330860)
Andrew C. Glass (BBO # 638362)
Christopher F. Warner (BBO # 705979)
Molly R. Maidman (BBO # 705600)
K&L GATES LLP
State Street Financial Center One Lincoln Street
Boston, MA 02111
(617) 261-3120
shaw.mcdermott@klgates.com
andrew.glass@klgates.com
chris.warner@klgates.com
molly.maidman@klgates.com

Matthew R. Segal (BBO # 654489)
Daniel McFadden (BBO # 676612)
Adriana Lafaille (BBO # 680210)

Laura K. McCready (BBO # 703692)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF MASSACHUSETTS, INC.
211 Congress Street
Boston, MA 02110
(617) 482-3170
msegal@aclum.org dmcfadden@aclum.org
alafaille@aclum.org lmccready@aclum.org

David C. Fathi (WA 24893) (*Pro hac vice*)
Eunice H. Cho (WA 53711) (*Pro hac vice*)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION,
NATIONAL PRISON PROJECT
915 15th St. N.W., 7th Floor Washington, DC
20005
T: 202-548-6616
E: dfathi@aclu.org E: echo@aclu.org

Michael K. T. Tan (*Pro hac vice*)
Anand V. Balakrishnan (*Pro hac vice*)
Rebecca A. Ojserkis (*Pro hac vice*)
Omar C. Jadwat (*Pro hac vice*)
ACLU FOUNDATION IMMIGRANTS' RIGHTS
PROJECT
125 Broad Street, 18th Floor New York, New York
10004 Tel: 212-549-2660
mtan@aclu.org abalakrishnan@aclu.org
rojserkis@aclu.org ojadwat@aclu.org

Sarah Sherman-Stokes (BBO# 682322)
Associate Director
IMMIGRANTS' RIGHTS AND HUMAN TRAFFICKING
PROGRAM
BOSTON UNIVERSITY SCHOOL OF LAW
765 Commonwealth Avenue Room 1302F
Boston, MA 02215
T. 617-358-6272
sstokes@bu.edu

Susan B. Church (BBO# 639306)
DEMISSIE & CHURCH
929 Massachusetts Avenue,
Suite 01
Cambridge, MA 02139
Tel. (617) 354-3944
sbc@demissiechurch.com

Kerry E. Doyle (BBO# 565648)
GRAVES & DOYLE
100 State Street, 9th Floor Boston, MA 02109
(617) 542-6400
kdoyle@gravesanddoyle.com