

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

CLEBERSON QUADRELLI and	)	
ABDY NIZEYIMANA, on behalf of	)	
themselves and all others similarly situated	)	
	)	
Petitioners,	)	
	)	
v.	)	C.A. No. 20-10685-ADB
	)	
ANTONE MONIZ, Superintendent of the	)	
Plymouth County Correctional Facility,	)	
	)	
Respondent.	)	
	)	

**EMERGENCY MOTION  
FOR ORDER HALTING TRANSFERS  
OF CLASS MEMBERS OUT OF THE DISTRICT  
AND TO ADDRESS PROPOSED TRANSFERS AT JUNE 11 STATUS CONFERENCE**

This morning, the Court certified a class in this matter, defined as including “[a]ll civil immigration detainees who are Petitioners in this action (i.e., who signed the original petition, [ECF No. 1]) or are otherwise presently detained in Unit C-3 at the [Plymouth County Correctional Facility (the “PCCF”)].”

Several hours later, ICE reportedly informed multiple detainees in Unit C-3 at the PCCF that they are being transferred tomorrow, June 9, 2020, to a different detention facility in Alabama. Undersigned counsel have conferred with counsel for the government, who stated that 25 immigration detainees are, in fact, being moved out of the PCCF, eight of whom are in Unit C-3. Three of those eight detainees are purportedly being moved for purposes of effectuating removal. However, the other five are purportedly being transferred to an Alabama facility solely for the

purpose of reducing the population in Unit C-3. Counsel for the government believes these transfers will take place tomorrow. Undersigned counsel understand that some of these detainees have lawyers, pending court matters, and family in Massachusetts, and also that at least three of the five have pending BIA appeals.

Undersigned counsel are deeply concerned that ICE is attempting to deplete the class to frustrate the Court's ability to grant these class members relief. Further, counsel are concerned that they have been provided no information about the conditions in the Alabama facility to which the detainees are being transferred. Counsel for the government has represented that the Alabama facility has more space, but undersigned counsel have no information confirming that is true, and have no information concerning whether that Alabama facility is undertaking COVID-19 precautions comparable to those presently in place at Plymouth. According to ICE, at least one detainee at that facility (Etowah) has previously tested positive,<sup>1</sup> and counsel understand that there is also ongoing litigation alleging unsafe conditions at that facility in light of the COVID-19 pandemic.<sup>2</sup> Although counsel have had no time to research this facility, it appears that an attorney who routinely represents clients detained there submitted a declaration outlining disturbing and dangerous conditions,<sup>3</sup> and the Etowah facility appears to be generally notorious for its poor conditions.<sup>4</sup> Additionally, as far as counsel are aware, the class members are being transferred without being tested themselves for COVID-19, a dangerous practice that Judge Young has enjoined in *Savino*. See *Savino v. Souza*, No. 20-10617, 2020 WL 2404923, at \*11 (D. Mass. May

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<sup>1</sup> See <https://www.ice.gov/coronavirus>

<sup>2</sup> See <https://ccrjustice.org/home/what-we-do/our-cases/williams-v-horton>.

<sup>3</sup> See <https://ccrjustice.org/sites/default/files/attach/2020/04/2-33%20Jessica%20Myers%20Vosburgh.pdf>.

<sup>4</sup> See <https://www.splcenter.org/20161121/shadow-prisons-immigrant-detention-south#county%20contract>.

12, 2020). It therefore appears highly likely this transfer will place the class members, and potentially other detainees, at *greater* risk of serious illness or death in violation of their rights.

Accordingly, undersigned counsel respectfully requests that the Court immediately order that class members shall not be transferred from the District pending the Court's consideration of this issue, and that the Court consider these matter on the status conference scheduled for June 11. These matters fall within the Court's inherent power to preserve its jurisdiction and control the movements of habeas petitioners with matters before Court. They also falls within the Court's jurisdiction to review claims arising from transfers that (as here) are independent of the removal process. *See Aguilar v. ICE*, 510 F.3d 1, 11, 21 (1st Cir. 2007).

Respectfully Submitted,

/s/ Daniel L. McFadden

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Date: June 8, 2020

Local Rule 7.1 Certification

I certify that I conferred with opposing counsel in a good faith attempt to narrow or resolve the issues presented in this motion. Opposing counsel opposes this motion.

June 8, 2020

/s/ Daniel L. McFadden

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