

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

TAMAYO ESPINOZA, *et al.*,

Petitioners-Plaintiffs,

v.

WITTE, *et al.*,

Respondents-Defendants.

Civil Action No.:
5:20-cv106-DCB-MTP

ORAL ARGUMENT REQUESTED

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure 65, Petitioners-Plaintiffs (“Plaintiffs”) respectfully request that the Court issue an order requiring Respondents-Defendants (“Defendants”) to immediately release Plaintiffs upon their own recognizance. In the alternative, Plaintiffs request that the Court issue an order requiring Defendants to place them in community-based alternatives to detention, subject to reasonable and appropriate conditions. Plaintiffs’ motion is supported by the accompanying memorandum of law and exhibits.

As explained in the accompanying Memorandum of Law in Support of Motion for a Temporary Restraining Order, Plaintiffs are likely to succeed on their claims that Defendants, by continuing to detain them in light of the global pandemic COVID-19, violated Plaintiffs’ rights under the Fifth Amendment of the U.S. Constitution. Plaintiffs’ continued detention irreparably harms Plaintiffs, and the balance of the equities and the public interest heavily favor relief.

Counsel for Plaintiffs provided notice of Plaintiffs’ intent to file this application to counsel for Defendants at the U.S. Attorney’s Office for the Southern District of Mississippi.

For the reasons stated above and in the accompanying documents, Plaintiffs respectfully request that this Court grant the motion for temporary restraining order.

Dated: April 16, 2020

Respectfully submitted,

/s/ Cliff Johnson

Cliff Johnson
Cliff.Johnson@macarthurjustice.org
MacArthur Justice Center
University of Mississippi School of Law
481 Chucky Mullins Drive
University, MS 38677
662.915.6863

Sirine Shebaya*
sirine@nipnl.org
Matthew S. Vogel*
matt@nipnl.org

**NATIONAL IMMIGRATION PROJECT
OF THE NATIONAL LAWYERS GUILD**
2201 Wisconsin Ave NW, Suite 200
Washington, DC 20007
718.419.5876

Jeremy Jong*
jermjong@gmail.com
3527 Banks St
New Orleans, LA 70119
504.475.6728

Baher Azmy*
bazmy@ccrjustice.org
Ghita Schwarz*
gschwarz@ccrjustice.org
Angelo Guisado*
aguisado@ccrjustice.org
Lupe Aguirre*
laguirre@ccrjustice.org
Astha Sharma Pokharel*
asharmapokharel@ccrjustice.org
Brittany Thomas*
bthomas@ccrjustice.org
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 11201
212.614.6427

*pro hac vice application forthcoming
Counsel for Petitioners-Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2020, I electronically filed the foregoing document and accompanying memorandum of law, exhibits, and proposed order with the Clerk of the Court using the CM/ECF system. I further certify that on April 16, 2020, I spoke with AUSA Angela Williams on the telephone and advised her of the anticipated filing of and this Motion prior to its actual filing. In addition, I have this day emailed copies of these documents and the related Complaint to AUSA Angela Williams at the following email address at the U.S. Attorney's Office for the Southern District of Mississippi:

Angela.Williams3@usdoj.gov

Dated: April 16, 2020

/s/ Cliff Johnson
Cliff Johnson
Cliff.Johnson@macarthurjustice.org
MacArthur Justice Center
University of Mississippi School of Law
481 Chucky Mullins Drive
University, MS 38677
662.915.6863