No. 26-1294, 26-3344

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FERNANDO GOMEZ RUIZ, *et al*.,
Plaintiffs-Appellees,
v.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; *et al*.,
Defendants-Appellees,
v.

CORECIVIC, INC.,
Intervenor-Appellant.

On Appeal from the United States District Court
for the Eastern District of California
No. 1:26-cv-02546-JLT-CDB

AMICUS CURIAE BRIEF OF THE STATE OF CALIFORNIA

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INTEREST OF AMICUS CURIAE

The State of California, by and through Rob Bonta, Attorney General (Amicus Curiae) has strong interests in this litigation. Amicus Curiae is the chief law enforcement officer of the state and has a duty to see that the state's laws are uniformly and adequately enforced for the protection of public rights and interests. Cal. Const., art. V, § 13. Amicus Curiae has the "general authority to ensure the health and welfare of inmates and detainees within its borders[.]" *United States v. California* (*California*), 921 F.3d 865, 886 (9th Cir. 2019). Amicus Curiae is statutorily mandated to review and report on conditions of confinement within immigration detention facilities in the state. Cal. Gov't Code § 12532(a), (b)(1)(A)–(B), (b)(2).

Since many California residents are being held at the California City Detention Facility (Cal City), Amicus Curiae has an interest in ensuring that federal agencies' and contractors' treatment of those individuals is constitutional and lawful, especially in light of the recent significant increase in immigration enforcement and detention.[1] Amicus Curiae therefore has a significant interest in ensuring that federal agencies and the parties with whom they contract, such as CoreCivic, refrain from actions that violate the constitutional rights of individuals

[1] *ICE arrests in June hit highest levels since January 2025*, NBC San Diego (July 22, 2026), https://www.nbcsandiego.com/video/videos/ice-arrests-in-june-hit-highest-levels-since-january-2025/4052207/.

in detention relating to their conditions of confinement, as described in well-established Ninth Circuit case law, including *Hoptowit v. Ray*. 682 F.2d 1237 (9th Cir. 1982), *overruled in part on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995) (requiring system of ready access to adequate medical care for prisoners), and United States Immigration and Customs Enforcement's (ICE) own detention standards.

In addition, Amicus Curiae is in a unique position to assist this Court in a case of general public interest and supplement the efforts of counsel by sharing its findings regarding unlawful conditions at Cal City. *See Miller-Wohl Co., Inc. v. Comm'r of Lab. & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982).

BACKGROUND

Enacted in 2017, AB 103 (codified at Cal. Gov't Code § 12532) requires the California Attorney General to review and report on "the conditions of confinement" and "the standard of care and due process provided" to detained individuals held at "private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California[.]" Cal. Gov't Code § 12532(a), (b)(1)(A)–(B), (b)(2); *see California*, 921 F.3d at 875–76, 885. This statute authorizes the Attorney General to conduct inspections, collect data, and prepare reports regarding observed conditions of confinement in the facilities, which reports the Attorney General makes publicly

available. Cal Gov't Code § 12532(a), (b). To date, Amicus Curiae has published five reports pursuant to AB 103. The latest report discusses Amicus Curiae's first AB 103 inspection of Cal City, which occurred in November 2025, and its findings regarding the facility's compliance with ICE detention standards. Cal. Dep't of Justice, *Immigration Detention in California: A Review of Conditions of Confinement* (May 2026 (Revised June 2026)) (Report), at 9–10, 143–167, https://www.oag.ca.gov/system/files/media/immigration-detention-2026.pdf.

Cal City began to accept detainees in August 2025 and Amicus Curiae performed an initial site inspection of Cal City on November 20 and 21, 2025. Amicus Curiae's personnel toured the facility; collected data; observed facility conditions; interviewed 44 volunteer and randomly selected detainees; interviewed facility staff and leadership; and reviewed detainee files along with documents and information received pursuant to a pre-visit request submitted to CoreCivic. Report at 146–47. Amicus Curiae was accompanied by a medical expert and an immigration detention expert. *Id.* at 146.

During its inspections, Amicus Curiae reviews immigration detention facilities pursuant to the detention standards applicable to each facility under the facility operator's contract with ICE. *Id.* at 14. In the case of Cal City, the applicable detention standards were the 2025 National Detention Standards (*NDS*

2025). 2-ER-0200 ¶ 17[2]; *see* U.S. Immigr. & Customs Enf't, *National Detention Standards* (Revised 2025), https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf?view=amp. As ICE notes in the foreword to NDS 2025, these standards play a critical role in safeguarding detainees and assuring that facility operators comply with applicable laws:

> ICE has important obligations under the U.S. Constitution and other federal and state law when it keeps an individual in custody. ICE detention standards ensure that detainees are treated humanely; protected from harm; provided appropriate medical and mental health care; and receive the rights and protections to which they are entitled.

NDS 2025 at Foreword.

During its November 2025 site visit to Cal City, Amicus Curiae observed extensive violations of NDS 2025. Given these violations, and because this newly opened facility did not appear to be equipped to house the thousands of detainees that it was contracted to house, Amicus Curiae sent an expedited notification regarding the substandard conditions to the United States Department of Homeland Security (DHS), ICE, and CoreCivic to alert them to Amicus Curiae's preliminary findings of detention standards violations. *Attorney General Bonta Warns of Dangerous Conditions at California City Detention Facility*, Cal. Dep't of Justice, Office of the Attorney General (Dec. 19, 2025) (Preliminary Findings Letter),

[2] All citations to the record are to Case Number 26-3344.

https://oag.ca.gov/news/press-releases/attorney-general-bonta-warns-dangerous-conditions-california-city-detention. These preliminary findings were submitted to the district court in support of the Plaintiffs-Appellees' motion for a preliminary injunction in this action. 3-ER-0427 ¶ 24.

In its final report released in May 2026, Amicus Curiae published multiple high-level findings regarding Cal City. These findings detailed several violations of NDS 2025 and other troubling conditions and practices. The findings contained in the report were consistent with and expanded on the preliminary findings in the December 2025 letter to the federal government. Report at 143–67. These findings were based on the facts and information gathered in Amicus Curiae's November 2025 inspection, which occurred not long before Plaintiffs-Appellees (Plaintiffs) filed this action and sought a preliminary injunction.

Amicus Curiae's findings corroborate the allegations in the Plaintiffs' December motion for a preliminary injunction, as discussed in greater detail below. In its report, Amicus Curiae called on the federal government and facility operators to reform their practices and bring facilities like Cal City into compliance with applicable detention standards. Report at 10.[3] Amicus Curiae's findings affirmed

[3] Another third-party inspection agency also documented the need for significant reforms at Cal City during the fall of 2025. Disability Rights California, the designated protection and advocacy system for people with disabilities in

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the need for immediate corrective action at Cal City. The district court forced Defendants and CoreCivic to take such actions in February 2026 when the court issued the preliminary injunction that is the subject of this appeal.

INTRODUCTION AND SUMMARY OF ARGUMENT

Amicus Curiae files this brief in support of Plaintiffs and the district court's issuance of a preliminary injunction to address the crisis-level conditions at Cal City in the months after the facility opened. A preliminary injunction is appropriate if a party establishes that (1) they are "likely to succeed on the merits"; (2) they are "likely to suffer irreparable harm in the absence of preliminary relief"; (3) "the balance of the equities tips in [their] favor"; and (4) "an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The evidence of substandard conditions produced by Plaintiffs in support of their motion, and determined by the district court to have met the *Winter* factors, is similar to the information obtained by Amicus Curiae during its November 2025 inspection of Cal City. Each of the terms of the preliminary injunction addressed a specific and observable deficiency at the facility. A threat of irreparable harm to

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California, inspected Cal City in September 2025 and found that Cal City was failing to provide access to critical medical and mental health care and was failing to meet detainees' basic needs, including adequate food, water and clothing. *Newly Opened California City ICE Detention Facility: Dangerous for Disabled People*, Disability Rights California (Nov. 3, 2025), https://www.disabilityrightsca.org/reports/california-city-ice-processing-center-a-dangerous-expansion-of-immigration-detention-in.

detainees was manifest at the time, causing Amicus Curiae to deliver an urgent letter to DHS and ICE in December 2025 alerting them to Amicus Curiae's preliminary findings regarding the numerous standards violations at the facility. The egregious conditions at Cal City violated not just the detention standards, but well-established case law regarding the constitutional baseline for the living conditions in which an imprisoned person may be held.

ARGUMENT

I. AMICUS CURIAE FOUND CONDITIONS AT CAL CITY, INCLUDING MULTIPLE STANDARDS VIOLATIONS, CONSISTENT WITH PLAINTIFFS' ALLEGATIONS AND THE DISTRICT COURT'S FINDINGS IN SUPPORT OF THE PRELIMINARY INJUNCTION.

The district court's Order Granting in Part Plaintiffs' Motions for Preliminary Injunction and Class Certification (Order) concerned three aspects of conditions at Cal City: the provision of healthcare, including an order requiring CoreCivic to provide facility access to a third-party monitor (External Monitor); detainees' access to counsel; and improved clothing and access to the outdoors for detainees. 1-ER-0027, 1-ER-0028.[4] The court provided detailed reasoning for its

[4] After CoreCivic filed its opening brief in this appeal, a comparably detailed preliminary injunction was issued in the Central District of California regarding the Adelanto ICE Processing Center in a class action pending in that district. *See* Order Granting, in Part, Plaintiffs' Renewed Motion for Preliminary Injunction (Dkt. 104), *L.T., et al. v. U.S. Immigr. and Customs Enf't, et al.*, No. 5:26-cv-00322-SSS-SP (C.D. Cal. July 16, 2026). That order required multiple reforms and also appointed an independent monitor. *Id.* The Adelanto facility is operated by the

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preliminary injunction in the March 27, 2026 Memorandum of Decision (Memorandum of Decision) and appointed Dr. Muthusamy Anandkumar as the External Monitor on March 30, 2026. 1-ER-0002 to 1-ER-0008, 1-ER-0009 to 1-ER-0024. The evidence proffered to the district court by Plaintiffs and each of the court's ensuing preliminary injunction terms, as well as the appointment of the External Monitor, were consistent with Amicus Curiae's findings after its first inspection of Cal City.

A. Immediate Action Was Necessary to Protect the Health and Safety of Detainees and Preserve Their Constitutional Right to a System of Ready Access to Adequate Medical Care.

Amicus Curiae made numerous findings regarding violations of NDS 2025 at Cal City, including findings regarding significant deficiencies in the provision of healthcare to detainees. ICE detainees are entitled to adequate medical care. *Doe v. Kelly*, 878 F.3d 710, 722 (9th Cir. 2017). NDS 2025 also requires that all detainees have access to "appropriate medical, dental, and mental health care, including emergency services." *NDS 2025* at 112.

GEO Group and was inspected by Amicus Curiae in July 2025. During its site inspection, Amicus Curiae found that the Adelanto facility violated numerous standards, and, tragically, four detainees died at the facility between September 22, 2025, and March 26, 2026. *See* Report at 32–54. Amicus Curiae filed an amicus brief in support of plaintiffs' motion for a preliminary injunction in that action.

In its 2025 Report, Amicus Curiae found that "[h]ealthcare infrastructure and systems" at Cal City "were inadequate" and that the facility did not have an "adequate system in place for providing consistent quality healthcare to detainees." *Id.* at 144, 162. Amicus Curiae found problems with health care staffing, intake screening and initial medical appraisals, specialist access and continuity of care, emergency and sick call systems, and prescription access comparable to the findings of the district court. *Id.* at 162–67. These conditions violated familiar constitutional standards for the provision of medical care to detained persons as well as multiple sections of NDS 2025. *See, e.g.*, *Hoptowit*, 682 F.2d at 1253 (facilities must provide a "system of ready access to adequate medical care") and *NDS 2025* at 112–16 (Standard 4.3(II), Medical Care) (facilities shall directly or contractually provide detainees with screenings, comprehensive routine and preventative care, emergency care, specialty health care, timely responses to medical complaints, hospitalization as needed and sufficient staff, *inter alia*). Thus, the requirements contained in the district court's Order were appropriate to remedy the deficiencies identified by Amicus Curiae and consistent with Amicus Curiae's statement that immediate action was necessary to address those deficiencies. 1-ER-0027, 1-ER-0028.

1. Health care staffing issues

As noted by the district court in its Memorandum of Decision, "[c]orrectional facilities must provide a system of ready access to adequate medical care[.]" 1-ER-0019 (quoting *Hoptowit*, 682 F.2d at 1253). Adequate staffing levels are an essential component of such a system. *See Jensen v. Shinn*, 609 F. Supp. 3d 789, 865 (D. Ariz. 2022), *amended*, No. 12-cv-00601-PHX-ROS, 2022 WL 2910835 (D. Ariz. July 18, 2022) (finding the facility's "current levels of staffing, including the type of staff" were "far from adequate to meet constitutional requirements"); *Casey v. Lewis*, 834 F. Supp. 1477, 1548 (D. Ariz. 1993) ("Because of inadequate numbers of staff, the existing staff cannot adequately treat inmates and their constitutional rights are violated."). This right to healthcare extends to individuals held in civil immigration detention. *Kelly*, 878 F.3d at 722. NDS 2025 likewise requires that facilities "employ sufficient medical staff to perform basic exams and treatments for all detainees." *NDS 2025* at 112 (Standard 4.3(II)(A), Medical Care).

In response to evidence produced by Plaintiffs showing the inadequacy of health care provided at Cal City, the Order required Defendants to ensure "adequate health care staffing" at Cal City. 1-ER-0027. During its inspection, Amicus Curiae likewise found that the facility had multiple deficiencies regarding healthcare staffing levels. Amicus Curiae found that the facility had "opened

prematurely, was not ready to accept detainees, and was inadequately staffed, including detention staff and healthcare staff, in violation of NDS." Report at 143. "Cal DOJ observed crisis-level healthcare understaffing, including that there was only one extremely overworked physician providing care, and no backup physician consistently available to provide coverage when the single physician was unavailable." *Id*. at 144.

2. Intake screening and initial medical appraisal issues

The failure to keep or review a prisoner's medical history and the failure to provide prisoners with preventive health care and routine medical examinations can be so deficient that they reflect a deliberate indifference to the serious medical needs of prisoners, thus violating the Constitution. *See Hoptowit*, 682 F.2d at 1253. "[R]egular and significant delays in the delivery of medical care may be unconstitutionally unacceptable." *Madrid v. Gomez*, 889 F. Supp. 1146, 1257 (N.D. Cal. 1995).

Consistent with these constitutional standards of care, the Order required Defendants to ensure "comprehensive, documented medical intake screening, performed by a qualified medical provider within 12 hours of a person's arrival[.]" 1-ER-0027. It also required Defendants to ensure "thorough Initial Appraisals performed timely by a primary care provider[.]" *Id.* These requirements also are consistent with NDS 2025 standards requiring screening within 12 hours of arrival

and a comprehensive health assessment within 14 days of arrival. *NDS 2025* at 113-14 (Standard 4.3(II)(D), (E), Medical Care). And they are consistent with Amicus Curiae's finding that "[c]omprehensive intake medical assessments were not completed within NDS standard time frames or were dropped altogether." Report at 163. Amicus Curiae found that staff at Cal City acknowledged being behind standard timeline requirements for routine health assessments and spot checks of health care records by our medical expert confirmed these reports. *Id.*

3. Specialist access and continuity of care issues

The Order required Defendants to ensure "timely approval and access to medical specialists." 1-ER-0027. "[W]hen the State takes a person into its custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being." *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189, 199-200 (1989). The Constitution requires that prison officials provide inmates with "such minimum essentials as adequate food, shelter, clothing, medical care, and safety." *Madrid*, 889 F. Supp. at 1245 (discussing *Helling v. McKinney*, 509 U.S. 25 (1993), *inter alia*). And "[i]nmates must be afforded access in a timely fashion to medical providers who are qualified to treat their illnesses." *Id.* at 1205.

Consistent with the plaintiffs' allegations, Amicus Curiae found "multiple instances in health care records and detainee interviews of failures to give

detainees access to outside specialists." Report at 144. Amicus Curiae's medical expert attributed detainees' inability to access critical specialty care to several factors, including "lack of adequate tracking of appointments, staffing insufficiencies, lack of connections to enough community health care services, and failure to refer or re-establish referrals for detainees whose health care appointments were cancelled when they moved between detention facilities." Report at 164.[5]

4. Emergency services and sick call system issues

Detained persons must be able to "make their medical problems known to the medical staff." *Madrid*, 889 F. Supp. at 1256 (quoting *Hoptowit*, 682 F.2d at 1253). A detention facility must also provide an "adequate system for responding to emergencies." *Id.* at 1257. NDS 2025 requires Cal City to have procedures to ensure that sick call requests are received and triaged within 24 hours. *NDS 2025* at 115-16 (Standard 4.3(II)(I), Sick Call). And the Order required Defendants to ensure "timely and responsive emergency services" and "a responsive 'sick call' request system." 1-ER-0027.

Amicus Curiae's review of Cal City's sick call system in November 2025 found lapses in responses to health care requests from both detainee reports and

[5] These issues remain unresolved at Cal City. Appellee's Answering Br. 21, Dkt. No. 48.

file review. Report at 164. For example, during its inspection, Amicus Curiae received a report that a detainee who had been in an accident during transport to Cal City and had concussion symptoms, including vomiting, was denied further evaluation despite requesting care at intake and through the sick call request system. *Id.* Another detainee reported that they had returned from a trip to the emergency room and had not received follow-up care from a physician until three days later, after being sent to the emergency room a second time. *Id.* Such deficiencies led Amicus Curiae to conclude that the facility's healthcare infrastructure and systems were inadequate. Report at 144.

5. Prescription access issues

The Order required Defendants to ensure "timely access to prescribed medications[.]" 1-ER-0027. Detainees must be provided "ready access to adequate medical care[,]" which precludes officials "from preventing treatment which is medically necessary in the judgment of the treating doctor." *Madrid*, 889 F. Supp. at 1257-58. During its file review, Amicus Curiae observed delays in medication delivery to detainees. Report at 167. Amicus Curiae also received a report from a detainee that pill pass personnel would show up to administer a mental health prescription at 1:00 am, which led the detainee to ask to skip the pill. *Id*.

B. Attorney Access Issues Required Immediate Action to Protect the Constitutional Rights of Detainees.

The Order required Defendants to permit confidential, "contact attorney visits" seven days per week, lasting up to three hours. 1-ER-0028. Scheduling requests of legal calls up to 90 minutes must be processed within two business days, and written protocols must be provided to detainees about attorney-client communication. *Id*. Constitutional standards guarantee "meaningful access to the courts," including contact visitation with attorneys. *See Ching v. Lewis*, 895 F.2d 608, 609-10 (9th Cir. 1990). NDS 2025 requires that facilities permit legal visitation seven days a week, including for a minimum of eight hours during the week and four hours on weekends and holidays. *NDS 2025* at 166 (Standard 5.5(II)(G)(2), Visitation).

Amicus Curiae's inspection of Cal City included a review of the constitutionally protected "due process provided" to detainees, including their access to legal services and representation. Cal. Gov't Code § 12532(b)(1)(B). Amicus Curiae received reports from detainees experiencing difficulties contacting their attorneys confidentially and received reports from attorneys corroborating these difficulties. Report at 160. For example, in October 2025, an attorney reported overall delays and confusion in the attorney visitation process at Cal City compared to her experience reaching detainees at other facilities. *Id*. Another significant concern came from detainees housed in restricted housing who reported

not being able to contact their attorneys at all. Report at 156. Amicus Curiae also received a report in January 2026 from an advocacy group that detainee legal mail was not reaching their attorneys, detainees had reported seeing CoreCivic personnel throwing mail away, and CoreCivic was investigating the allegations. Report at 160. Of the twenty-three detainees interviewed by Amicus Curiae who were represented by lawyers, five detainees reported that they had not been able to speak with their attorneys. *Id.* Amicus Curiae also received reports from detainees about limited access to confidential legal calls, resulting in only being able to call their attorneys using monitored phone lines within their housing units, to the detriment of their immigration cases. *Id.*

C. Amicus Curiae Observed Substandard Detainee Clothing That Was Inadequate for Excessively Cold Temperatures at Cal City.

The Order required Defendants to provide detainees with "[t]emperature-appropriate clothing and blankets free of charge…" 1-ER-0028. The Constitution may be violated when a prison official deprives a prisoner of "a single, identifiable human need such as food, warmth, or exercise." *Wilson v. Seiter*, 501 U.S. 294, 304 (1991). Thus, NDS 2025 requires that Cal City must "ensure appropriate temperatures" within detainee living spaces, and issue "temperature-appropriate" clothing during intake with additional clothing as necessary for changing weather

conditions, "at no cost to the detainee." *NDS 2025* at 7 (Standard 1.1(II)(I), Environmental Health and Safety); 127 (Standard 4.4(II)(B), Personal Hygiene).

Amicus Curiae received numerous reports from detainees about excessively cold temperatures in their housing units and inadequate weather-appropriate clothing that violate NDS 2025 requirements. Report at 144, 154-55. Detainees, especially the elderly, reported tremendous suffering and detainees wept when describing these conditions to Amicus Curiae. *Id.* at 155. To protect themselves from the cold, detainees were forced to modify socks to improvise sleeves and to cover air vents in their cells with sheets of paper but reported being written up when they did so. *Id*. at 144, 155. Detainees reported receiving insufficient clothing and blankets and being forced to purchase warmer clothing from the commissary if they did not have sweatshirts from another facility. *Id*. at 155.

Facility staff informed Amicus Curiae's inspection team that altering socks constituted "destruction of property." *Id*. Detainees reported to Amicus Curiae that the air conditioning was set at an extremely low temperature in the housing units, particularly in the female and segregation housing units. *Id.* at 154. When Amicus Curiae toured Cal City on November 20, 2025, the outside temperature had a high of 55°F and a low of 41°F. *Id.* at 154-55. The facility's central heating/AC system was not set to reflect these conditions, and Amicus Curiae found the facility to be uncomfortably cold. *Id.* at 154-55.

D. Detainees Were Being Denied Adequate Recreation Time.

The Order required that detainees be given access to "adequate outdoor recreation spaces, for at least one hour per day, seven days per week." 1-ER-0028. Constitutional standards also require regular outdoor recreation time. *Thomas v. Ponder*, 611 F.3d 1144, 1151 (9th Cir. 2010).

Cal City has two outdoor recreation areas and one indoor recreation area. Report at 159. Although Defendant-Appellants assert that Cal City "already offered" outdoor recreation "one hour per day, seven days a week," some detainees reported to Amicus Curiae that they were only allowed to go outside three or four days a week or only on weekdays. *Compare* Appellant's Opening Br. 50-51, Dkt. No. 22 *with* Report at 159. As of the November 2025 site visit, female detainees consistently reported that they were not allowed regular time outdoors. Report at 159. Female detainees' recreation spaces also were inferior to those offered to male detainees. *Id*. at 159. Facility staff reported to Amicus Curiae that male detainees use the facility's large outdoor recreation space with exercise equipment, while female detainees use an indoor gym area and occasionally a small outdoor space (see *Figure 1* below). *Id.* This space had no usable exercise equipment and was full of thorns that stuck to detainees' shoes. *Id*. Limiting preferred recreation spaces to only male detainees raises concerns with respect to female detainees' right to equal protection under the Fifth Amendment of the United States Constitution. *Id*.

Figure 1. Yard Designated for Female Detainees at Cal City as of November 2025



II. OTHER CONSTITUTIONAL ISSUES FOUND DURING THE CAL CITY INSPECTION

Finally, Amicus Curiae found a variety of additional standards violations at Cal City indicative of unconstitutional conditions of confinement, including issues related to food and water, facility cleanliness, and prison-like conditions.

A. Issues Related to Food and Water

NDS 2025 states that detainees shall be served three meals daily, at least two hot meals, and have access to "[c]lean, potable drinking water." *NDS 2025* at 98 (Standard 4.1)(II)(C), Food Service). Constitutional standards require food to be "adequate to maintain health." *Keenan v. Hall*, 83 F.3d 1083, 1091 (9th Cir. 1996), *opinion amended on denial of reh'g*, 135 F.3d 1318 (9th Cir. 1998). Amicus Curiae found that detainees did not have adequate amounts of food to eat and the drinking water available was of poor quality. Report at 144, 151-52. Detainees reported to

Amicus Curiae that they often purchase food from the commissary to supplement their nutrition, including one detainee who stated that he would go hungry without the commissary's instant noodle soups. *Id.* at 151-52. Some detainees reported that the commissary costs three to four times more at Cal City compared to other facilities, which may prevent some detainees from accessing supplemental food. *Id.* at 152. Detainees reported to Amicus Curiae that when confined to their cells, they drank water from a sink that is connected to a toilet. *Id*. Detainees also reported that the "water has been brown at times" and that it has "tasted like chlorine and/or metal." *Id*. Some reported experiencing sore throats and skin reactions after drinking the water. *Id.*

B. Facility Cleanliness

NDS 2025 requires that "[f]acility cleanliness and sanitation shall be maintained," such that all building surfaces and equipment "shall be kept clean and in good repair." *NDS 2025* at 7 (Standard 1.1(II)(I)(2), Environmental Health and Safety). Constitutional standards require that facilities provide adequate sanitation. *See Hoptowit*, 682 F.2d at 1258 (noting that sanitary problems in isolation cells can constitute cruel and unusual punishment and clarifying that prison officials must provide all prisoners with adequate sanitation, among other requirements). Detainees reported to Amicus Curiae leaks from rainwater and/or plumbing that infiltrated their living spaces. Report at 155. They reported that water was leaking

into the facility from multiple sources within housing units and other spaces. *Id.* A detainee reported leaks in sinks in detainee cells and that personal property had been soaked. *Id.* Amicus Curiae observed leaks consistent with these reports. *Id.*

C. Prison-Like Conditions

Constitutional standards for civil detainees include the right to confinement conditions that are not punitive. *Jones v. Blanas*, 393 F.3d 918, 932–35 (9th Cir. 2004). Cal City is a former prison, and detainees reported that Cal City was being run like a prison as opposed to a civil detention facility even though the majority of detainees were classified as low security. Report at 143. Amicus Curiae also found that detainees who had been transferred from other facilities reported worse treatment by Cal City staff, including "yell[ing] at detainees excessively," compared to staff from other facilities in California. *Id.* at 144, 157.

Amicus Curiae found that detainees experienced poor treatment by detention staff during the time detainees spent outside of their cells. Amicus Curiae found that detention staff responsible for supervising detainees appeared to be inexperienced and lacked basic understanding of civil detention management principles. Report at 157. Twenty (45%) of the forty-four detainees interviewed by Amicus Curiae reported that they had been insulted or yelled at, with one detainee describing staff as being "hateful" towards detainees. *Id.* Post orders describing

specific job duties of detention officers were still in progress at the time of the site visit. *Id.*

Significant limitations on out-of-cell time compared to other facilities may indicate more restrictive conditions in violation of the "more considerate" treatment to which civil detainees are entitled. *See Jones*, 393 F.3d at 934. Amicus Curiae found that detainees spent unnecessarily long periods of time locked down in their cells for excessive headcounts by facility staff. Report at 143–44. At the time of Amicus Curiae's visit, Cal City conducted seven counts between morning and night, with each count lasting up to ninety minutes during which individuals would be locked in their cells. *Id.* at 154. This meant that detainees could be confined within their cells for an additional ten hours during the day beyond the seven hours per day that they were confined during sleeping hours. *Id.* Facility administration also stated that additional lockdowns could be conducted based on security considerations or behavioral issues. *Id.*

III. NDS 2025 DIRECTS CORECIVIC TO OVERSEE CONDITIONS OF DETAINEE CONFINEMENT IN TERMS COMPARABLE TO THE ORDER.

The preliminary injunction was factually and legally justified by the evidence produced to the district court under the *Winter* test. Indeed, Amicus Curiae's findings from its initial Cal City site visit independently confirm the need for a preliminary injunction. In addition, the preliminary injunction should be affirmed because CoreCivic's broad argument that its terms are undefined and

impermissibly vague, as well as its objection to the use of adjectives that purportedly lack specificity such as "adequate" and "qualified," Appellant's Opening Br. 47, Dkt. No. 22, are untenable. NDS 2025 directs CoreCivic to operate Cal City in just such terms. Under NDS 2025, facilities must "employ sufficient medical staff to perform basic exams and treatments for all detainees." *NDS 2025* at 112 (Standard 4.3(II)(A), Medical Care). The facility is required to "develop and document comprehensive detainee supervision guidelines" and staffing plans, and essential posts and positions must be filled with "qualified" personnel. *Id.* at 24 (Standard 2.3(II)(A), Facility Security and Control). CoreCivic must provide detainees with "suitable and clean" clothing that is "temperature-appropriate." *Id.* at 127 (Standard 4.4(I), (II)(B), Personal Hygiene). And CoreCivic's food service administrator is required to provide "nutritionally adequate menus" for detainees. *Id.* at 97 (Standard 4.1(II)(A)(1), Food Service). NDS 2025, which indisputably applies to operations at Cal City, are full of the type of language employed in the preliminary injunction to which CoreCivic now objects.

IV. THE CONDITIONS OF CONFINEMENT AT CAL CITY WERE INFLICTING SERIOUS AND IRREPARABLE HARM AND THE PUBLIC INTEREST FAVORED THE ISSUANCE OF A PRELIMINARY INJUNCTION.

As discussed above, a preliminary injunction is appropriate if a party demonstrates that they are "likely to succeed on the merits," "likely to suffer

irreparable harm" with relief, "the balance of the equities" are in their favor, and "an injunction is in the public interest." *Winter*, 555 U.S. at 20. Plaintiffs produced significant evidence sufficient to meet this standard. Appellee's Answering Br. 7-14, 21, Dkt. No. 48. Amicus Curiae also observed and documented serious and systemic healthcare issues inside Cal City, among other violations, during its initial site visit in the fall of 2025. Without injunctive relief, detainees were at serious risk of imminent irreparable and long-term harm due to CoreCivic's inadequate operation and management of Cal City, which violated constitutional and NDS 2025 standards and jeopardized the health and safety of those confined for long periods of time. *See* Preliminary Findings Letter; *see also* Brittny Mejia & Ruben Vives, *U.S. Senators Tour California City ICE Facility, Decry Conditions and Inadequate Medical Care*, Los Angeles Times (Jan. 1, 2026), https://www.latimes.com/california/story/2026-01-20/u-s-senators-tour-california-city-detention-center-decry-conditions-inadequate-medical-care (reporting that Cal City had critical staff positions unfilled, including physicians, and was supervised by inexperienced staff). The public interest favored (and continues to favor) injunctive relief. Mental health impacts of immigration detention extend beyond those inside detention to their families. This is compounded when the conditions of detention are dangerous. Family members experience heightened levels of stress, anxiety, and depression; children experience worry for their loved ones and are

unable to self-regulate.[6] Since many of those detained, and their families, are residents of California, these ill-effects reverberate statewide through impacts on education and increased costs related to mental health services.[7]

CONCLUSION

Amicus Curiae's findings based on its November 2025 site visit to Cal City were consistent with the evidence produced by Plaintiffs and the district court's findings regarding its issuance of the preliminary injunction in February 2026. There was an urgent need for a court order to protect the public interest and the rights of individuals detained at Cal City under the Constitution and applicable detention standards. The district court's preliminary injunction should be affirmed.

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[6] *See* Caitlin Patler & Gabriela Gonzalez, *Compounded Vulnerability: The Consequences of Immigration Detention for Institutional Attachment and System Avoidance in Mixed-Immigration-Status Families*, 68(4) Soc. Probs. 886, 891, 895 (Dec. 3, 2020), https://academic.oup.com/socpro/article/68/4/886/6019952.

[7] *See* Myriam Vidal Valero, *U.S. Immigration Policy: Mental Health Impacts of Increased Detentions and Deportations*, Am. Psych. Ass'n (Sep. 1, 2025), https://www.apa.org/monitor/2025/09/mental-health-immigration-enforcement; Jongyeon Joy Ee & Patricia Gándara, *When Immigration Enforcement Enters the Classroom: Restoring Safety, Connection, and Hope*, Harvard Education Press (Jan. 9, 2026), https://hep.gse.harvard.edu/blog/2026/01/09/when-immigration-enforcement-enters-the-classroom/.

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