IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

M-J-M-A-, an adult, Petitioner, v. CAMILLA WAMSLEY, Seattle Field Office Director, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO"); TODD LYONS, Acting Director of Immigration Customs Enforcement ("ICE"); et al., Respondents.	No. 6:25-cv-02011-MTK September 18, 2026 Portland, Oregon

TRANSCRIPT OF PROCEEDINGS - VOLUME 1 of 2

(Evidentiary Hearing)

BEFORE THE HONORABLE MUSTAFA T. KASUBHAI

UNITED STATES DISTRICT COURT JUDGE

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(September 18, 2026, 9:40 a.m.)

P R O C E E D I N G S

THE COURTROOM DEPUTY: United States District Court for the District of Oregon is now in session, the Honorable Mustafa T. Kasubhai by presiding. We are here for an evidentiary hearing in Case Number 6:25-cv-2011-MTK, which is M-J-M-A, et al. v. Wamsley, et al.

THE COURT: All right. Good morning, counsel. Thank you for making yourselves available for the hearing on enforcement of my preliminary injunction order. I'd like counsel to please introduce themselves. We'll start with government's counsel. Actually, we'll start with petitioner's counsel first. Please give me your full name and honorific, such as Mr., Ms., or Mx. For petitioner.

MS. CUNNINGS: Good morning, Your Honor. Ms. Jordan Cunnings. That's C-U-N like November, another N, I-N-G-S. I'm here for plaintiffs, along with my co-counsel.

MS. GARCIA ORJUELA: Ms. Nelly Garcia Orjuela, attorney for plaintiffs.

MS. PROVO: Ms. Kelsey Provo, attorney for plaintiffs.

THE COURT: All right. Thank you.

MS. CUNNINGS: We have one more, Ms. Rosa Saavedra Vanacore, for plaintiffs.

THE COURT: Can you pronounce your last name again?

MS. SAAVEDRA VANACORE: Saavedra Vanacore.

THE COURT: And spell it for me.

MS. SAAVEDRA VANACORE: S-A-A-V-E-D-R-A space V-A-N-A-C-O-R-E.

THE COURT: Okay. Thank you very much.

MS. CUNNINGS: Mr. Manning is also here in the galley, just to point that out.

THE COURT: And who will be leading the presentation?

MS. CUNNINGS: I will be leading the presentation today.

THE COURT: Thank you, Ms. Cunnings.

And for the government.

MS. GAROUSI: Good morning, Your Honor. Ms. Ariana Garousi for the government.

MS. LUSE: Susanne Luse for the government.

THE COURT: And who will be leading?

MS. GAROUSI: Me, Your Honor.

THE COURT: Okay. Thank you.

And please introduce yourself.

INTERPRETER EVANS: Your Honor, Susan Evans, certified court interpreter, here to serve the Court for these proceedings.

THE COURT: Thank you, Ms. Evans.

INTERPRETER BELISLE: Good morning, Your Honor.

Andrew Belisle, B-E-L-I-S-L-E, federally certified Spanish interpreter, here with my colleague.

THE COURT: All right. Thank you, Mr. Belisle.

All right. I do also want to confirm with our CRD, do we have the public line open?

THE COURTROOM DEPUTY: Yes.

THE COURT: All right. Thank you very much.

All right. First things first. I want to take care of some housekeeping matters. I know before I came in, someone had advised me there were some issues about the -- some exhibits, exhibits yet to be admitted that were at issue.

Before we get into that, I want to just check to see if there's any other housekeeping matters, anything else that we need to put on the list to take care of before we start with the evidentiary portion. Ms. Cunnings.

MS. CUNNINGS: I believe it would just be the matter of the exhibits, and then we're happy to discuss the order of our witnesses and those matters as well.

THE COURT: Okay.

MS. GAROUSI: Nothing from the government, Your Honor.

THE COURT: All right. So the exhibits, I understood that, Ms. Cunnings, the petitioners had -- had a packet of exhibits you wanted to give the Court a copy of? Is that right?

MS. CUNNINGS: Yes.

THE COURT: All right. Are they in a binder?

MS. CUNNINGS: Yes.

THE COURT: And everyone agrees -- has anyone agreed to -- specifically to the admission of any of these exhibits, Ms. Garousi?

MS. GAROUSI: Your Honor, we've stipulated to some, but not all, of the exhibits.

THE COURT: Okay. Well, what's the percentage? I mean, are we talking about having to, like, take apart a binder on those exhibits or are there just a few that you're objecting to, Ms. Garousi?

MS. GAROUSI: I'm going to hand it over to my colleague for this one if that's okay.

THE COURT: All right.

MS. LUSE: Judge Kasubhai, there's a few exhibits, specifically declarations, individuals who we understand are going to be testifying today at the hearing. Obviously they're hearsay. They can certainly authenticate them in court, but then we're looking at a cumulative objection. If they're going to be testifying to what's in their declaration, there's really no need for their declaration to be admitted as an exhibit.

The other issue is there's a number of pleadings that the petitioners wish to put into evidence, I assume as

evidence, and pleadings. While the Court can certainly take judicial notice of them, they are full of hearsay and should not be admitted as evidence in this proceeding. There are --

THE COURT: And is it your understanding that the -- that this evidentiary proceeding would -- would need to comply with the strict form of the Federal Rules of Evidence or like other hearings and proceedings in court, there are some that are a bit more relaxed?

MS. LUSE: It's my understanding that we are treating this as an evidentiary hearing, and in doing so, as an evidentiary hearing, you would comply -- comply with the Federal Rules of Evidence.

There is one other exhibit that I believe someone is testifying to. We would object on the lack of foundation. Obviously if the witness is able to establish foundation, then we would not be asserting that objection.

THE COURT: Okay. Well, so it's premature to really object to that. It's just the issue is whether it should be presented to me for any review and discussion.

MS. LUSE: Correct. I think that most -- other than the pleadings, I think those are a pretty easy issue and I think all --

THE COURT: And the pleadings that you're talking about are pleadings in this case, not -- not from other cases?

MS. LUSE: I would say any pleading in any case.

THE COURT: Well, I'm talking about what your objection is on these pleadings. I'm asking -- I have not seen these documents, so I'm relying on all of your representations here. Are the pleadings that you were referring to pleadings that are from this case that you understand the petitioners are going to offer?

MS. LUSE: No. I believe they are from habeas petitions and an order from, I believe, Western District of Washington.

THE COURT: Okay.

MS. LUSE: So (pause) --

THE COURT: All right. Ms. Cunnings.

MS. CUNNINGS: Yes. So taking them in the two categories of pleadings, decisions, and declarations, we believe that the Court pleadings and decisions are highly relevant to the proceedings, so the habeas filings that are being submitted are for the declarants whose arrests we are alleging were unlawful in violation of your preliminary injunction. So we think you can take into evidence or judicial notice if you'd prefer the fact that -- of this has been alleged and a court is looking at this in a different context as well. We're not asking you to take them for the facts asserted in the petition, but it's -- we think it's evidence that this -- relevant evidence that these other cases have been filed and are pending.

THE COURT: And you're going to be offering these other petitions from other districts or even from this district are the petitioners -- to show that these cases are being filed?

MS. CUNNINGS: Correct.

THE COURT: But the underlying allegations in the petitions are not -- you're not offering them --

MS. CUNNINGS: Correct.

THE COURT: -- to prove that there is something else --

MS. CUNNINGS: For the --

THE COURT: -- going on in those cases.

MS. CUNNINGS: For the pleadings. I would also clarify that we have -- we are proposing that you accept into evidence two orders granting writs of habeas corpus. We think that's relevant for the fact that a court granted habeas on the basis of an unlawful arrest for one declarant in this case, a witness in this case, and for another person who was not appearing as a witness but who was subject to an unlawful arrest in the District of Oregon. So, again, not the facts underlying the petition or described therein, but for the fact that habeas relief was granted.

THE COURT: Okay. All right. So those are petitions. I think there are other issues with respect to affidavits.

MS. CUNNINGS: For the declarations, we would just remind the Court that it is a relaxed evidentiary standard because we're here on a motion to enforce the preliminary injunction, and so due to the urgency of the proceedings and the standard that's generally applied to preliminary injunctions, we think that same standard should apply to a motion to enforce the preliminary injunction.

THE COURT: Is there case law to that point?

MS. CUNNINGS: Let me see.

THE COURT: I mean, I can appreciate that there may be some relaxed approach for considering a preliminary injunction, but now that we're -- we're moving at a pace with other litigation unfolding and we're dealing with an enforcement action, I don't know if we're dealing with the same sense of urgency as a PI was in the first instance.

MS. CUNNINGS: Yeah. That's fair. I don't have a cite particularly on the motion to enforce I could give you right now. I'd be happy to search for one throughout the morning, but we would just keep that context in mind. The declarations are all in the record, but, again, everyone is here to testify and so we don't necessarily need to move to admit all of them.

THE COURT: And here's an interesting question. If I just went ahead and said I'm reviewing everything on the briefs, then was there going to be an objection to the

declarations, Ms. Luse?

MS. LUSE: No.

THE COURT: So the fact that I'm now conducting an evidentiary hearing somehow makes those declarations less admissible.

MS. LUSE: They're cumulative, is my only point. If we were going on the briefs, then obviously declarations would not be cumulative.

THE COURT: Okay. Well, if the objection is cumulative, then -- then the declarations will be received. I mean, it'll be up to me to simply assess and weigh through -- wade through both the testimony of live witnesses and the declarations themselves.

I also note that I don't have exhibit numbers and I haven't specifically received particular exhibit numbers, so we'll need to take that up in a little bit. So just my noting that I'm receiving declarations I don't want to be considered to be some blanket admission of evidence, but when the time comes for you to present that evidence, then you could give it to me, unless you're ready to do that now.

MS. GARCIA ORJUELA: I believe we're ready.

THE COURT: All right. So I do want to make sure that we're dealing with declarations. And then these other petitions, you're offering them for the -- only for the purpose of establishing that -- that either relief has been

granted in certain cases or that petitions for writs of habeas corpus have been filed in these other districts, but not for the underlying allegations. You're not offering them for -- for establishing that these allegations were made themselves, specific allegations.

MS. CUNNINGS: We are not offering to establish the truth of the allegations that were made, correct.

I do want to preview one thing just so there's no surprises later. For the order that was granted for our witness J-C-C-V, there was a particular factual finding in that case made by the judge related to the validity of the warrant, and so that will be -- we will discuss that during our direct examination and we will leave it to you how much weight to give that, but I just didn't want to surprise the Court by limiting us as to that particular decision, if that makes sense.

THE COURT: All right. Was there anything else about the petitions that you wanted to address, Ms. Luse?

MS. LUSE: There's an exhibit that they are objecting to, and since we're talking about it now, it was the I-200 regarding H-F-M-J. They are objecting based on authenticity. We have a witness here to lay a foundation on business record. And it is a standard I-200. I am guessing that their objection really lies with there being no timestamp.

THE COURT: So it sounds to me like that would just

need to be addressed with laying the foundation when the time comes.

MS. LUSE: And that's fine. We'll lay a foundation. Thank you.

THE COURT: All right. And all of the petitions that are in this exhibit binder are petitions that have been formally filed and received into the Court's records. Is that right, Ms. Cunnings?

MS. CUNNINGS: Yes.

THE COURT: All right. So there's petitions, there's declarations. What else is in this binder that is objected -- that have -- that has been objected to -- that the government has objected to that we need to take up?

MS. CUNNINGS: We would also just note we were not previously provided notice of this witness who Ms. Luse is mentioning who's going to authenticate this exhibit.

THE COURT: Okay. Well, we'll get -- we'll get to that after you answer my question about any other objections to your binder of exhibits that I have not already addressed. Is there something else that we need to take up?

MS. CUNNINGS: Not that I'm aware of.

THE COURT: All right. And do you have the binder and are -- all right. Thank you.

And what's this -- what's this thumb drive?

MS. CUNNINGS: So that is an Excel spreadsheet of the

exhibit to Ms. Qureshi's declaration. I don't know if you noticed, but the type was very, very small in the PDF, and so this is -- and we've also provided that to government counsel.

THE COURT: Okay. And your -- your exhibit list has Exhibits 101 through 118. Is that right?

MS. CUNNINGS: That's correct.

THE COURT: All right. And then 106, 107, 112, 113, 114, 115, and 117 is noted as parties have stipulated to that -- to those documents being admitted?

MS. CUNNINGS: That's correct, from my understanding.

THE COURT: Ms. Garousi?

MS. GAROUSI: Yes, Your Honor.

THE COURT: Those exhibit numbers are received. Those exhibits are received.

(Petitioner's Exhibits 106, 107, 112, 113, 114, 115, and 117 offered and received)

THE COURT: And then the declarations, the objection was cumulative. Those exhibits will be received: 101 through 1 -- 101, 103, and 104, 108, 110, 116, 117.

(Petitioner's Exhibits 101, 103, 104, 108, 110, 116, and 117 offered and received)

MS. CUNNINGS: Just for clarity, Your Honor, in case it matters, the defendants did stipulate to 117.

THE COURT: Oh, thank you.

MS. CUNNINGS: You're welcome.

THE COURT: Okay. So those declarations are received.

The ICE arrest data table, is that -- is that what this is (indicating)?

MS. CUNNINGS: Yes, Your Honor.

THE COURT: Okay. And what -- what's respondents' position on this data table?

MS. LUSE: We have no objection.

THE COURT: Okay. 102 is received.

(Petitioner's Exhibit 102 offered and received)

THE COURT: And then the orders and petitions, that's 105, 109, 111, and 118. These were all court records. The orders are from district judges?

MS. CUNNINGS: Yes, Your Honor.

THE COURT: All right. I think it would be fair to say that I can take judicial notice of courts' records, and particularly orders of the court and judges, to the -- and I will do so.

And the petitions I will receive for the limited purpose of that which will be considered relevant, which is the filing of additional petitions for writs in what appears to be this district.

(Petitioner's Exhibits 105, 109, 111, and 118 offered and received)

THE COURT: All right. I think the only other

remaining evidentiary issue, at least that has been brought to my attention, is, Ms. Luse, this issue about an I-200 --

MS. LUSE: Correct.

THE COURT: -- and the need to authenticate it and then something about a witness not being properly noticed.

MS. LUSE: Well, there's many I-200s that plaintiffs have -- or petitions have submitted without any issue by them. Obviously, it's their exhibits and we are not objecting; however, the one I-200 that we wish to present regarding H-F-M-J, they are objecting based on authenticity.

We have an officer who is going to be testifying on one of -- well, two of the encounters and he will lay a foundation, authenticate the document if that is indeed what petitioner's insisting that we do.

THE COURT: All right. Well, if there's an objection, I'll -- I'll take it up in the normal course of presentation. Lay -- you know, authenticate it, lay the foundation. If there's an objection then about whether a witness should be allowed to testify, I'll take it up when it -- when it's your case in chief.

MS. LUSE: Fair enough.

THE COURT: All right.

MS. CUNNINGS: If I might just clarify, Your Honor. It's the same witness -- are they planning -- are defendants planning to call a different witness than that that they had

noticed us would be testifying or are they going to use the same officer to authenticate that I-200?

MS. LUSE: Same officer.

MS. CUNNINGS: Clarity's helpful, but we -- yeah, we'll still raise an objection at the appropriate time.

THE COURT: All right. Well, then I'll consider it when it's been -- if it's been raised.

All right. I do want to check in on timing and the schedule. I looked at the original witness list. I think there was a modified witness list that just simply removed sort of a placeholder name for -- for an ICE agent, so I think everybody else is the same, and when I -- when I added up all the time that the parties anticipated it would take to conduct the examination and probably cross-examination, we wouldn't be done today.

So I need to ask how realistic is it that we would be done today, taking into account the fact that I'm going to probably ask questions, too, and is it -- is it most likely that we would be continuing on to Monday? So Ms. Cunnings. And let me add, the reason I need to know this is because I think we have issues with scheduling court interpreters that I need to make sure that the clerk's office is aware of so they can be on it right away.

MS. CUNNINGS: Yes. We had similar discussions in our office preparing for the hearing about how long it might

take. We're prepared to be available on Monday if necessary.

THE COURT: And I appreciate that you're prepared to be available on Monday, but I think my question is more specific than that. How likely is it that we're going to go into Monday, given what you understand about your cases?

MS. CUNNINGS: Certainly. I suppose it depends on the extent of your questions, Your Honor, and the government's questions. We would anticipate we could finish with our witnesses today, I would imagine, based on our questioning, which is not -- which is thorough, but not, you know, incredibly long.

THE COURT: Well, also keeping in mind that there's interpreting happening, too.

MS. CUNNINGS: Yes. Of course.

THE COURT: And so I think that tends to make the process go just a little bit more slowly.

MS. CUNNINGS: Uh-huh.

THE COURT: Ms. Garousi.

MS. GAROUSI: I think we're also hopeful today, more than hopeful today, that we'd be able to finish all of the witnesses. We do have a concern -- we -- the officer that we've brought to testify today is not from the area, so we have an incentive to get him in and out of here today. So that would be our preference, to wrap up all the evidence today. And to the extent the Court -- well, I guess was the

Court envisioning anything beyond taking evidence today?

THE COURT: I mean, we have oral argument at some point when the record is closed. And certainly if -- we can conduct oral argument next Monday if we finish up with evidence today, that would be fine, or if we have to go into next week, Monday finish up the record and then go straight into oral argument.

MS. GAROUSI: I think the government, we're of the position that we would be able to get through all of the witnesses today.

THE COURT: Okay. Well, so I'll take the temperature and see how things are unfolding in the next hour or so, and then I'll have a better sense of whether it's realistic and maybe you will, too. If we need to take the agent out of order so we can make sure that they're -- they're done and over with and can leave, we can take that up as well.

MS. GAROUSI: Appreciate that, Your Honor.

THE COURT: All right. Ms. Cunnings, any opening statements?

MS. CUNNINGS: Yes. Ms. Garcia Orjuela is going to give the opening statement.

THE COURT: Ms. Garcia Orjuela.

PETITIONER'S OPENING STATEMENT

MS. GARCIA ORJUELA: Yes, Your Honor. Good morning, Your Honor, and may it please the Court. Almost about a year

ago to this day, defendants commenced implementation of the --

THE COURT: I'm sorry, Ms. Garcia Orjuela. Can you move the microphone closer?

MS. GARCIA ORJUELA: Sorry. I apologize. Is that better?

THE COURT: Yes, that's better.

MS. GARCIA ORJUELA: I'm going to start again. Good morning, and may it please the Court. Almost about a year ago, defendants commenced implementation of their practice and policy of the arrest-first-and-justify-later practice in Oregon, which meant achieving the goals of the federal administration of granting and employing the largest deportation program in history. This meant that contingencies of ICE agents were deployed to arrest hundreds of Oregonians without a warrant, detain them, and transfer them out of state.

After several hundreds of persons were caught in the dragnet set up by defendants, on February 4th of this year, this Court issued a preliminary injunction. This ordered defendants to refrain from performing unlawful warrantless arrests and provided specific parameters for officers to follow in order to perform an arrest that comported with the law.

Additionally, the Court provisionally certified a class and ordered defendants to periodically report the

warrantless arrests performed in this district; however, defendants did not discontinue this practice, and it is because defendants continued to violate the law and are not complying with this Court's order is why we're here today. Plaintiffs request once more this Court's intervention to enforce its own order.

Today, in addition to the written pleadings that we have previously submitted before the Court, plaintiffs will present testimony that will show the defendants have violated the injunction in at least five ways.

First, assessing -- defendants are assessing the flight risk after making a warrantless arrest, in violation of the injunction. For this, the Court will hear testimony from four witnesses: H-D-G-H, F -- H-F-M-J, J-C-C-V, and C-J-V-M, all persons who were subjected to a warrantless arrest in the state of Oregon and all of whom have provided declarations in support of the current motion.

Second, defendants are using the wrong standard in making the flight risk assessment, in violation of the injunction. By defendants' own account and narratives, they are not complying with the standard that was described by the Court in this injunction.

Third, defendants are not documenting the facts and circumstances giving rise to the warrantless arrests as required by the court order. Plaintiffs will likely present

evidence that defendants' own account and narratives are consistently failing to report the required particularized facts and circumstances to support the finding of probable cause to believe that a person is likely to escape. This evidence will contrast with the testimony from the in-person accounts of the witnesses and how defendants did not even know their identity before they were arrested.

Fourth, defendants are underreporting the warrantless arrests occurring within this district, in violation of this Court's injunction. For this, plaintiffs will again present the testimony of H-F-M-J and J-C-C-V as well as the documentation of their arrest, which was requested by plaintiffs after defendants produced their monthly reporting and their incidents were not included in this account.

Five, defendants are withholding documentation and information by means of redacting or failing to produce all the documents referenced within the forms they have provided under their reporting, which hold particular relevance to ensure compliance with the order. Plaintiffs will present evidence that, again, by defendants' own account and narratives, they are providing impermissible redacted documents and withholding documents referenced and relevant to ensure compliance with the injunction, such as aforementioned I-200 warrants. Similarly, the testimony for plaintiffs and when -- from plaintiffs that our witnesses will present will

underscore the relevance of the provision of all the documents related to their arrest when assessing the lawfulness of defendants' actions. And it is because plaintiffs will demonstrate through evidence and testimony such violations the Court can and should grant the requested relief.

And with this, I will give the floor to my colleague Rosa Saavedra Vanacore to start with the evidentiary portion of our case.

THE COURT: And I'll give Ms. Garousi an opportunity to present an opening statement.

MS. GARCIA ORJUELA: Oh, that's correct. I'm sorry.

THE COURT: It seems like the relief that you're requesting is basically just follow my order.

MS. GARCIA ORJUELA: That is correct, Your Honor, and a few clarifications.

THE COURT: All right. So a modification to clarify the obligations and a reminder to please follow my order. Why aren't you asking for something more serious, given the nature of the allegations of the violation, which appear to be, if true, incredibly -- an incredible blatant disregard for my order?

MS. GARCIA ORJUELA: So what we are -- the relief that we are requesting is tailored to ensure the compliance with your order, Your Honor. And it's not plainly a modification, although if the Court deems that a

modification -- a modification is necessary, we will leave it to the Court, but for us it's more of a clarification on what is the -- what is required of defendants to provide and report and what is -- and remind them what are the actions that they should take.

THE COURT: It would seem -- it would seem to me that -- that the petitioners are dissatisfied with the monthly reports, that they're not in compliance with my order.

MS. GARCIA ORJUELA: That is correct.

THE COURT: All right. And that's because they're also not providing all the information that -- you've alleged that they're not providing all of the information about all of the warrantless arrests that are occurring here in the District of Oregon.

MS. GARCIA ORJUELA: That is correct, Your Honor.

THE COURT: All right. If we get to the point of what an appropriate remedy would be, it would seem like there would be a need to establish more -- more obligations on the part of the respondent to comply and to be able to track it -- track their -- their compliance better than just simply providing a monthly report from their counsel's office.

MS. GARCIA ORJUELA: And we will be prepared to discuss that with the Court thoroughly at that point.

THE COURT: Ms. Garousi.

MS. GAROUSI: Your Honor, before I start, can we

sequester the witnesses? I don't know if we thought about that earlier.

(Respondents' Motion to Exclude Witnesses)

THE COURT: No one's asked to exclude witnesses, and you're asking now --

MS. GAROUSI: Yes, please, Your Honor.

THE COURT: -- for witnesses to be excluded.

Your position, Ms. Cunnings?

MS. CUNNINGS: That's fine with us.

THE COURT: All right. If anyone is going to be called as a witness in this hearing, I'll ask that you stay outside until called. I also am going to advise that if -- if you're a witness, that you not -- and that you have testified, you are not to discuss your testimony with anybody who may be called as a witness, because I may end up striking your testimony and prevent their testimony as well.

And I'll expect that counsel remain responsible for monitoring the gallery to ensure that nobody is walking in that could be a witness of theirs, otherwise, those witnesses may be excluded from testifying even if incidentally violating the motion to exclude.

All right. Ms. Garousi, go ahead.

RESPONDENTS' OPENING STATEMENT

MS. GAROUSI: Thank you, Your Honor. May it please the Court. Seven months after the Court entered a preliminary

injunction order in this case, plaintiffs bring this motion to enforce, alleging that defendants have violated the Court's order. And despite having all that time to gather evidence to demonstrate that defendants have violated the injunction, plaintiffs cannot meet their burden. Plaintiffs bear the burden of demonstrating that defendants have violated the injunction by clear and convincing evidence, and they have not met that burden.

The Court's going to hear testimony today from four different declarants and the government will present testimony about how J-C-C-V, one of -- one of plaintiff's declarants had a warrant issued for him in 2023, well before his arrest took place earlier this year.

THE COURT: So it would not have been a warrantless arrest situation?

MS. GAROUSI: Correct, Your Honor.

THE COURT: Will the -- will your witnesses establish that they were aware of the warrant at the time of the stop?

MS. GAROUSI: (No audible response).

THE COURT: Will your agents -- I assume there's an agent who's going to testify that they were aware that there was a warrant and that they were executing the warrant at the time of the stop.

MS. GAROUSI: No, Your Honor. We don't have a witness to testify to the specifics of J-C-C-V's arrest, but

we do have his 2023 warrant in which there's a certificate of service. So the declarant was provided this warrant previously and the I-2- --

THE COURT: The declarant being J --

MS. GAROUSI: J-C-C-V. And the I-2- -- the arrest warrant, the I-200, remains valid so long as removal proceedings were ongoing, which they were.

THE COURT: And my -- I appreciate those arguments and those points, but part of -- well, let me ask you this. I mean, did -- well, is the agent who arrested J-C-C -- is it J-C-C-V?

MS. GAROUSI: Uh-huh. Yes, Your Honor.

THE COURT: Is that person going to be testifying today?

MS. GAROUSI: No, Your Honor.

THE COURT: So we don't know what their state of knowledge is about the existence of that warrant before they stopped the person?

MS. GAROUSI: Your Honor, by virtue of there being a warrant already --

THE COURT: That's not my question. I'm asking if there's any evidence in this record that establishes that that agent knew this person had a warrant out and that's what they were -- and they were executing that warrant.

MS. GAROUSI: I don't know, Your Honor.

THE COURT: Okay. Please continue.

MS. GAROUSI: Okay. The Court will hear from ICE Deportation Officer J.G., who will testify that C-J -- C-J-V-M wasn't arrested, and that's consistent with C-J-V-M's own declaration stating he was released shortly after he was encountered by ICE.

And the Court will also hear testimony from Officer J.G. how a warrant was issued before H-D-G-H was placed under arrest.

THE COURT: Is that a field warrant? Is that the term that's been used?

MS. GAROUSI: Yes, Your Honor.

THE COURT: Okay.

MS. GAROUSI: Plaintiffs also submit two declarations in which they've brought witnesses to testify to, and those declarations don't do much to help them meet their burden. The declarations speak to generally an increase in immigration arrests over the past year or two, and that doesn't necessarily speak to the increase in warrantless immigration arrests.

Certainly the data might state that there's been an increase in immigration enforcement, but what plaintiffs ask this Court to do is make assumptions that by the pure fact alone that there's been an increase in immigration enforcement over the past year or two means that that necessarily --

there's necessarily been more warrantless arrests, and, therefore, they ask you to make the Court -- not make -- they ask the Court to make another assumption that because there have been more warrantless arrests, then that means defendants have been underreporting those arrests.

THE COURT: Are you contesting that there have been more warrantless arrests?

MS. GAROUSI: Your Honor, I'm saying that the -- that plaintiffs bear the burden, and they haven't demonstrated that defendants are underreporting their arrests.

THE COURT: Part of the allegations of the violations is that they aren't getting all the information as required, as ordered by my preliminary injunction. How do I square up or reconcile if they're not getting the information to make these allegations or to prove up these allegations, that they might very well not be able to prove that warrantless arrests are being conducted in a way that's in violation of my order, but they may be able to prove that -- that the respondents have violated my preliminary injunction order with -- by not providing information as required?

MS. GAROUSI: Your Honor, I think the information that we're talking about are documents, so scenarios in which plaintiff's counsel has asked for individual requests for individuals that defendants say have been arrested pursuant to warrants, and plaintiff's counsel believe they're entitled to

warrants, but if there was a warrant that was issued, it was necessarily a warranted arrest, not a warrantless arrest.

And if the Court recalls, we had the same discussion at the end of the preliminary injunction hearing when defendants' counsel asked for clarification about documents and what -- what the Court would like defendants to produce for preliminary injunction reporting, and the Court's order states that the Court -- that defendants have to produce the narratives and where the likelihood-to-escape determination is, and that lives in the I-213.

THE COURT: Okay. Continue if you have more in your opening statement.

MS. GAROUSI: Okay. In sum, plaintiffs simply have not met their burden to demonstrate that defendants have violated the preliminary injunction, and defendants will respectfully request the Court deny the motion to enforce the preliminary injunction.

THE COURT: And if I do, then my order on the preliminary injunction and the requirements remain in place, and it's your position that the respondents are capable of continuing to comply with those requirements?

MS. GAROUSI: Yes, Your Honor.

THE COURT: Okay. All right. Ms. Cunnings, first witness.

MS. CUNNINGS: Thank you. We are going to call

Ms. Amber Qureshi. She will be appearing remotely. And my colleague Ms. Rosa Saavedra Vanacore will be doing the examination.

THE COURT: All right.

(Pause in proceedings)

THE COURTROOM DEPUTY: Interpreters, let's go ahead and swear you in. If you'd just please raise your right hand if you're able.

(Interpreters sworn)

THE COURTROOM DEPUTY: Thank you. Please state and spell your first and last name for the record. And we'll start with you.

INTERPRETER BELISLE: Andrew Belisle, A-N-D-R-E-W, B-E-L-I-S-L-E.

INTERPRETER EVANS: Susan Evans, S-U-S-A-N, E-V-A-N-S.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Thank you. And it appears that we have your -- is that your witness on the video?

MS. SAAVEDRA VANACORE: Yes, Your Honor.

THE COURT: And are you able to hear us in the courtroom?

MS. QURESHI: Yes, Your Honor.

THE COURT: Very good. Would you be kind enough to administer the oath.

THE COURTROOM DEPUTY: Good morning. Would you please raise your right hand.

THE COURT: Maybe that --

THE COURTROOM DEPUTY: Ms. Qureshi? Can you hear me?

MS. QURESHI: Yes, I can hear you.

THE COURTROOM DEPUTY: Okay. Thank you. Please raise your right hand.

AMBER NASIR QURESHI

after having been duly sworn under oath, was examined and testified as follows:

THE COURTROOM DEPUTY: Thank you. Could you please state and spell your name for the record?

THE WITNESS: Amber Nasir Qureshi. That's A-M-B-E-R, N-A-S-I-R, Q-U-R-E-S-H-I.

THE COURT: All right. Counsel, you may proceed.

MS. SAAVEDRA VANACORE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. SAAVEDRA VANACORE:

Q. Good morning, Ms. Qureshi.

A. Good morning.

Q. Before I ask you about your declaration, I'd like to ask you some questions about your professional background. What do you do for work?

A. I am an attorney. I have my own solo practice in Maryland.

Q. What is the name of your solo practice?
A. It's called the Law Office of Amber Qureshi.
Q. And where did you go to law school?
A. I went to Yale Law School.
Q. When did you graduate?
A. 2019.
Q. What type of law do you practice?
A. I primarily handle cases under the Freedom of Information Act, so FOIA lawsuits for government records.
Q. Do you do other work outside of your solo practice?
A. I am one of the co-directors of the Deportation Data Project, which is based out of UCLA and UC Berkeley. It acts as a public repository for immigration enforcement data.
Q. And what is the purpose of the Deportation Data Project?
A. So we -- the main purpose is to make immigration enforcement data accessible to the public for free, you know, whether it's journalists, advocates, public officials so that, you know, people have a better idea of exactly, you know, how immigration enforcement is -- is being conducted in the United States.
Q. And which federal databases are you referring to?
A. Specifically -- so the Deportation Data Project obtains data from various federal agencies, including U.S. Immigration and Customs Enforcement, ICE. We also have data

from USCIS, U.S. Citizenship and Immigration Services, on our website, as well as Customs and Border Protection. So it's -- it's a wide range of immigration data that we've, you know, obtained and posted on the website.

Q. And how does the Deportation Data Project obtain its data?

A. Primarily through Freedom of Information Act requests and litigation if necessary. And, you know, those -- that data is obtained directly from the federal government agencies that we request data from. And then we also post publicly available data that agencies themselves have posted, you know, on -- or agencies themselves have made available. And then the last category would be, you know, other FOIA requesters who have obtained data through their own FOIA requests or litigation have shared those datasets with us and we post those as well on our website.

Q. And how does the Deportation Data Project make its datasets available to the public?

A. It's all available on our website for anyone to access for free. So we post both the original data that we receive from, if it's, you know, through a FOIA request that we submitted, the original data that we received from the federal government agency as well as lightly processed versions of -- of, you know, datasets, specific datasets.

Q. And what format is that data available?

A. In several formats, and I guess it depends on -- on the exact dataset that we're talking about. You know, relevant for -- for this case is the ICE dataset in particular. So the original data we received in Excel spreadsheet format, so that original data in that format is posted on our website and then the processed versions are in sort of various, you know, different file types for statistical software like state LLR.

Q. Thank you. Now I'd like to confirm that you have a copy of the declaration and the accompanying exhibit that was filed in this case?

A. Yes. Yes. I do have that up on my side monitor here.

Q. Have you seen that document before?

A. Yes, I have.

MS. SAAVEDRA VANACORE: And just to clarify, that's marked as Exhibit 101, for the Court.

Q. And what is that document?

A. So it is my declaration submitted in this case, and attached to that is a PDF version of the data table for ICE arrests.

Q. Is that a true and correct copy of your declaration and dataset?

A. Yes.

Q. Now, I'd also like to confirm that the Excel file

that was used is -- the printout of the Exhibit 101 table attached to the declaration is a true and correct copy of the -- the file that has been saved to the flash drive and submitted to the Court.

A. Yes. So the Ex- -- if I understand correctly, the Excel file that I have up is the -- the same as the -- the PDF exhibit that was attached to the -- to the declaration.

Q. Thank you.

MS. SAAVEDRA VANACORE: Your Honor, I move to admit Plaintiff's Exhibit 101 and 102.

THE COURT: I think you're in luck. It's already been received, hasn't it?

MS. SAAVEDRA VANACORE: Yes. I'm sorry. Thank you.

THE COURT: And it -- I'm looking to see in the exhibit packet the -- the Excel spreadsheet. It's not in the exhibit packet. It's on the thumb drive, but it looks like the hard copy is -- was -- is attached to Ms. Qureshi's declaration that was part of, I think, the reply, your reply brief.

MS. SAAVEDRA VANACORE: That's correct.

THE COURT: Okay. So if you're going to be referring to that, then I'll -- since I don't have the setup yet to pull the file off the hard drive, I'll try to refer to the Excel -- or the PDF that was attached to the -- to the exhibit in the reply brief.

MS. SAAVEDRA VANACORE: Okay. Thank you.

BY MS. SAAVEDRA VANACORE:

Q. So now moving on to the data that you describe in your declaration, what is the source for the datasets referenced in your declaration?

A. So we obtained that dataset, the ICE arrests dataset, through FOIA litigation. That litigation was brought on behalf of one of my colleagues at the Deportation Data Project, Professor David Hausman, and the litigation was filed in the Northern District of California, and as part of a partial settlement of that litigation, ICE agreed to produce this -- this dataset to us.

Q. And what is that litigation about?

A. It is under the Freedom of Information Act to compel the release of records responsive to Professor Hausman's FOIA requests. So his FOIA requests sought these -- this individual level data of, again, as relevant here, all civil immigration arrests conducted by ICE. It asked for a few other categories as well, like ICE detentions, removals, detainer requests.

And the litigation -- in addition to seeking to compel the release of responsive records to his pending FOIA requests, the litigation also has a claim regarding ICE's pattern or practice of failing to timely respond to Professor Hausman's requests for this data.

Q. When was that case filed?

A. It was April 29th of this year.

Q. And when did you receive the data?

A. We received it on August 21st of this year.

Q. What time period does the dataset cover?

A. It covers all ICE arrests from the beginning of fiscal year 2023, so that would be starting October 1st, 2022, through August 6th, 2026. And I should note August 6th, it seems it covers partial arrests that day. I think it just depends on when ICE pulls the data. So it may not have all arrests from August 6th, but that's kind of the last date of the arrests in the -- in the dataset.

Q. Thank you for clarifying. And what format did you receive that data?

A. Excel spreadsheets.

Q. What variables does that dataset contain?

A. So the ICE arrests dataset includes several variables that I mentioned in -- in my declaration: so apprehension area of responsibility, apprehension city, apprehension criminality, apprehension date and time, apprehension method, apprehension state, the birth year, case category, case status, case threat level, citizenship country, departed date, departure country, and event landmark, gender. Those are, I think, all laid out in my declaration at, I believe, paragraph 9.

Q. Thank you.

A. And --

Q. Sorry.

A. I was just going to say the -- just to clarify that that paragraph describes the variables in the -- the lightly processed version of -- of the arrests file, so it includes all of the variables in the original ICE arrest file that we received as well as some variables that we included as -- as processed versions.

Q. Thank you. Could you please describe the graph that's in your declaration?

A. Yes. So the graph shows all arrest -- ICE arrests made in Oregon from the start of the -- the dataset, so October 2022 through July 2026.

Q. Thank you. And now moving on to the Deportation Data Project's analysis of the dataset, you mentioned that the project has lightly processed the data. Could you please describe the processing that was done?

A. Sure. So for the ICE arrests file specifically, there's a few things. First we identified any likely duplicates, and those, you know, would be represented in the -- some of the duplicate fields that we included.

So just to explain, you know, sometimes in the data we noticed that sometimes there's multiple arrests of the same person within 24 hours, which seems unlikely. You know, they

might have some small changes in -- in another field. So, for example, you know, their bond information might be a little different in -- in, you know, two separate -- they'll show up in two separate rows, but, you know, just one small difference in another variable.

It's unlikely that ICE, you know, arrested someone, released them, and then arrested them, you know, again in a very short amount of time, and so we, you know, identified those as likely duplicates, which my understanding is that likely means that ICE just logged that arrest twice or maybe made a change to one of the fields.

The -- another step that we took in processing was to drop any blank or fully redacted columns. So under the Freedom of Information Act, ICE has redacted certain columns, personal FOIA exceptions, and so we -- we just dropped those from the process data because they don't really contain any valuable information.

We also converted certain fields to a consistent format. So, for example, apprehension date originally is a field called apprehension date/time, so it includes both the date and the time, and so we, you know, converted the date/time fields to just date only.

And then we also -- for certain rows, there were no apprehension states that were listed, and so we used one of the other fields in the dataset to, you know, include -- or

fill in any missing apprehension state values.

Q. And how did you fill in the apprehension state value?

A. So for this dataset that we received on August 21st, we used the event landmark field in particular. And event landmark, just to explain, has some more granular information about the location of the arrest, and so we -- more granular than state, and so we were able to look at where a state was missing, look at the event landmark, which is far less missing, to identify which state that that event landmark belonged to.

Q. Thank you. And why did you process the data in that way?

A. Primarily to make it easier for analysis. A lot of different people use the data. They may not have access to statistical tools to do this easily. You know, for example, if someone wants to filter arrests by a certain date, they would have to do this processing themselves to convert, like, the date/time fields to date only. And so, you know, we just -- one of our main goals is to try to make this data as accessible as possible and, you know, we did this to facilitate that.

Q. Thank you. I'm going to turn to the data that's contained in the spreadsheet. Could you please describe the spreadsheet?

A. Yes. So the spreadsheet contains all non-custodial

arrests in Oregon from September 28th, 2025, through August 5th, 2026. I did want to note, like, I noticed in the table that there's one arrest included erroneously from September 25th, 2025, that's the first row, but I did verify that the rest of the table includes only the arrests that I described just now that are non-custodial arrests in Oregon between September 28th, 2025, through August 5th, 2026.

Q. Thank you. What information do we have for each arrest?

A. We have the variables that we discussed before, so area of responsibility, criminality, date, event landmark, apprehension method, apprehension state filled in. That's the processed variable that we were just talking about. Apprehension field source, this tells you where the apprehension state is coming from, whether it's in the original data or filled in. Apprehension state original, so that would reflect what the apprehension state was in the original dataset that we obtained from ICE. Apprehension city original, birth year, case category, case status, case threat level, citizenship country, departed date, departure country, final order date, final order yes/no, final program, final program group, gender, unique identifier, apprehension date/time, apprehension method simple, some fields representing -- or explaining, you know, our process for identifying duplicates, apprehension city common case, file

original, sheet original, and row original.

Q. Thank you. Can you please tell me more about the non-custodial arrest variable?

A. Yes. So that is a value under apprehension -- the apprehension method field. That field explains sort of how ICE -- you know, my understanding, is how ICE conducted the arrest. The main difference that it signifies is whether the arrests were in the community versus in a custodial setting such as a prison or a jail, and so non-custodial arrest would signify an arrest in the community as opposed to, you know, an arrest at a prison or a jail.

Q. And how many arrests have you identified within Oregon during the specific time period of February 5th, 2026, through July 31st, 2026?

A. So between those dates, total arrests in Oregon that's reflected in the data have been 574, and of those 574, 504 were non-custodial arrests.

Q. Thank you.

MS. SAAVEDRA VANACORE: Those are all my questions for direct, Your Honor.

THE COURT: Thank you.

Ms. Garousi.

MS. LUSE: No questions, Your Honor.

THE COURT: All right. Ms. Qureshi, of the 504 that were non-custodial, are you able to determine from any of the

data that you obtained how many involved warrantless arrests versus arrests with warrants?

THE WITNESS: Unfortunately, Your Honor, there's no field that -- in this dataset that signifies that; however, non-custodial arrests are, you know, more likely not to have a warrant than -- than custodial arrests, I would think.

THE COURT: And you would think that based on what information?

THE WITNESS: So custodial arrests would be, like I said, at a prison or a jail. And so ICE, you know, often knows the identity of the individual through sort of data-sharing programs and ICE often also has detainer requests, for example, for such individuals. And like I mentioned, non-custodial arrests are what ICE calls at large arrests, you know, would be arrests that are happening in the community where ICE may not, you know, be aware of, for example, the identity of someone and may not have a warrant for -- for them.

THE COURT: All right. Thank you.

Ms. Saavedra Vanacore, anything else you want to ask this witness?

MS. SAAVEDRA VANACORE: No, Your Honor.

THE COURT: Did anything from my questions raise an issue or question you'd like to ask, Counsel?

MS. LUSE: No, Your Honor.

THE COURT: All right. Can this witness be excused?

MS. SAAVEDRA VANACORE: Yes, Your Honor.

THE COURT: Thank you, Ms. Qureshi. You're free to disconnect. Thank you.

THE WITNESS: Thank you, Your Honor.

MS. CUNNINGS: We'd like to call Alyssa Walker Keller, and my colleague Ms. Kelsey Provo will be doing the examination.

THE COURT: All right. And that person is in person?

MS. CUNNINGS: She is here. Yes, I believe she's -- we'll go grab her.

MS. PROVO: Ms. Walker Keller will be out in just a couple of moments.

THE COURT: All right.

Please come up to the witness stand over here, and the courtroom deputy will swear you in.

THE COURTROOM DEPUTY: Please raise your right hand.

ALYSSA WALKER KELLER

after having been duly sworn under oath, was examined and testified as follows:

THE COURTROOM DEPUTY: Thank you. Please be seated. State your full name and spell your last name.

THE COURT: Yes. If you can come on up. And then once you take the seat, then you can lean slightly into the microphone and give us your full name and spell your last.

THE WITNESS: Good morning. For the record, my name is Alyssa Walker Keller; two last names, no hyphen, W-A-L-K-E-R, K-E-L-L-E-R.

THE REPORTER: Could you spell Alyssa, too, please?

THE WITNESS: Yeah. It's A-L-Y-S-S-A.

THE REPORTER: Thank you.

THE COURT: Thank you.

Counsel.

DIRECT EXAMINATION

BY MS. PROVO:

Q. Good morning, Ms. Walker Keller.

A. Good morning.

Q. Did you file a declaration in this case?

A. I did, yes.

Q. Do you affirm the contents of that declaration?

A. Yes.

Q. What is the Portland Immigrant Rights Coalition, which I'll refer to as PIRC?

A. We're an organization that exists for folks to receive information and support and resources.

Q. What is your position at PIRC?

A. I'm the co-executive director.

Q. What is your role at PIRC as the co-executive director?

A. Management of daily and general operations, support

for our team, and some of the logistical executive director duties: data, fund raising, et cetera.

Q. And does part of your role involve the PIRC hotline?

A. It does, yes. I oversee it.

Q. Describe the purpose of the PIRC hotline.

A. It's a hotline, a 24-hour resource staffed to provide information and also receive information from community members in the event of unjust ICE detentions.

Q. Is it a statewide hotline?

A. It is, yes.

Q. Describe generally how the PIRC hotline receives reports of ICE detentions in the state of Oregon.

A. We receive phone calls from either impacted community members, the family members of those detained, or community members who believe they witnessed ICE.

THE COURT: Believe they witnessed what?

THE WITNESS: ICE activity.

Q. And can you describe a little more in depth the process through which the PIRC hotline receives calls and documents calls?

A. Yeah. We have dispatchers who are available 24/7. People call and share a variety of different questions, some of them are information and referral, some of them are potential sightings of ICE. Sometimes people call naming that their loved one has been taken, and we help connect them to

resources and track the names of those who've been taken.

Q. Do you count the detention calls that the PIRC hotline receives?

A. Yes. We count the detentions as well as the number of calls.

Q. Was PIRC counting detention calls in January of 2026?

A. Yes.

THE COURT: And how do you determine if it's a detention call?

THE WITNESS: It's self-reporting. So what people share with us is what we're documenting.

THE COURT: Okay.

THE WITNESS: We often will check the information that's shared with us across the ICE detainee locator.

THE COURT: Okay.

BY MS. PROVO:

Q. Was PIRC counting detention calls in February of 2026?

A. Yes.

Q. Did you observe a difference in the number of detention calls PIRC received from January 2026 to February 2026?

A. Yes.

Q. Can you describe the difference you observed?

A. It was a substantial decrease. I don't remember the

exact numbers, but maybe a quarter.

Q. Was PIRC counting detention calls in March through August of this year?

A. Yes.

Q. Was there a difference in the number of calls you received from February to August?

A. Definitely.

Q. What have you observed with the number of calls?

A. The number of detentions being reported has increased dramatically. Last month was the highest number reported to us of detentions this year so far.

Q. What is PIRC's primary purpose in receiving reports of ICE detentions in Oregon?

A. Two-fold: one is to be a resource to the family who's calling in trauma; and two, to be able to track trends in information and to have a sense of what's happening in our communities.

MS. PROVO: Thank you, Your Honor. I have no further questions for Ms. Keller -- Walker Keller.

THE COURT: Ms. Garousi.

MS. LUSE: I'll be handling the witnesses' cross-examination, Your Honor.

CROSS-EXAMINATION

BY MS. LUSE:

Q. Just a couple questions. You mentioned that you get

calls from community members as well as family members regarding these detentions that you are counting? Is that correct?

A. That's correct.

Q. Okay. And is there any method for determining whether you're getting multiple calls on the same individual?

A. We often receive multiple calls, because a family will call multiple times, but the tracking method that we have helps us keep track of if there could be a duplicate.

Q. And when you're not given a name of an individual, there's no way of determining whether or not you've already received a phone call regarding that particular detention, correct?

A. That's correct.

Q. Okay.

THE COURT: Ms. Luse, could you repeat that question? I want to make sure I follow what it was you were -- you were inquiring about.

MS. LUSE: I think the better course would be to have the court reporter read -- read it out, because I'm not sure that I would be able to repeat it precisely.

THE COURT: Well, and I won't ask our court reporter to recite the transcript. They only do that in the movies.

MS. LUSE: Really? I have a few occasions for this.

THE COURT: Well, then you --

MS. LUSE: But primarily depositions, so, you know, that's fine.

THE COURT: Best you can, what was it that you were --

MS. LUSE: We were discussing -- see, I'm already moving on to the next question, which I had forgotten about. We were asking -- I was asking her that if there were -- I stated there was no way to determine whether or not there had been duplicate calls if they didn't have the name of the alleged detainee.

THE COURT: Okay. And Ms. Walker Keller, your answer was?

THE WITNESS: That would be correct if there was no name.

THE COURT: Okay. So in the absence of a name, you wouldn't be able to filter out a duplicate?

THE WITNESS: In the unusual circumstance there's no name. Often we receive more information as the day goes on or as families call us.

THE COURT: Okay. How often were you receiving calls about somebody detained without a name associated with those calls, a name of a detainee associated with those calls?

THE WITNESS: I'd have to consult my notes, but it's not a common circumstance particularly. We're quite careful to have the name and it's only trusted people who are

eyewitnesses that we would take that report from.

THE COURT: Did -- and I think you mentioned you try to filter out duplicates. Once you received a name for some --

THE WITNESS: Yes.

THE COURT: -- for somebody who was detained, did you -- is there a process whereby PIRC tried to sort of tag that named reference to other calls that could have been based -- or could have been made for that same detainee?

THE WITNESS: We typically wait until we know the name before we track it.

THE COURT: Okay. Please go ahead, Ms. Luse.

BY MS. LUSE:

Q. I believe you said a minute ago the information is only provided by trusted individuals. How -- how are you assessing their credibility or accuracy of the information they're providing?

A. We rely on eyewitness accounts. So if someone has not been an eyewitness themselves, we ask them to ask the eyewitness to contact us.

Q. And these eyewitnesses are assuming based on what they're observing that an individual is being detained, correct, unless -- a family member, I assume?

A. That would be correct, yeah.

Q. Okay. They don't know whether or not they're just

being asked questions or are serving as a witness with regard to some other event involving ICE, correct?

MS. PROVO: Objection. Question's unclear.

THE COURT: Did you understand the question?

THE WITNESS: No.

THE COURT: Please rephrase.

BY MS. LUSE:

Q. You don't know if the individual who is being reported as in the process of being detained is not actually just being questioned by ICE or perhaps a witness that they are questioning, correct?

A. The reports we receive, I can't think of an instance where it was a questioning situation.

THE COURT: Does PIRC distinguish or attempt to distinguish in any way between a detention and -- a detention that leads to arrest or a detention involving questioning that doesn't lead to an arrest?

THE WITNESS: We receive (pause) -- my experience has been that when people are calling us it's because someone has been taken, that there's an actual detention that's occurred.

THE COURT: A detention and then an arrest?

THE WITNESS: Yes.

THE COURT: Okay.

THE WITNESS: Or -- yes.

THE COURT: Well, let me -- do you recall any

instances of any calls that reported somebody was stopped for questioning?

THE WITNESS: Maybe. I can -- but we wouldn't have documented it as a detention if that were the case.

THE COURT: Okay. So if somebody said so-and-so was stopped for questioning, that -- that would not have been recorded by PIRC as a detention?

THE WITNESS: No.

THE COURT: Unless they called back and said now this person has been taken in?

THE WITNESS: Exactly.

THE COURT: Okay. And is there a distinction between -- for PIRC when tracking this information, a distinction between detention and arrest?

THE WITNESS: We only consider arrest with detention as a detention.

THE COURT: All right.

BY MS. LUSE:

Q. Do you have a policy or guidance for the operators on how to record and note their interactions with the callers?

MS. PROVO: Objection, Your Honor. Relevance.

THE COURT: Overruled.

A. Yes.

Q. How many operators are there?

MS. PROVO: Objection, Your Honor. Relevance.

THE COURT: Overruled. That means you can answer the question.

THE WITNESS: I figured it out.

MS. LUSE: It's like the movies.

THE WITNESS: Yeah. I would say we have between 10 and 30 depending on when you're asking.

BY MS. LUSE:

Q. And are the same operators -- are there a number of operators answering calls at the same time?

A. Sometimes.

Q. About how many different operators could be answering calls at the same time?

A. I believe five.

Q. Are they in the same room as each other or are they various locations in the city?

A. They are not in the same location.

Q. Is there a common database that they are entering information in as they're taking their calls?

A. Yes.

Q. And is it live, realtime updates?

A. As close as we can make it.

THE COURT: Say that again. What was your answer?

THE WITNESS: As close as we can make it, yes.

THE COURT: Okay.

Q. So when a caller says H.M. was put in an ICE vehicle,

is there a database that somebody would then go into or a tag or a ticket that they would then report additional information on that same individual?

A. Something like that.

Q. What do you mean "something like that"? How is -- how is additional information on duplicative calls recorded?

A. Through the software that we use.

Q. And it's under one particular name if indeed you have a name? Is that accurate?

A. Can you clarify? The name of the dispatcher or (pause) --

Q. No. The name of the individual who is being detained, according to your records.

A. That's correct.

Q. So it's under the individual?

A. Yes.

Q. Okay. When people call in, do they give you their names?

A. Depends on the person's comfort level.

Q. So on many occasions, I assume they do not provide you with any identifying information or contact information?

A. That's correct, though we are able to trace phone calls.

Q. If they have, I assume, caller ID or they're --

A. That's correct.

Q. -- not blocked?

A. Yes.

Q. Okay. But that doesn't give you a name. It's just a phone number, correct?

A. Yes.

Q. And you're relying on the authenticity, the trustworthiness of an individual who is calling, who is not giving you a name, about -- they're just telling you what they purportedly have seen. Is that correct?

A. Yes.

MS. LUSE: Okay. I have nothing further.

THE COURT: Redirect, Ms. Provo?

MS. PROVO: Just a couple of questions, Your Honor. Perhaps just one.

REDIRECT EXAMINATION

BY MS. PROVO:

Q. You mentioned that PIRC, when it receives a detention call, will often check that -- the name of the person reported to have been detained with the ICE detainee locator. Is that correct?

A. That's correct.

THE COURT: What was your answer?

THE WITNESS: Yes.

THE COURT: Okay.

THE WITNESS: The dispatchers do that, yes.

MS. PROVO: No further questions, Your Honor.
THE COURT: Can this witness be excused, Ms. Provo?
MS. PROVO: Yes, Your Honor.
THE COURT: Any objections?
MS. LUSE: No, Your Honor.
THE COURT: Ms. Walker Keller, that means you're free to leave the courtroom. You're also welcome to sit in the courtroom; however, under no circumstances are you allowed to discuss your testimony with somebody who has yet to testify.
THE WITNESS: Yes, Your Honor.
THE COURT: Thank you so much.
Ms. Cunnings, your next witness.
MS. CUNNINGS: Yes. We would like to call J-C-C-V. And Ms. Provo will again be doing the direct. We're just going to go get him in the hallway.
THE COURT: And will this witness need court interpreting?
MS. CUNNINGS: Yes.
THE COURT: All right. And I want to inquire, how do you want to place yourselves in the courtroom?
INTERPRETER EVANS: Your Honor, we would like to be close to the witness stand.
THE COURT: Yeah. You're welcome to do that. And go ahead and just -- you have license to move where you need to go to --

INTERPRETER EVANS: That's good. We would both be there, and we will -- we will be taking turns --

THE COURT: Okay.

INTERPRETER EVANS: -- every 20 minutes or so.

THE COURT: All right. Thank you.

THE COURTROOM DEPUTY: Please raise your right hand.

J-C-C-V

after having been duly sworn under oath, was examined and testified as follows:

THE COURTROOM DEPUTY: Thank you. Please be seated. State your full name and spell your last name for the record.

MS. CUNNINGS: Oh, I'm sorry. I'm sorry. We were going to use his initials for the purposes of the questioning.

THE COURTROOM DEPUTY: Oh, my goodness. Please -- Okay. That's right. Please just use initials.

MS. CUNNINGS: Just initials.

THE COURTROOM DEPUTY: Thank you.

THE WITNESS: J-C-C-V.

THE COURT: Thank you. And who's conducting direct?

MS. CUNNINGS: Ms. Provo.

THE COURT: Ms. Provo, please go ahead.

DIRECT EXAMINATION

BY MS. PROVO:

Q. Good morning, Mr. J-C-C-V.

A. Good morning.

Q. Did you file a declaration in this case?
A. Yes.
Q. Do you affirm the contents of that declaration?
A. Yes.
Q. How old are you?
A. 34.
Q. Where do you live currently, in what city and state?
A. (Indiscernible), Oregon.
THE REPORTER: Could you say the name of the town again?
THE WITNESS: (Indiscernible).
MS. PROVO: The Dalles.
THE REPORTER: Thank you
MS. PROVO: You're welcome.
BY MS. PROVO:
Q. For how long have you lived in The Dalles?
A. A year and a half.
Q. When was the first time you entered the United States?
A. April of the year 2023.
Q. Have you left the United States since you first entered?
A. No.
Q. Do you have any immigration applications currently pending?

A. Yes.
Q. What applications?
A. Asylum.
Q. Have you submitted any other immigration applications in the United States?
A. Yes.
Q. What applications?
A. TPS.
Q. Was your TPS application approved?
A. Yes.
Q. Do you currently have TPS?
A. No.
Q. Why not?
A. They eliminated it last year.
Q. Who is "they"?
A. I have no knowledge of that.
Q. Was your TPS terminated when the government terminated TPS for all Venezuelans?
A. Yes.
Q. Have you submitted any applications for work permits in the United States?
A. Yes.
Q. Do you currently have a work authorization in the United States?
A. Yes.

Q. Do you have family in the United States?
A. Yes.
Q. What family members?
A. Children; spouse, or wife; sisters; nephew; and a sister-in-law.
MS. PROVO: Interpreter, could you clarify sisters, if it's -- he has sisters and brothers or (pause) -- just I --
THE COURT: So, Ms. Provo, just go ahead and ask the question.
MS. PROVO: Sure.
Q. Do you have -- what are the gender of your siblings?
A. Here in the United States?
Q. Yes.
A. Males.
Q. How many brothers do you have here in the United States?
A. Just one.
Q. And how many children do you have here in the United States?
A. Two.
Q. How old are they?
A. My daughter is ten and my son is 14.
Q. Do you live with your spouse and children in the United States -- in The Dalles?
A. Yes.

Q. Do you work in the United States?
A. Yes.
Q. What do you do for work?
A. Delivery.
Q. What types of deliveries?
INTERPRETER EVANS: This is the interpreter speaking. May the interpreter clarify a term with the witness?
(Discussion off the record: interpreter and witness)
A. Wal-Mart, and I work with an application called Spark Driver for Wal-Mart.
Q. Do you work for any other delivery service -- services?
A. Door Dash and Instacart.
Q. I'm going to ask you some questions about what happened to you on June 19th, 2026.
A. Okay.
Q. Did you go to work on June 19th, 2026?
A. Yes.
Q. At about what time did you leave for work that day?
A. 6:20.
Q. What was your first destination for that day?
A. 1.5 miles from Wal-Mart.
Q. Were you picking up a delivery at Wal-Mart?
A. Yes.

Q. Whose car were you driving?
A. Mine.
Q. Was the car registered in your name?
A. Yes.
Q. What happened when you arrived at the Wal-Mart parking lot to pick up the order?
A. Moments before the detention, they gave me an order, an order for a person, to take it to his or her house.
Q. What happened next after you picked up the order from Wal-Mart?
A. I delivered it successfully, and then after, on my way back to Wal-Mart --
INTERPRETER EVANS: This is the interpreter speaking. The interpreter would like to confirm a word, Your Honor.
THE COURT: Go ahead.
(Discussion off the record: interpreter and witness)
A. I got caught off on the road by some cars. They turned on the sirens, and there were some agents from ICE.
Q. How many cars were there?
A. Between five and six cars.
Q. Describe how you were cut off by those cars.
A. One in front of me, one behind, and I don't remember if there were three or four on the side.
Q. What happened next?

A. They told me to stop the car and to get out of the car and leave the car -- the keys in the car. They took away my belongings and they put my hands back -- in back of me and they handcuffed me. They didn't -- they didn't ask for any identification and they didn't show any arrest warrant to me.

Q. How many officers do you remember seeing?

A. Six.

Q. Prior to handcuffing you, did the officers show you any paperwork?

A. No.

Q. Prior to handcuffing you, did the officers ask you any questions?

A. Just to get out of the vehicle and to put my hands behind my body.

Q. Did you follow those instructions when the officer gave them?

A. Yes.

Q. What happened next?

A. They handcuffed me and then they took me to a place close to the train tracks and they left me there for about two hours.

Q. Does that place have a name or do you refer it to as a name?

INTERPRETER EVANS: This is the interpreter speaking, Your Honor. The interpreter would like to clarify something

with the witness again.

(Discussion off the record: interpreter and witness)

A. On the way to Cascade Lock on Exit 51.

INTERPRETER EVANS: Perhaps Cascade Loop.

Q. Is it Cascade Rock?

A. Yes.

Q. About how long did it take to get from where you were taken -- asked to step out of your car to Cascade Rock?

A. Approximately between 20 to 25 minutes.

Q. What happened after you arrived at Cascade Rock?

A. They opened a truck or an SUV on the back side, and then they took me out. From my wallet, they took my identification. When -- after they saw my name, my entire name with last names, they took me back into the car again, and they stayed there talking amongst themselves a little bit, upset.

Q. Up to this point, did the officers ask you any questions?

A. No.

Q. In the car, were you still handcuffed?

A. Yes.

Q. What happened next?

A. They took me out of the car again about 30 minutes later. They released -- they released one of my hands so that

I could put my fingers on a computer. They took a picture of me handcuffed in my hands and feet. They put my fingerprints on a paper, because the system was not allowing them to do much at that time.

Q. How do you know the system was not allowing them to do much at that time?

A. Because there were words they were using in Spanish sometimes when they wanted me to understand something.

Q. And what did they tell you in Spanish?

A. To be patient when I put my fingers on the computer, because they didn't want to take the fingerprints.

Q. What happened after they took your fingerprints and your picture?

A. I was put back in the car, in the same car that I was taken to the place. From there, they took me to Portland in an area where there was some construction.

Q. Did they take you to the Portland ICE office?

A. No.

Q. How long was the drive, approximately, to this second location?

A. From 45 minutes to one hour and ten minutes.

Q. What did you notice about the area where they took you?

A. That there was no population there, no people, and there was a place where there wasn't anybody, just a

construction. I was very afraid of what they were doing with me and what I was doing in that place.

Q. How many officers were at this second location with you?

A. The same as -- the same ones that they were with me in the first one.

Q. Were the officers armed?

A. Yes.

Q. How long were you at the second location, approximately?

A. Two to three hours.

Q. What were you doing for the majority of this time?

A. Sitting in the backseat of the car.

Q. Could you see the officers during this time?

A. Yes.

Q. What did you observe the officers doing?

A. Talking amongst themselves, laughing, and vaping.

THE COURT: Did you say -- was that vaping?

THE WITNESS: Yes.

Q. What happened next?

A. Later, a vehicle showed up with some paperwork, and I was forced to sign them. They released one of my hands. They grabbed me forcefully by the hair, it was longer back then, when I was taken out of the vehicle. They released my right hand and they made me sign the paperwork, and I put up no

resistance.

Q. What happened next?

A. After about an hour and 20 minutes, a van arrived with two people. And I wouldn't know how to describe how their uniforms were. And they loaded me into a Jeep and they took me to the detention center in Tacoma.

Q. And I'm going to ask you some questions about your time at the detention center, but first I want to go back to when you initially entered the United States in April 2023.

A. Okay.

Q. Were you initially detained by immigration officers when you entered the United States in April 2023?

A. Yes.

Q. For how long were you detained?

A. Eight days.

Q. When you were released from detention in April 2023, were you given requirements for reporting with ICE?

A. Yes.

Q. Describe those requirements as you understood them.

A. They gave me a phone --

INTERPRETER BELISLE: The interpreter needs to clarify time.

(Discussion off the record: interpreter and witness)

A. They gave me a phone, and every Thursday at 10:00 AM,

I had to take a picture with said phone weekly.

Q. And did you comply with that requirement?

A. Yes, sir.

Q. Are you still required to send a photo every Thursday at 10:00 AM?

A. No. It was for a certain amount of time. I don't remember how long. It was perhaps two to three months, and it was completed and then I returned the telephone. I returned it at the facility where I was meant to return it, which is where -- which was an ICE office.

Q. And in what city was that ICE office where you returned the phone?

A. Denver, Colorado.

Q. Okay. Turning back to your -- your most recent detention, how long were you detained at the ICE detention center in Tacoma, Washington?

A. Until the 10th of this month.

Q. During your detention, did ICE give you any documents explaining your arrest?

A. Yes.

MS. PROVO: And then, Your Honor, with the Court's permission, I would like to approach the witness to provide him with a copy of Exhibit 106 and Exhibit 107 so that we can discuss those documents.

Q. So Mr. J-C-C-V, turning your attention to the

document numbered 106, do you recognize this document?

A. Yes.

Q. What is this document?

A. This document was delivered to me at my cell days after my arrest.

Q. These documents are in English. Were you able to review them while you were detained?

A. Yes.

Q. How were you able to review them?

A. Well, let's just say there's a lot of -- I was able to understand a lot of the words that appear. And I also had the support of people who were in detention and who know how to read and write in Spanish and English.

Q. When you reviewed these documents, what did you notice?

A. This vehicle is not the one in which I was detained.

Q. Turning to the second page of those documents, the make, model, and year of the car, is that your car?

A. No.

Q. And the license plate number on the paperwork, is this your license plate number?

A. No, sir.

Q. Do you know the owner of the car listed on your paperwork?

A. Yes.

Q. Who is the owner of that car?

A. My brother.

THE COURT: And Counsel, where's the reference to the vehicle?

MS. PROVO: Thank you, Your Honor. So if you turn to page 2 of 106 under "Encounter", it is -- it is about seven lines down. The sentence reads, "At approximately 8:20 hours," and then it goes on to say, "DOs observed a male subject operating a vehicle."

THE COURT: Okay. Got it. Thank you.

BY MS. PROVO:

Q. After you reviewed this paperwork, what was your understanding of why ICE arrested you?

A. I deduced that it was an arrest that had been made by mistake due to the fact that my brother was at the same place at the same time, at the same Wal-Mart, because he was working at the same place at the same time.

INTERPRETER BELISLE: The interpreter needs to clarify.

(Discussion off the record: interpreter and witness)

A. And I had never ever driven that vehicle.

MS. PROVO: Okay. Your Honor, I would now like to turn the Court's attention to Exhibit 107 and also Mr. J-C-C-V's attention to the second document in there

numbered 107.

THE COURT: And before we do that (pause - referring) -- so the first question is were you driving near Country Club Road in Hood River when they stopped you?

THE WITNESS: Yes.

THE COURT: All right. And do you have this document in front of you?

THE WITNESS: Yes.

THE COURT: Okay. Above that -- above that, it -- it has, "arrest at or near", and it says, "Wine Country Avenue, Napa, California, United States".

Are you sure you were stopped in Oregon or were you stopped in Napa, California?

THE WITNESS: In Oregon in the city of Hood River.

THE COURT: And then going back to the "Encounter" section, do you know if you were on an order of recognizance, abscond?

THE WITNESS: Would you be able to repeat the question?

THE COURT: Sure. This information describes that you had an order of recognizance, but absconded. Is that your understanding of your status when you were stopped in June?

THE WITNESS: I know I was released eight days after I was handed over to Immigration.

THE COURT: When you were stopped, did they tell

you -- the officers tell you that you were under arrest for immigration violations?

THE WITNESS: They didn't -- they didn't catch me. I -- I handed myself in. I just crossed the border. Voluntarily I turned myself in.

THE COURT: And this is in June when you -- when you were at the -- near the Wal-Mart in Hood River. Before they transported you to Portland, did they tell you that you were under arrest for immigration violations?

THE WITNESS: No.

THE COURT: And did they ask you any questions about where you lived before they transported you to Portland?

THE WITNESS: No.

THE COURT: Did they take your ID when they first stopped you in Hood River before they transported you to Portland?

THE WITNESS: They took away all of my belongings.

THE COURT: Do you know if they looked inside your wallet? Did you see them look inside your wallet at all?

THE WITNESS: They looked through it when we got to the train tracks, which is around 51 and then the Cascade -- Cascade Rock.

THE COURT: Okay.

THE WITNESS: And exactly in the moment when they were searching it is when they began to argue.

THE COURT: Okay. Do we -- and I'm going to ask counsel, do we have the I-200 in this record?

MS. PROVO: Yes, Your Honor, we do. We -- we have the January 19th, 2026, I-200. That is Exhibit 107.

THE COURT: You say January or June, you mean?

MS. PROVO: I'm sorry. June. June 19th, 2026.

THE COURT: So that's the I-200. We're going to take a recess, take a brief break, and then come back to finish J-C-C-V's testimony before we take a lunch break, but I want to inquire, what's this reference to Napa, California? Have you investigated what that reference might be, Ms. Provo?

MS. PROVO: So, Your Honor, I believe it is a typo, a mistake on the paperwork. I am not aware of the arrest -- anything to suggest this arrest occurred in California.

THE COURT: Ms. Garousi?

MS. GAROUSI: I don't know, Your Honor.

THE COURT: You don't know? Have you noticed this before?

MS. GAROUSI: No, not till --

THE COURT: So my bringing it up is the first time you're aware that the I-213 refers to arrest was at or near Napa, California?

MS. GAROUSI: Yes, Your Honor.

THE COURT: I don't consider it a typo. It's in my estimation more than a typo if we're relying on these

documents for determining the validity of -- of arrests and the information associated with people that are being detained. So I want you to find out why there's a reference to Napa, California, on this document.

We're going to take a recess, ten minutes. We'll come back and complete Mr. J-C-C-V's testimony and then take -- and I'll give you some additional information about how long our break will be for lunch. Thank you.

THE WITNESS: May I step down?

THE COURT: Oh. Yes.

(Recess: 11:37 - 11:52)

THE COURT: Ms. Provo, you may continue.

MS. PROVO: Thank you, Your Honor. I would also like to point the Court's attention to Exhibit 117, Exhibit H at page 18. When we requested documentation of Mr. J-C-C-V's arrest, this is what -- Exhibit H, page 18 is what the government provided to us.

THE COURT: Exhibit -- I want to make sure. 117 what?

MS. PROVO: 117, Exhibit H, which is page 18, if you can see at the bottom right.

THE COURT: I'm having a hard time catching the alphabet you're referring to. 117 what?

MS. PROVO: H.

THE COURT: H. Okay. And this is an April 27, 2026,

letter from the U.S. Attorney's Office?

MS. PROVO: No, Your Honor. At page 18. So do you see Exhibit H, page 18? The bottom right in blue, there should be a -- it should say Exhibit H and then page 18.

THE COURT: Okay.

MS. PROVO: I'm sorry.

THE COURT: So Exhibit H, page 18 you're saying is the document the U.S. Attorney's Office provided to you as required on the monthly reports?

MS. PROVO: We had to request this document from them. And I will note that the I-213 narrative on this document is different from the narrative on the I-213 that Mr. J-C-C-V received from ICE while he was detained. Specifically, it does not contain the reference to California on the document that Mr. J-C-C-V received.

THE COURT: Well, it only appears to -- am I missing something or does -- it only includes the "Encounter" section and immigration history?

MS. PROVO: Yes, Your Honor, you're correct. If you turn to the prior page, page 17, it is an encounter record. It is not an I-213 that we were provided.

THE COURT: And were you -- did you ask for the I-213?

MS. PROVO: We asked for documentation of the arrest because we wanted to understand whether it was a warrantless

arrest or not.

THE COURT: Okay. And was this the format that you typically received when asking for information of the arrest?

MS. GARCIA ORJUELA: I -- I will continue to respond to that, Your Honor.

THE COURT: Yes, please.

MS. GARCIA ORJUELA: So we have received both the Forms 213. That was what defendants agreed on the preliminary injunction hearing that they were asking to produce only that document; however --

THE COURT: When you say, "that document," I want to --

MS. GARCIA ORJUELA: The 213.

THE COURT: Hold on.

MS. GARCIA ORJUELA: I'm sorry.

THE COURT: I want to make sure that the transcript is clear and complete, so let me finish my question.

So when you say, "that document," you're referring to I-213s?

MS. GARCIA ORJUELA: Correct.

THE COURT: And that was your understanding that's what the government was required to provide on the -- on a monthly basis or when you asked for information about arrests?

MS. GARCIA ORJUELA: We were under the understanding that they would provide the 213s, and that was what we were

expecting.

THE COURT: And did you receive I-213s when requested in other cases?

MS. GARCIA ORJUELA: Yes. Not all.

THE COURT: Okay. So sometimes you received this format that I'm looking at on Exhibit H, page 17 and 18, and sometimes you received I-213s?

MS. GARCIA ORJUELA: That is correct.

THE COURT: Okay. Give me a moment to review this Exhibit H, page 18.

MS. GARCIA ORJUELA: Yes, Your Honor.

(Pause in proceedings)

THE COURT: And where is it that it is different other than that -- in the "Encounter" section?

MS. PROVO: Yes. The "Encounter" section, that is the primary difference that we've noted; however, it's worth noting that this is different than another documentation that they have of the same encounter.

THE COURT: So you're pointing out that what they provided you, Exhibit H, page 18, is not the same thing as a complete I-213? And to me, that's different. Being incomplete is different than what I thought you said, which was that the "Encounter" section, there was something different in it between the two documents.

MS. PROVO: Yes, Your Honor. I understand your

question, I think. In our review of this document at Exhibit H, the "Encounter" section, the information that is different is that there is no California reference. That is the difference.

THE COURT: Got it. And, I mean, I would -- I consider the "arrested at or near" would be sort of a different section than the "Encounter" section. So the text of the "Encounter" sections are both the same. Is that your understanding?

MS. PROVO: Yes, Your Honor.

THE COURT: Okay. And I also understand that the I-213 narrative, Exhibit H, page 18, did not include other information outside of the "Encounter" section except for immigration history and criminal history, but did not include the sections about arresting agents or "arrested at or near".

Okay. Thank you. Were there any other questions you had for Mr. J-C-C-V?

MS. PROVO: Yes, there are, Your Honor.

THE COURT: Go ahead.

BY MS. PROVO:

Q. Mr. J-C-C-V, before we took a recess, you were reviewing a document, Exhibit 106. I would now like you to look at the second document in front of you, Exhibit 107. Do you recognize this document?

A. Yes.

Q. What is this document?
A. This was one of -- one of the ones that were there when we introduced the habeas corpus.
Q. Did the government file this document in your habeas case?
A. Yes.
Q. When did you first receive a copy of this document?
A. I don't remember exactly the day, but some documents started getting to me at the detention center little by little.
Q. And did this particular document come with other documents that the government filed in your habeas case?
A. Yes.
Q. Did ICE give you a copy of this document when you were arrested?
A. No.
Q. Did ICE give you a copy of this document when you first arrived at the detention center?
A. No.
Q. You testified that you were released from detention, from ICE detention, on September 10th. Why were you released from ICE detention?
A. Well, because a judge or -- well, my understanding was that a federal judge advocated for me and I won, I won my case.

Q. You won your habeas case?

A. Yes.

MS. PROVO: Okay. Your Honor, I'd like to direct the Court's attention to Exhibit 105, which is District Judge Chun's order in J-C-C-V's habeas case. At page 5, line 8, Judge Chun made the following findings, quote, as for the second factor, the facts of this case illustrate precisely why there is a high risk of erroneous deprivation through the current procedures. Petitioner alleges that he was re-detained based on mistaken identity without an arrest warrant and without any notice or opportunity to be heard. The government does not dispute these claims or make any showings to the contrary. And to the extent that the government is attempting to argue that petitioner's re-detention was valid because he missed an ICE check-in, the government has not even provided a record of this supposed missed check-in or conclusively established that petitioner was served with a Form I-200.

And I have no further questions for direct, Your Honor.

THE COURT: Thank you.

Ms. Luse?

MS. LUSE: No questions, Your Honor.

THE COURT: All right. Mr. J-C-C-V, returning to the (pause) -- there's a document in front of you where it

describes your stop and arrest. Do you recall there were -- if there were any people gathering around while you were being stopped by ICE?

INTERPRETER EVANS: Your Honor, this is the interpreter speaking. Did the Court say stalked or stopped?

THE COURT: I would have said -- I think I would have said "stopped," yeah.

THE WITNESS: When ICE stopped me, yes. When they cut me off or got in front of me, people started circulating around and they started shouting things at them, many people, in English.

THE COURT: Okay. Thank you.

Anything that you want to ask from that, Ms. Provo?

MS. PROVO: No, Your Honor.

THE COURT: Ms. Luse?

MS. LUSE: No, Your Honor.

THE COURT: All right. Can this witness be excused, Ms. Provo?

MS. PROVO: Yes, Your Honor.

THE COURT: All right. Any objections?

MS. LUSE: No.

THE COURT: Thank you. Mr. J-C-C-V, you're free to step down and leave the courtroom. You're also welcome to stay in the courtroom and observe; however, please do not discuss your testimony with anyone who has not yet testified.

Okay?

THE WITNESS: Okay.

THE COURT: Thank you.

THE WITNESS: Does this stay here?

THE COURT: I'll let Ms. Provo figure that out. You can leave it here.

MS. PROVO: Your Honor, if I may approach, I can collect the documents.

THE COURT: We'll do that in a minute.

MS. PROVO: Okay.

THE COURT: So -- and you're welcome to go. Thank you, sir.

All right. So we're about halfway through the testimony. It does appear to me that if the pace continues at this rate, we're likely to finish our -- our evidentiary record before the end of the day. Agree or disagree? And I'm not trying to bait you with answering a question that I think I want you to answer. I just want to get a sense from all of you. Ms. Garousi, any --

MS. GAROUSI: We concur, Your Honor.

THE COURT: And then Ms. Cunnings.

MS. CUNNINGS: Yes. That makes sense.

THE COURT: All right. Let's take an abbreviated lunch break, 45 minutes. We'll return at -- why don't we just call it 1:00, at 1 o'clock, and continue with the remaining

witnesses.

Anything else that we need to address? Anything to talk about? I want to make sure that I've got a running list of items. Ms. Cunnings.

MS. CUNNINGS: Not from us, Your Honor. I'll just say our next witness will be in person and then we'll have two appearing remotely.

THE COURT: Okay. Very good.

And Ms. Garousi, anything else?

MS. GAROUSI: Nothing from the government, Your Honor.

THE COURT: All right. 1:00 PM. I'll see you all then.

(Recess: 12:08 - 1:08)

THE COURT: Your next witness.

MS. CUNNINGS: Thank you. We will be calling -- sorry, I'm just looking at the letters -- H-F-M-J, and Ms. Garcia Orjuela will be doing the examination.

MS. GARCIA ORJUELA: I'll get our witness, Your Honor.

THE COURTROOM DEPUTY: Raise your right hand.

H-F-M-J

after having been duly sworn under oath, was examined and testified as follows:

THE COURTROOM DEPUTY: Thank you.

THE COURT: Please come up, take a seat. And when you take a seat, would you be kind enough to give me your full name and spell your name, first and last.

MS. GARCIA ORJUELA: Your Honor, just to remind the Court, we're utilizing their initials. I don't mean to --

THE COURT: Thank you for --

Just give me your initials.

THE WITNESS: H-F-M-J.

THE COURT: All right. Thank you.

Please go ahead.

MS. GARCIA ORJUELA: Thank you, Your Honor.

DIRECT EXAMINATION

BY GARCIA ORJUELA:

Q. Good afternoon, H-F-M-J. Did you provide a declaration for this case?

A. Yes.

Q. Can you confirm that the contents of that declaration are true and correct for -- to the best of your knowledge?

A. Yes.

Q. Thank you. How old are you?

A. 33.

Q. Where do you live?

A. In Eugene.

Q. How long have you lived there?

A. One year.

Q. Did you live in the United States before that?
A. California.
Q. Who do you live with now?
A. With roommates.
Q. Do you have family in Eugene?
A. Yes.
Q. How many family do you have?
A. Like, five.
Q. And what do you do for work?
A. Yards man, landscaping.

THE COURT: I'll ask the court interpreter, is there a way that we can get a microphone for you to -- when you interpret so it can be more easily heard? Do we have -- is there a microphone behind you? Does that work?

INTERPRETER BELISLE: Your Honor, there's a lapel -- if the interpreter can move this over, would that work?

(Pause in proceedings)

BY MS. GARCIA ORJUELA:

Q. What do you do for work?
A. I work in -- with yards.
Q. Is that your only job?
A. I am also a dishwasher.
Q. How many days a week do you work?
A. Six. Six.
Q. And prior to being arrested by ICE, have you ever

been arrested?

A. No.

Q. All right. Let's talk about what happened on July 3rd, 2026. Do you remember what happened that day?

A. Yes.

Q. At what time did you start your day?

A. I left my house at 7 o'clock to go to work.

Q. Is that the usual time that you start your day?

A. Yes. That's normal.

Q. And what did you do before you left your home?

A. I -- I got ready. I got up a little bit earlier to be able to leave and go to work.

Q. Did you drive to work that day?

INTERPRETER BELISLE: May the interpreter request that the witness be instructed to wait for the interpretation before answering?

THE COURT: Yes. Go ahead.

(Discussion off the record: interpreter and witness)

A. Yes.

Q. Did you drive alone on your way to work?

A. I was taking a friend with me.

Q. Is the car that you were driving to your name?

A. No. A family member had lent it to me.

Q. How long had you been driving that car?

A. Like, five months it had been lent to me.
Q. And what happened when you left your home?
A. So normally we leave, and we didn't pay attention to the fact that ICE was stopped there.
Q. How do you notice the cars that were there?
INTERPRETER BELISLE: May the interpreter clarify the question from counsel?
MS. GARCIA ORJUELA: Yes.
INTERPRETER BELISLE: How -- how did you notice?
MS. GARCIA ORJUELA: How did you notice, yes.
A. They were suspicious and they were black in color.
Q. And what happened after you noticed the cars?
A. I noticed the cars after going through a stop, going through a light. And I noticed that they turned on their lights at me and they kept advancing until the entrance of where I worked.
Q. How many cars did you see?
A. Three.
Q. And what happened after you entered where you were working?
A. So one cut me off in the front and then two from behind.
Q. Were you able to move your car at all?
A. No, I couldn't.
Q. What did you think was happening?

A. I didn't have any idea or think that it was Immigration.

Q. What happened then?

A. An officer got out and said that he had an arrest warrant.

Q. Was he speaking Spanish?

A. He just said in Spanish that he had an arrest warrant. That's all he said.

Q. Did you have your window up or down?

A. Halfway down.

Q. When did you notice it was ICE?

A. When the --

INTERPRETER BELISLE: The interpreter needs to clarify.

(Discussion off the record: interpreter and witness)

A. I -- when I got down and when I saw his insignia is when I noticed.

Q. Okay. How many agents did you see?

A. Three.

Q. And after the agent said that he had an order for your arrest, what happened?

A. I got out and they took my cellphone and my things.

Q. Did they ask you anything at that time?

A. No.

Q. What happened then?

A. So after I got out, they handcuffed me and then they put us in the police car.

Q. Before they handcuffed you, did they ask you any questions about what was your name or anything to confirm who you were?

A. No. They did not know my name.

Q. Did they show you any warrant for your arrest?

A. No.

Q. What happened after they placed you in handcuffs?

A. They took us to the office in Eugene.

Q. And what happened after you arrived to the office?

A. So we got there, we got out. And then afterwards, there were some people recording, telling us to say our names.

Q. Did the agents tell you whether to answer or not?

A. No.

Q. What happens -- what happened after you got into the office?

A. With my --

INTERPRETER BELISLE: The interpreter needs to clarify a term.

(Discussion off the record: interpreter and witness)

A. They -- once we got there, they separated my coworker and me, a cell for each of us.

Q. Was your coworker also arrested?
A. He was also arrested.
Q. Did the agents tell you why they were arresting you?
A. No.
THE COURT: In your declaration, the written document that you provided, it says that they asked if you had any papers that allowed you to be in the United States. Do you remember them asking that of you?
THE WITNESS: Yes. They -- they did say that to me.
THE COURT: Okay.
BY MS. GARCIA ORJUELA:
Q. And did you respond to all of the agents' questions?
A. That question, I responded, "No."
Q. Did they ask you any other questions?
A. That was all.
Q. And while you were at the ICE office, did the agents ask you more questions?
A. Yes. Afterwards when they called us, they asked me questions about my name, about my parents and my family.
Q. And did you answer all of those questions?
A. Yes, I answered.
Q. Did the agents give you any documents to sign?
A. Yes, because they said that if I didn't sign, that they were going to detain me for some time.
Q. And what happened if you signed?

A. If I signed, they would get me out of there as quickly as possible.

Q. Did they offer to you anything else for you to sign?

A. So they told me that the federal government was offering $2,500 to sign to be able to get out. And they said if I signed, I would get out as quickly as possible.

THE COURT: Did they tell you -- did anyone tell you when you were given that document that it was a voluntary deportation form?

THE WITNESS: Well, after they released me, they told me.

THE COURT: After you signed the document, they told you what it was?

THE WITNESS: Yes, voluntary departure.

THE COURT: So before you signed it, did anyone explain to you that you were signing a document that would cause you to be removed from the country?

THE WITNESS: No.

THE COURT: All right.

BY MS. GARCIA ORJUELA:

Q. What language were these documents that you signed in?

A. In English.

Q. Do you -- can you read English?

A. No.

Q. Did the agent read the documents to you?
A. In English, but I didn't really understand very well.
THE COURT: Would you have signed the document if they had told you before you signed it that it was a form for voluntary departure?
THE WITNESS: No, I wouldn't.
BY MS. GARCIA ORJUELA:
Q. How did you feel at that moment?
A. Pressured, because I had no other option.
Q. Why were you released?
INTERPRETER BELISLE: The interpreter didn't hear the question clearly.
Q. Why were you released?
A. Because my attorney, Roberto, filed for relief for me.
MS. GARCIA ORJUELA: Okay. Your Honor, if I may turn the Court's attention to Exhibit -- I'm sorry, I apologize -- Exhibit 109. And may I approach to show this to the witness?
THE COURT: You may.
Q. Do you recognize this document?
A. Yes.
Q. Can you tell me what it is?
A. It's a relief that was filed for me by my attorney, Roberto.
Q. Okay. Now that you have been released, are you

required to report to ICE?

A. Yes.

Q. How often?

A. Every Monday.

Q. How do you report to them?

A. By an application that was downloaded on my cell.

Q. Have you been compliant with all of the reporting?

A. Yes.

Q. Are you still afraid ICE can detain you?

A. Yes, because of the location that I sent to them, the photo.

MS. GARCIA ORJUELA: No further questions.

THE COURT: Ms. Luse or Ms. Garousi.

CROSS-EXAMINATION

BY MS. LUSE:

Q. Sir, you had mentioned that there were people, I thought you said, at the Eugene facility recording you and asking you to say your name?

A. Yes.

Q. Were those individuals on the outside of the building or were those agents or officers, employees inside the building?

A. It was -- they were outside.

Q. Thank you. In your declaration, you talk about watching the officers arrest your coworker and then they told

you to get out of the car, were arresting you. How much time passed between the time they arrested your coworker and the time they came to talk to you?

A. It was -- it was just a few seconds, like at the same time.

MS. LUSE: I have nothing further. Thank you.

Sorry. Hold on. Okay. Never mind. We're done. Thank you.

THE COURT: Redirect.

MS. GARCIA ORJUELA: I have no further questions, Your Honor.

THE COURT: Are there any I-200s or I-213s associated with this witness, Ms. Garcia Orjuela?

MS. CUNNINGS: So this was another arrest that -- upon -- for which we requested information. It was not disclosed in the monthly reporting. And after we requested it, defendants provided an ERM printout which contains what we presume to be the narrative from the I-213, which is Exhibit H at 12, but we have not received the I-200.

THE COURT: Which exhibit number is it?

MS. CUNNINGS: It's Exhibit H to 117 at page 12.

THE COURT: Can this witness be excused?

MS. CUNNINGS: Yes.

THE COURT: Any objections?

MS. LUSE: No.

THE COURT: Thank you. So you are welcome to step down. You can stay in the courtroom and observe or you may leave, but please do not discuss your testimony with anyone until the case is over -- any other witness until the case is over.

THE WITNESS: Okay.

THE COURT: Thank you.

I'm looking at Exhibit H, page 12 right now. Is the last name in this narrative the last name of the witness who just testified?

MS. GARCIA ORJUELA: That is correct, Your Honor.

THE COURT: Okay. And Ms. Garousi, Ms. Luse, does any of the information that are in these exhibits indicate whether the witness who just testified, H-F-M-J, had a warrant out for his arrest previous to the stop and detention?

MS. LUSE: I can only go on what this evidence shows, Your Honor. I wouldn't be testifying on anything else.

THE COURT: Okay. And you know of no -- no other evidence that indicates -- or any other documents that are in the government's possession or your client's possession that indicate that there was a warrant preceding H-F-M-J's arrest?

MS. LUSE: Yes. That's the document that is objected to by plaintiff's counsel, Exhibit 501.

THE COURT: 501?

MS. LUSE: Correct. We haven't submitted it yet

because of the objection to authentication, so --

THE COURT: Okay.

MS. LUSE: -- we will have it authenticated by our witness.

THE COURT: All right. And is there a reason why that document had not been provided to plaintiff's counsel at their request before this hearing? Why was it not provided as either part of -- part of the monthly reporting or at the request of plaintiff's counsel before this hearing today?

MS. GAROUSI: Your Honor, it's defendants' position that --

THE COURT: Can you speak a little louder?

MS. GAROUSI: Sorry. It's the defendants' position that H-F-M-J's arrest was conducted pursuant to a warrant. And by definition, the preliminary injunction order in this case orders reporting for warrantless arrests, so defendants considered this a warrant -- a warranted arrest.

THE COURT: Did -- plaintiff's counsel, did you ask for any information about H-F-M-J in preparation for this hearing or were these documents requested as part of the normal reporting requirement?

MS. GARCIA ORJUELA: No, Your Honor. They were requested as part of the reporting requirement back in July.

THE COURT: All right. Okay. Next witness.

MS. CUNNINGS: Thank you. We are calling H-D-G-H.

He will be appearing remotely and Ms. Saavedra Vanacore will be conducting the examination.

MS. SAAVEDRA VANACORE: He should be joining shortly.

THE COURT: And while we're getting the next witness online, with respect to H-F-M-J, I note that the petition for the writ was filed in the Medford Division.

MS. GARCIA ORJUELA: That is correct, Your Honor.

THE COURT: Even though the arrest took place in Eugene?

MS. GARCIA ORJUELA: Oh. Yes. Sorry. It's because the place of residence of -- I -- I may be (pause) --

THE COURT: I thought that --

MS. GARCIA ORJUELA: I'm sorry, Your Honor. I need to reconfirm.

THE COURT: Yeah. H-F-M-J's declaration indicates he's a resident of Eugene.

MS. GARCIA ORJUELA: I (pause) -- it is not -- it is not clear to me from the petition which division is -- it was filed. I do know that it is before Judge McShane.

THE COURT: Okay. Well, the caption says Medford Division up at the top of the petition. That's where it looks like at least the document says that it was -- it was drafted for Medford but perhaps it was filed in Eugene. I don't know, because the document that's the exhibit here isn't a copy of the file document. And so I understand it's in front of Judge

McShane. Judge McShane has ruled on the case?

MS. GARCIA ORJUELA: Not yet, Your Honor. It's pending.

THE COURT: It's still pending. And what -- what do we know about the reason for his -- H-F-M-J's release from custody, then?

MS. GARCIA ORJUELA: It is our understanding from our conversations with his counsel and with him that he was released because there was an order of no transfer issued.

THE COURT: The status quo order --

MS. GARCIA ORJUELA: Exactly.

THE COURT: -- before --

MS. GARCIA ORJUELA: He was transferred out of the district, correct.

THE COURT: Okay. Got it. Let's go ahead and swear in our next witness.

THE COURTROOM DEPUTY: Can you hear me?

H-D-G-H: Yes.

THE COURTROOM DEPUTY: Thank you. Please raise your right hand.

H-D-G-H

after having been duly sworn under oath, was examined and testified as follows:

THE COURTROOM DEPUTY: Thank you. Please state your initials for the record.

THE WITNESS: H-D-G-H.

DIRECT EXAMINATION

BY MS. SAAVEDRA VANACORE:

Q. Good afternoon, Mr. H-D-G-H.

A. Good afternoon.

Q. I'm going to begin by asking you your age. How old are you?

A. 22 years old.

Q. Where do you live?

A. In Medford, Oregon.

Q. How long have you lived there?

A. Since 2021, except for six months.

Q. And where did you live during those six months?

A. In California; San Francisco, California.

Q. What do you do for work?

A. Construction.

Q. I'm going to ask you some questions regarding July 26, 2026. Where did you start your day on Sunday, July 26, 2026?

A. At home.

Q. What was your plan for that day?

A. Oh, well, we had planned to go fishing, to go fishing in a lake that's called Immigrant Lake.

Q. Where is Immigrant Lake located?

A. In Ashland, Oregon.

Q. How did you plan to get to the lake?
A. My friend was going to come and pick me up and we were going to go in his vehicle to the lake.
Q. At what time was your friend going to pick you up?
A. At 6:30 in the morning.
Q. And what kind of car does your friend drive?
A. A Honda CRV.
Q. Where did you go after he picked you up?
A. We went to -- to Wal-Mart.
Q. What were your plans at Wal-Mart?
A. To pick up the utensils or the things that we were going to use when fishing.
Q. Where is the Wal-Mart located?
A. In Medford.
Q. What happened after you finished getting fishing supplies at the Wal-Mart?
A. We got out of Wal-Mart and we got on our car.
Q. What happened next?
INTERPRETER EVANS: This is the interpreter speaking, Your Honor. I think we lost the witness there for a little bit. I'm going to have him to repeat his answer.
THE COURT: Yes, please.
(Discussion off the record: interpreter and witness)
THE WITNESS: We went out looking for the freeway.

BY MS. SAAVEDRA VANACORE:

Q. And what happened next?

A. We turned right and we saw that an Immigration truck was pulling in.

Q. How did you know it was an Immigration truck?

A. Because, like, two weeks prior, I had seen them arresting some people close to the airport in Medford.

Q. After seeing the Immigration truck, what happened?

A. We saw that they went into the Wal-Mart parking lot and they turned around.

Q. What did you do next?

A. We turned left to take the freeway.

Q. What happened while you were on that freeway?

A. Like, approximately nine or ten minutes later, we saw that the Immigration truck pulled in behind us.

Q. What happened next?

A. My friend called his wife to tell her that Immigration was following us.

Q. How long did they follow you for?

A. For about 25 minutes.

Q. What happened next?

A. We exited in the exit that goes to the lake, and they remained after us, behind us.

Q. What happened after you took the exit for the lake?

A. We got to the lake and we paid for the entrance, the

entry fee, and we wrote down our license plates and everything and (pause) --

Q. What happened after that?

A. The Immigration truck was still behind us.

Q. And then what happened?

A. We kept on driving, looking for a place where we could get out of the car to go fishing.

Q. And then what happened?

A. So we kept driving, and then they came in front of us. They cut us off with their car.

Q. Was the car still on when they came in front?

A. Yes. My friend's vehicle was turned on.

Q. What happened next?

A. So they turned off the car, they opened my friend's door, and they took him out.

Q. How many officers were there?

A. Two.

Q. Did they say anything to your friend?

A. No. They just took his wallet and the one agent -- the one officer said to the other officer, "This is the person we're looking for."

Q. What did your friend do next?

A. My friend asked if he had an arrest warrant against him.

Q. Could you finish what you were saying?

A. The agent said that he didn't have it at the time, but as soon as they got to the office, he would show it to him.

Q. What happened after your friend was arrested?

A. They put us in the back of the Immigration truck.

Q. What happened next?

A. An officer came over to my door and said, "Can you get out?"

Q. Did you get out?

A. Yes.

Q. What happened then?

A. He took my wallet, my cell, and handcuffed me.

Q. Did the officer say anything?

A. No.

Q. What happened then?

A. He put me in the backseat next to my friend.

Q. Did the officer show you any documents?

A. No.

Q. Where did you think they were taking you?

A. We didn't know. We were frightened.

Q. Where were you taken?

A. To the immigration office in Medford.

Q. What happened at the ICE office in Medford?

A. They took our fingerprints.

Q. Did they do anything else at the ICE office?

A. Yes. They cuffed our feet and then in our stomach area, our hands.

Q. Did they say anything to you?

A. I just requested a call, and the officer said to me that my call would be in Tacoma, Washington.

Q. Then what happened?

A. They told us they were going to transfer us to Tacoma, Washington, and they loaded us into a truck.

Q. How long were you in the truck?

A. About four and a half hours.

Q. Where did the truck take you?

A. Portland, Oregon.

Q. What happened in Portland?

A. They told us they were going to release us and they removed the handcuffs.

Q. What happened after they removed the handcuffs?

A. They gave us a sheet of paper that we had to sign.

Q. Did they say anything about the sheet of paper that you had to sign?

A. Yes. They said that when we got home, that if we were ever stopped by Immigration again and we showed that piece of paper, that nothing would happen to us.

Q. Did they give you a copy of that document?

A. Yes.

Q. Were there other documents that they gave you?

A. Yes, but I didn't understand them.
Q. Did they say anything else to you?
A. Yes. They said we had to go back in two days to the ICE office to get our documents that they had taken from us.
Q. And did you go back in two days?
A. Yes.
Q. What happened then?
A. That's when they told us that they were going to release us in two blocks, and that's where they left us.
Q. And when you went back to the ICE office for your ID, what happened then?
A. We saw an officer who gave us our IDs back and other documents.
Q. Do you know what the other documents were about?
A. It was for a court date and to submit an application.
MS. SAAVEDRA VANACORE: No further questions, Your Honor.
THE COURT: Before they -- before they drove you to Portland, did they talk to you about voluntarily self-deporting?
THE WITNESS: Yes.
THE COURT: What did they tell you about that?
INTERPRETER BELISLE: The interpreter needs to clarify.
(Discussion off the record: interpreter and

witness

THE WITNESS: They said that if we self-report, that one could receive, I don't remember the exact amount, maybe $2,000.

THE COURT: Did they give you a paper to sign to self-deport?

THE WITNESS: Yes, but I didn't sign it.

THE COURT: Did they explain what that document would do if you signed it?

THE WITNESS: No.

THE COURT: In your declaration, the written statement, it says here, you say, "They tried to pressure us to agree to self-deport and offered us money."

What kind of pressure were they putting on you to self-deport?

THE WITNESS: Like, they just said -- like, when we refused, they would get upset.

THE COURT: Okay. All right. Thank you.

Any other questions from that, Counsel, that you want to follow up on?

MS. SAAVEDRA VANACORE: No, Your Honor.

THE COURT: Ms. Luse.

CROSS-EXAMINATION

BY MS. LUSE:

Q. Starting with the last question that the judge asked

you, your response said that they would -- they told you they would get mad at you if you didn't sign, or did I misunderstand?

A. No, but we saw a gesture of annoyance.

Q. What was the gesture?

A. Just, like, angry.

Q. Why do you say "angry"? What was their facial features, or did they say anything?

A. No. It was just like they would say, like, "Okay," but angry.

Q. Their voices were angry?

A. Yes.

Q. Loud?

A. More or less loud; not exaggerated.

Q. Do you have your declaration in front of you, sir?

A. Yes.

Q. Just to clarify a couple things, between the time that the vehicle pulled in front of you, the ICE vehicle pulled in front of you, and the officer coming to talk to you or pull you out of the vehicle, how much time passed?

A. So it all happened very quick, because they got out quickly. One of them grabbed my friend and the other one got in front of the door where I was.

Q. How quickly?

A. When they got out, it all happened very quickly. A

minute.

Q. So the officer that was on the driver's side of the vehicle, what was he doing with the driver of your vehicle?

A. Could you repeat the question? I didn't understand it.

Q. How about I rephrase. Sorry.

The officer on the driver's side of the vehicle placed -- based on what you have testified, placed your friend under arrest. Is that correct?

A. Yes.

Q. And the officer took your friend and put him in their vehicle, correct?

A. Yes.

Q. Is there anything else that happened in that time period?

A. No.

Q. You stated earlier in your testimony that your friend asked whether or not they had an arrest warrant for him. Is that correct?

A. Yes, that's correct.

Q. Can you turn to your declaration, specifically page 1, paragraph 6? Let me know when you've found it.

A. Yes.

Q. Go ahead and read paragraph 6 to yourself.

MS. SAAVEDRA VANACORE: Your Honor, the declaration

that was submitted is in English.

Q. How did you --

A. Yes.

Q. Let me -- let's back up. Did you review your declaration before you signed it?

INTERPRETER BELISLE: The interpreter didn't hear the entire response.

MS. LUSE: Sorry.

INTERPRETER BELISLE: The interpreter's going to ask for repetition.

(Discussion off the record: interpreter and witness)

THE WITNESS: Yes, I did understand it, because it was read to me in Spanish.

BY MS. LUSE:

Q. Do you have the Spanish version of your declaration in front of you?

A. No.

THE COURT: Is there a Spanish version of the declaration? Have you ever seen one?

THE WITNESS: The attorney translated it for me in her own voice, but she didn't give me a version in Spanish.

THE COURT: And that would appear to be -- Counsel, it appears to be consistent with the certificate of translation on page 2.

BY MS. LUSE:

Q. And you do not read English. Is that correct?

A. No. No. Yes. Yes, I don't read English.

Q. Okay. I'm going to read to you paragraph 6.

INTERPRETER BELISLE: May the interpreter make a request to see the written document that counsel has while it's being read?

MS. LUSE: Is the interpreter ready?

BY MS. LUSE:

Q. Paragraph 6: The ICE officers went up to M-T-M's side first. He had the window down, but they opened his door, undid his seatbelt, and pulled him out. He remained silent.

Is that accurate?

A. Yes.

Q. However, earlier you did not indicate he remained silent, did you?

A. No, because after, he asked them if they had an order against him.

Q. After when?

A. When he was --

INTERPRETER EVANS: The interpreter needs to clarify a term with the witness.

(Discussion off the record: interpreter and witness)

THE WITNESS: When he was outside the car, he asked

them if they had an order against him.

BY MS. LUSE:

Q. Well, I'm going to read the previous sentence once again: He had the window down, but they opened his door, undid his seatbelt, and pulled him out.

And the next sentence is: He remained silent.

A. Yes.

Q. So is it your testimony that this declaration, the phrase, "He remained silent," was only when your friend was in the vehicle?

A. Yes.

Q. Earlier in your testimony, you talked about the truck at the Wal-Mart parking lot, and also in your declaration, you referenced the truck turning around?

A. The truck?

Q. Correct. The ICE vehicle was turned -- was turning around as you were leaving the parking lot. Can you describe for us where the ICE vehicle was in relation to your vehicle that was exiting the parking lot before it turned around?

A. We saw him. As they were entering the parking lot, we were turning to exit the parking lot.

Q. So the ICE vehicle was coming into the parking lot?

A. Yes. We were exiting and they were coming in.

Q. Was it at the entrance to the parking lot when they passed you?

A. I don't understand. Can you repeat that?

Q. Well, you're saying that they passed you as you were exiting the parking lot. What I'm trying to determine is where your vehicles were in relation to the exit of the parking lot.

A. Yes. We were exiting the parking lot towards the street that would head to the freeway, and we turned -- we were turning right as they were entering the parking lot.

Q. So they were on the street when you were exiting?

A. Yes. They were on the street.

MS. LUSE: Okay. No further questions.

THE COURT: Any redirect?

MS. SAAVEDRA VANACORE: No, Your Honor.

THE COURT: All right. Can this witness be excused, Counsel?

MS. SAAVEDRA VANACORE: Yes, Your Honor.

THE COURT: Any objections, Ms. Luse?

MS. LUSE: No.

THE COURT: All right. Mr. H-D-G-H, you are free to go. You're welcome to disconnect the line. Thank you.

THE WITNESS: Thank you.

THE COURT: Next witness.

MS. CUNNINGS: Your Honor, may I make one clarification related to the exhibits for this witness?

THE COURT: Yeah. 109 and 111, they're the same one?

MS. CUNNINGS: Yes. They're not -- well, if they are, that's our mistake and I apologize. 109 is meant to be the petition for H-F-M-J, which was filed in Eugene, and 111 was meant to be for H-D-G-H --

THE COURT: Correct.

MS. CUNNINGS: -- which was filed in --

THE COURT: So if you can submit a corrected 109. So that would --

MS. CUNNINGS: Our apologies.

THE COURT: That's all right. So that -- 109 will be H-F-M-J's petition.

MS. CUNNINGS: Correct.

THE COURT: And 111 is correct. It is H-D-G-H's petition.

MS. CUNNINGS: I'm sorry. We had two copies of 111, it sounds like.

THE COURT: Yes.

MS. CUNNINGS: I apologize. We have one right now.

THE COURT: Why don't you bring it up so that way I'll have a complete record before we finish up.

MS. CUNNINGS: Thank you. And just one additional point for Your Honor's consideration. We had requested documents for H-D-G-H, that's Exhibit 117, Exhibit G at 6, second row, and the defendants declined to produce anything construing this to be an arrest that occurred with a warrant.

THE COURT: Say it again. I didn't hear that. They --

MS. CUNNINGS: They declined --

THE COURT: Hold on. So it's 117, G?

MS. CUNNINGS: Exhibit 117, Exhibit G at page 6.

THE COURT: Okay. Let me get there. All right. I'm on that page.

MS. CUNNINGS: The second row, second name.

THE COURT: H-D-G-H, yes.

MS. CUNNINGS: Correct. And defendants declined to produce any information related to the arrest, because they stated that he was arrested with a warrant.

THE COURT: Okay. And is that your -- is that your understanding as well, Ms. Garousi?

MS. GAROUSI: Yes, Your Honor, similar with the last sort of question we had about this.

THE COURT: And is there evidence of a warrant in H-D-G-H's case?

MS. GAROUSI: Yes, Your Honor. And we have a witness here to testify about that.

THE COURT: All right. Same witness who will be testifying about H-F-M-J?

MS. GAROUSI: Yes, Your Honor.

THE COURT: All right. And will there be testimony that the officers actually knew that there were warrants for

these individuals' arrests at the time of the stop?

MS. GAROUSI: Your Honor, so --

MS. LUSE: Which one?

MS. GAROUSI: For both or (pause) --

THE COURT: Either one or both. I'm not -- so my question is directed to -- relates to both of those individuals that have testified, but my same question from earlier this morning. I mean, is there going to be evidence that these officers who conducted the stops actually knew at the time of these stops that these two witnesses had an outstanding warrant?

MS. GAROUSI: Your Honor, so H-D-G-H, you'll hear testimony how a field warrant was issued for him.

THE COURT: So that's not my question. I'm --

MS. GAROUSI: There was --

THE COURT: I'm wanting to know if there's going to be evidence today that establishes that the officers in the field at the time of these stops knew that these witnesses had an outstanding warrant for their arrest.

MS. GAROUSI: There's not going to be testimony that the officers had warrants before the stops occurred for H-D-G-H or the other declarant. You will hear testimony that the driver of H-D-G-H's car, there was a warrant before they stopped that car.

THE COURT: Okay. So is it -- is it that -- the

government's contention that collateral stops like H-D-G-H are warrantless at the time of the stop and detention and arrest or is it a warrant-based arrest at that time that H-D-G-H was stopped and arrested?

MS. GAROUSI: Well, Your Honor, the government would distinguish between a stop and an arrest. The government's position is that when H-D-G-H was arrested, there was a warrant that was issued.

THE COURT: Which the officer -- for which you are acknowledging the officers had no knowledge of at the time of the stop.

MS. GAROUSI: The -- the -- the warrant was -- yes, Your Honor. The warrant -- the warrant did not exist before the vehicle was stopped, that is correct, for H-D-G-H.

THE COURT: For H-D-G-H.

MS. GAROUSI: Yes.

THE COURT: There was no warrant for him.

MS. GAROUSI: When the vehicle was stopped, there was no warrant for H-D-G-H, who was the passenger in the vehicle. There was a warrant for M-T-M, who was the driver of the vehicle.

THE COURT: Okay. All right. So we're dealing with a situation in which warrants -- are these the I-200s?

MS. GAROUSI: Yes, Your Honor.

THE COURT: The I-200 is actually constructed after

the arrest?

MS. GAROUSI: That -- defendants can -- defendants' position --

THE COURT: I'm interested in chronology. So let's dispense with terms of art at the moment or legal issues.

The warrant did not exist -- as you just acknowledged, the warrant for H-D-G-H did not exist when that car was stopped and when H-D-G-H was arrested?

MS. GAROUSI: Your Honor, we have to distinguish between a stop and an arrest. There was no warrant when the stop occurred. When the arrest occurred, there was a warrant.

THE COURT: Okay. And when was -- when was the arrest that you're contending occurred?

MS. GAROUSI: When the officers -- the officer told H-D-G-H he was under arrest and showed him the warrant.

THE COURT: When H-D-G-H was shown a warrant?

MS. GAROUSI: Yes, Your Honor.

THE COURT: And when was that?

MS. GAROUSI: When he was told he was under arrest.

THE COURT: And I -- when was he told he was under arrest?

MS. GAROUSI: After the warrant was issued.

THE COURT: So I'm not interested in going around in circles. I suppose the "when" is -- maybe we can also clarify the "where." Was he --

Ms. Garousi can handle it on her own, Ms. Luse.

So what I'm trying to understand is that the warrant was issued -- you're saying that the warrant was issued at some point, correct?

MS. GAROUSI: Yes, Your Honor.

THE COURT: All right. Was it -- was it issued in Medford?

MS. GAROUSI: It was issued at the lake, so, yes, Your Honor. Or --

THE COURT: They obtained a warrant while they were being stopped at the lake?

MS. GAROUSI: Yes, Your Honor.

THE COURT: And so was there a written document?

MS. GAROUSI: There was a written document that was produced while the stop was at the lake, yes.

THE COURT: And you're going to produce that document?

MS. GAROUSI: We have produced that document, Your Honor.

THE COURT: You produced it to whom? Did you give it to the plaintiff's counsel?

MS. GAROUSI: I might have misspoken. I don't think -- let me look at our list real quick.

THE COURT: Let me ask plaintiff's counsel. Do you have a copy of an I-200 for H-D-G-H?

MS. CUNNINGS: I believe it's Exhibit 113, which we received from our witness.

THE COURT: Okay. All right. Next witness.

MS. CUNNINGS: Our last and final witness is C-J-V-M, who will also be appearing remotely. And Ms. Garcia Orjuela will be handling the testimony.

THE COURT: Please administer the oath.

THE COURTROOM DEPUTY: Hello. Can you hear me?

C-J-V-M: Hi. Yes, I can hear you.

THE COURTROOM DEPUTY: Thank you. Please raise your right hand.

C-J-V-M

after having been duly sworn under oath, was examined and testified as follows:

THE WITNESS: Yes, the entire truth.

THE COURTROOM DEPUTY: Thank you. Please state your initials only. And you can lower your hand.

THE WITNESS: Okay. C-J-V-M.

DIRECT EXAMINATION

BY MS. GARCIA ORJUELA:

Q. Good afternoon, C-J-V-M.

A. Yes. Good afternoon.

Q. Did you provide a declaration for this case?

A. Correct. That's right.

Q. Did that declaration contain all the truth of what

you understand happened in the incident that you now write?

INTERPRETER EVANS: This is the interpreter speaking. Counsel, can you repeat the question?

MS. GARCIA ORJUELA: I'll rephrase, because, yeah, it's not going to come out the same.

Q. Do -- did that declaration contain the truth of what happened to you to the best of your knowledge?

A. Yes.

Q. How old are you?

A. 32 years old.

Q. And where do you live?

A. In Medford, Oregon.

Q. And how long have you lived there?

A. Approximately two years.

Q. And who do you live with?

A. With my family. That's my wife and my two daughters.

Q. What do you do for work?

A. Well, I'm currently unemployed, but I am searching for employment.

Q. Before, where did you work?

A. I worked at a McDonald's.

Q. And what did you do at that McDonald's?

A. I was the person in charge of maintenance and I would also prepare hamburgers.

Q. When did you first arrive to the United States?

(Interruption in proceedings)

THE COURT: Sir, can you hear the Court?

THE WITNESS: Yes. It's just that it cut off for a little bit.

BY MS. GARCIA ORJUELA:

Q. Okay. I will repeat the question. When did you first arrive to the United States?

A. It was in May of 2024.

Q. And why did you come to the United States?

A. I came to request political asylum.

Q. Do you currently have any pending immigration applications?

A. Yes.

Q. Which one?

A. The one for political asylum pending.

Q. Do you currently have any reporting requirements with Immigration?

A. Yes. I'm reporting to ICE every year.

Q. Have you complied with all of immigration reporting requirements?

A. Yes. All of my reporting is up-to-date.

Q. Now let's talk about what happened on June 13th, 2026. Do you remember what happened that day?

A. Yes. I remember waking up at 3:30 AM.

Q. Is that your usual time that you start your day?

A. Yes. It's when I was beginning my first shift in the morning.

Q. And what did you do before you left your home that day?

A. I prepared for work. I put on my uniform and I left.

Q. Did you speak to any coworkers before you left?

A. Yes. He told me that there had been ICE sightings.

Q. How did they know that it was ICE?

A. Because the plates matched with the reports that were being made on social media.

Q. Did you drive to work that day?

A. Yes. That's right.

Q. Were you alone in your car?

A. Yes, I was by myself.

Q. What time did you arrive to work?

A. That day, I remember that I arrived at 3:58 AM.

Q. How did you know it was that time?

A. Because my managers had not arrived yet, and they always arrive at 4 o'clock to open the restaurant.

Q. And what happened when you got to work?

A. Well, I was going into work, I was looking for somewhere to park, and then officers came behind me, one on each side. They turned on their sirens -- I beg your pardon -- their lights.

Q. How many cars were around you?

A. Four.
Q. Were you able to move your car?
A. No. I couldn't move at all.
Q. Why not?
A. Because there were two ICE officers behind me, one on every side.
INTERPRETER BELISLE: The interpreter needs to clarify a term.
(Discussion off the record: interpreter and witness)
THE WITNESS: And then in front of me there was a sidewalk.
BY MS. GARCIA ORJUELA:
Q. And what happened then?
A. Well, I tried to take out my cellphone to record, but at that time when I was taking it out, the officer started to shout.
Q. Was the officer alone or were there more?
A. No. I remember that there were five male officers and one female.
Q. And what happened then?
A. So the officer that was to the right of me spoke English, the officer that was to the left of me spoke Spanish. They told me to get out of the car and that they had an arrest warrant.

Q. And were you able to open the door?
A. No, because when they were going to get me, they broke the window.
Q. And what happened then?
A. So he said that he had an arrest warrant, broke the window, and the glass crashed to the inside of the car, injuring my ear.
Q. And what happened then?
A. After that, they opened the door, they pulled me out of the car with the car still on, they turned me around and they cuffed me.
Q. Did they ask you any questions before they handcuffed you?
A. No. Just -- they said that they were police and that I had to obey them.
Q. And what happened after you were placed in handcuffs?
A. They asked me who I was and they asked me what I was doing there, and I told them that I was going to avail myself of the right to remain silent.
Q. And what happened next?
A. So they started to speak English amongst themselves, and I didn't understand anything, and then the officer who spoke Spanish asked me to take out my wallet and my ID.
Q. And what happened then?
A. So they took my ID. They had some sort of mobile

device, and took my picture and then they started to talk again.

Q. Did the agents tell you anything else?

A. They just said that they were going to corroborate my information. They asked me who the car belonged to and if it was mine.

Q. And did you respond to this question?

INTERPRETER BELISLE: The interpreter didn't hear the question clearly from counsel.

Q. And did you respond to this question?

A. Yes. I just responded that the car was -- the car belonged to my brother-in-law, that it wasn't under my name.

Q. And what happened next?

A. They took a moment, they confirmed my ID, and then they told me it was a mistake and that they confused me with somebody else, and said thank you.

Q. After the agents arrested you, did they return to that McDonald's?

INTERPRETER BELISLE: The interpreter isn't sure if he heard the question clearly. "After the agents arrested you, did they return to" --

MS. GARCIA ORJUELA: Did the agents return.

A. Yes. About approximately three weeks ago, my ex-coworkers told me that they were returning to that McDonald's.

Q. Are you still afraid that ICE can detain you?

A. Yes, I'm still afraid and I've kept the trauma of what happened that day.

Q. Has anything happened again involving ICE agents after the window breaking incident?

A. So just when I had an appointment in Portland, they followed me. It was a black one without license plates. And so, yes, I've remained afraid.

Q. And how did you know this was ICE?

A. Because when I was trying to park, they came in front of me. I reversed. They followed me, and I was able to see them in the rearview mirror that they had black glasses on and something covering their mouths.

Q. Did you notice anything else that they were wearing?

A. Yes. I just managed to see the vests they always wear.

MS. GARCIA ORJUELA: No further questions, Your Honor.

THE COURT: Ms. Luse.

CROSS-EXAMINATION

BY MS. LUSE:

Q. Just a few things I need to clarify. You had indicated that when you were approached, that the front of your car was up against a sidewalk? Is that correct?

A. Yes.

Q. And that the -- means that you were ready to get out of your car and go to work at that point?

A. I hadn't gotten out yet, because none of the managers had arrived yet to open the restaurant.

Q. But that's where your vehicle would have stayed should -- would you have gone into the restaurant?

A. Yes, parked.

Q. How much time passed between when the officers got out of their vehicle and when they knocked on your window?

A. So I parked, and then they came up behind me. And it was really quick. It was maybe 20, 30 seconds.

Q. (Pause). That was ten seconds between the time you answered your question and the time I started speaking again.

Does it seem like it would have been three times that amount of time between when they left their vehicles and knocked on your window?

A. Yes, because they were waiting for me.

Q. Why were they waiting for you?

INTERPRETER BELISLE: The interpreter didn't hear the whole sentence.

(Discussion off the record: interpreter and witness)

THE WITNESS: So they were parked in strategic positions to be able to access quickly the point that I was at.

BY MS. LUSE:

Q. So let me make sure I understand. They pull up behind you and they get out of their vehicles and then they stand there for some reason?

INTERPRETER BELISLE: The interpreter needs to restate the question.

A. So the parking spots for the vehicles, employees, are, like, in a painted area, and two of the cars were about two or four meters from me, so it's really easy to access and park behind.

Q. So the officers exited their vehicle and two of them came up to the side of your vehicle. Is that correct?

A. Yes. I -- I commented that one came to my right side, and then quickly two others came behind.

Q. Was there one individual on your passenger side and another officer on the driver's side of your vehicle?

MS. GARCIA ORJUELA: Objection, Your Honor. Asked and answered.

THE COURT: Overruled.

Please go ahead and answer the question.

A. Yes.

Q. And then you've mentioned a third individual. What side of the vehicle was he on, or she?

A. The third person was on -- to the side of the officer on the left-hand side.

Q. So on the driver's side?
A. Yes.
Q. So there were two individuals on the driver's side and one individual on the passenger's side? Was this --
A. Exactly.
Q. -- when they started chatting with you or asked you to roll down your window or get out of the car?
A. They just said that they had an arrest warrant. They didn't say anything else.
Q. And at the time they said they had an arrest warrant, your window was up?
A. Yes.
Q. Where was your phone?
A. It was on the passenger seat covered with some jackets.
Q. Did they tell you to get out of the vehicle before or after they told you they had a warrant?
A. After.
Q. And did you get out of the vehicle?
A. No. I stayed in the vehicle because I wanted to record and I didn't understand why they were arresting me.
Q. So the officers told you to get out of the vehicle, and instead of doing so, you reached under your jacket in your passenger side of your vehicle, your passenger seat, for your phone?

A. Yes. I wanted to record, yes.

Q. Did you tell the officers that you wanted to record and you were going to use your phone to do so?

A. No. I wanted to record because I was afraid. I didn't know what they were going to do to me.

MS. LUSE: No further questions.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MS. GARCIA ORJUELA:

Q. C-V-J-M, can you remind us how long was -- did it take from the moment that the agents started to get out of the car until the moment they broke your window?

A. I'm saying it is approximately, and I think this is a lot of time, 20 or 30 seconds later they broke my window.

MS. GARCIA ORJUELA: No further questions, Your Honor.

THE COURT: All right. Can this witness be excused?

MS. GARCIA ORJUELA: Yes, Your Honor.

THE COURT: Any objections, Ms. Luse? I'll take that 10, 15, or 20-second pause to mean that you don't object.

MS. LUSE: I'm contemplating.

THE COURT: You're excused. Go ahead and you're welcome to disconnect at this point.

THE WITNESS: Okay. Thank you.

THE COURT: Your next witness.

MS. CUNNINGS: That's the close of our evidence.

(Petitioner rests)

MS. CUNNINGS: I believe the one remaining matter is to give you our corrected Exhibit 109 --

THE COURT: Yes. I'll take 109.

MS. CUNNINGS: -- if this would be the appropriate --

THE COURT: We're going to break in just a moment and then come back.

And who will be conducting the direct examination of the agent?

MS. GAROUSI: Me, Your Honor.

THE COURT: All right. And how long do you anticipate that to take?

MS. GAROUSI: I'd say probably 30 minutes or so.

THE COURT: Okay. Let's take 15 and we'll return at, say, 3:10. Thank you. We're in recess.

(Recess: 2:53 - 3:17)

THE COURT: Ms. Garousi, call your witness.

MS. GAROUSI: The government would call Officer J.G.

THE COURT: Please come up to the witness stand and the courtroom deputy will swear you in.

THE COURTROOM DEPUTY: Please raise your right hand.

OFFICER J.G.

after having been duly sworn under oath, was examined and testified as follows:

THE COURTROOM DEPUTY: Please state your initials for the record and be seated.

THE WITNESS: J.G.

THE COURT: Ms. Garousi.

DIRECT EXAMINATION

BY MS. GAROUSI:

Q. Good afternoon, Officer J.G.

A. Good afternoon.

Q. Officer J.G., who are you employed by?

A. Immigration and Customs Enforcement.

THE COURT: Can you speak closer to the microphone?

THE WITNESS: Yes, sir. Immigration and Customs Enforcement.

Q. And what is your title?

A. Deportation officer.

Q. As a deportation officer, what are your duties?

A. Our duties are to track down unlawful people that are in our country, that are not here lawfully.

Q. And what's your area of responsibility?

A. The Seattle area is where we were at, but we're out of Alaska -- Alaska, Oregon, and Washington.

Q. What office do you typically work out of?

A. Oh. Medford office.

Q. But when you say area of responsibility covers Seattle, Alaska, you specifically work out of the Medford

office for this area of responsibility? Is that correct?

A. That is correct.

Q. And how long have you worked for ICE?

A. Less than a year. About 11 months.

Q. And before you were working for ICE, who were you working for?

A. The Department of Veterans Affairs.

Q. What did you do for the VA?

A. Police officer.

Q. And how long were you there for?

A. Thirteen years.

Q. Okay. And before working for the VA, who did you work for?

A. The City of Grants Pass, police officer.

Q. And how long were you there for?

A. Two years.

Q. So it sounds like you've had about at least 15 years of experience as a law enforcement officer. Is that correct?

A. That is correct.

Q. And as a law enforcement officer, have you received training?

A. I have.

Q. And can you just tell us a little bit about the training you received prior to joining ICE?

A. A lot of it was with Grants Pass. It was state

training, patrol, arrests, use of force. And the same thing with the Veterans Affairs. It was just a lot of patrol, use of force, a lot of the laws. That's pretty much it in a nutshell.

Q. Okay. And what training have you received since joining ICE?

A. I went to the academy and I just received the same thing: use of force, arrest, immigration law. And that's pretty much -- that's pretty much it in a nutshell.

Q. Okay. And how long was your time at the academy?

A. About 42 days.

Q. And when did you go to the academy?

A. Around December 1st through January 23rd.

Q. Okay. December 1st of 2025 through January 2026? Is that correct?

A. Yes.

Q. Okay. Officer J.G., do you have any military service?

A. I do.

Q. Can you tell us a little about your military service?

A. I was in the Navy and I was in the Army and I did reserves in the U.S. Air Force.

Q. How long were you in the military for?

A. A lot of it was reserve time, but deployments, and so all together I would say about eight years.

Q. Where were you deployed to?
A. COB Adder, Iraq.
Q. How long were you there for?
A. One year.
Q. Officer J.G., we're here today to discuss events surrounding the arrest of H-D-G-H on July 26, 2026, and your encounter with C-J-V-M on July 13th, 2026. Are you familiar with these individuals and the events on these dates?
A. I am.
Q. All right. Were you physically present during the encounters with these two individuals?
A. Yes, I was.
Q. All right. Let's start with C-J-V-M. Can you tell us where you were immediately before you encountered C-J-V-M?
A. So I know we're going with initials, but I need a little more, that way I can separate the cases. I've done so many cases.
Q. The encounter that I'm -- that we're going to discuss first occurred at a McDonald's parking lot. Does that ring a bell for you?
A. It does.
Q. Okay. Okay. So where were you immediately before you -- your encounter with C-J-V-M?
A. I was sitting in one of the ICE vehicles waiting for the -- a vehicle to arrive that we'd been looking at.

Q. So were you in the McDonald's parking lot?
A. Yes.
Q. And why were you in the McDonald's parking lot?
A. We were waiting for a specific target to show up to -- to the McDonald's.
Q. What did you know about that specific target?
A. We -- we ran him and we found out that he had a final order, so we got the proper documents to place him under arrest when he arrived.
Q. And --
THE COURT: When you say "him," who are you referring to?
THE WITNESS: The target that we -- the target that we were looking for.
THE COURT: And how did you identify that this was the location the target would -- would end up being found at?
THE WITNESS: Because earlier, probably about a couple weeks before that, we ran a vehicle plate and it came back registered to that person.
THE COURT: And how did -- so you ran the plate at that McDonald's?
THE WITNESS: Yes, sir.
THE COURT: A couple of weeks before?
THE WITNESS: Yes, sir.
THE COURT: All right. And is that the -- is that

C-J-V-M?

THE WITNESS: No. It -- that -- that person, C-J, he was driving our target's vehicle.

THE COURT: Okay. Please continue.

BY MS. GAROUSI:

Q. Okay. So Officer J.G., I think you mentioned that the target had a final order. Is that correct?

A. That is correct.

Q. So did you have a warrant for the target's arrest?

A. We had an I-200, but we didn't -- we didn't specifically need that. We had a 205.

Q. And you're referring to -- a Form I-205, is that also referred to as a warrant for removal?

A. Yes. I'm sorry.

Q. No. That's okay. Okay. So from your testimony so far, I understand that you were waiting in the McDonald's parking lot for the vehicle because you knew that the registered owner had a final order. Is that correct?

A. That is correct.

Q. Okay. So can you tell us --

THE COURT: Did you have a photograph of that target?

THE WITNESS: Yes, sir.

THE COURT: And are these clear photos? I mean, are they pretty easy to use to identify people with?

THE WITNESS: Yes, sir.

THE COURT: And did you make any effort to identify the driver of that vehicle on the day that we're talking about?

THE WITNESS: Yes, sir.

THE COURT: And were you able to determine one way or the other if the driver was the target?

THE WITNESS: He placed his hand over his face.

THE COURT: Huh. Go ahead.

BY MS. GAROUSI:

Q. To back up for a second, Officer J.G., what time were you in the McDonald's parking lot?

A. About 3:45 AM.

Q. Had the sun risen at that point?

A. No.

Q. Was it dark out?

A. Yes.

Q. Okay. So I think my last question might have been can you tell us what happened -- so you're waiting in the McDonald's parking lot. What happens next?

A. We see the vehicle pull up. Two of the vehicles pull up behind him. Officers get out on one side and head over to the passenger. Other officers, including myself, head over to the driver's side. Since it was dark, we had flashlights and we had the emergency lights on.

I tapped on the window and asked him to roll the

window down and that we were police. He covered his face. And I -- and I asked him in English and in Spanish to roll down the window, and he would just sit in the vehicle. And he went to go reach for something in the console, and I didn't know what he was reaching for because it was so dark, so I broke the window, unlocked the door, removed the individual with the help of other officers, and placed him into handcuffs.

Q. Before you broke the window, did you say anything to him?

A. Just that we were police, to roll down the window.

Q. And did you say that in English?

A. And in Spanish.

Q. Okay. And how many times did you ask him to roll down the window?

A. Twice.

Q. About how much time elapsed from you giving -- from you walking up to the driver's side of the car to when you broke the window?

A. About two minutes.

Q. Two minutes you stood at the driver's side of the door before you broke the window?

A. Oh, no. I'm sorry. I misunderstood the question. About -- that, about 30 seconds.

Q. Okay. And so you mentioned that you saw the driver

reach into his center console. Is that right?

A. That is correct.

Q. Did you have any concerns that he was reaching into his center console?

A. From my training and experience, when an individual reaches for the center console, they could be reaching for a weapon. So I don't know what he was reaching for, so I assumed the worst, that it was a weapon.

Q. And you couldn't see what he was reaching for?

A. I could not.

Q. Okay. And you mentioned that he was also covering his face. Is that right?

A. That is correct.

Q. And what did that make you think?

A. At first it made me think that he was covering his face because he didn't want us to see who he was, because he -- the -- the community knows that we were out in force, so it -- the word spread that Immigration was out everywhere.

THE COURT: Can you show me how he was covering his face?

THE WITNESS: (Indicating).

THE COURT: And for the record, you were using your left hand with the palm facing out --

THE WITNESS: Yes.

THE COURT: -- blocking the left side of your face?

THE WITNESS: That is correct.

THE COURT: Which would have been closer to the -- the closest to the window side.

THE WITNESS: That is correct.

THE COURT: Okay.

BY MS. GAROUSI:

Q. What happened after you broke the window?

A. I unlocked the door, opened the -- opened the door, and one of the officers pulled him out. And once we pulled him out, we grabbed his wrists and we put his hands behind his back and we placed him in handcuffs.

Q. And why did you put him in handcuffs?

A. Just to de-escalate the situation. We didn't want anyone reaching for any more weapons like a knife in the pocket or maybe a weapon on his person.

Q. And did the fact that you saw the driver reach toward the center console play into your decision to place him in handcuffs?

A. Yes.

Q. Why?

A. Because I -- because I didn't know what -- what was in there. If there was any kind of weapons, it's still within his reach.

Q. And so the driver's in handcuffs. Where in relation to the car is he?

A. He's standing behind the driver's back door, the back door behind the -- the door behind the driver's side.

Q. What happens next?

A. We ask him his name. And by then I can clearly see by using the flashlight that that was not the person we were looking for. So I asked him why did he not unlock the door, and he said because he was scared.

Q. Was it not until the driver was out of the car that you realized he was not your target?

A. Yes.

Q. When you asked him -- did you say you asked him his name? Is that right?

A. Yes.

Q. Did he answer you when you asked him?

A. He did.

Q. He did?

A. (Nodding head).

Q. And then what happened after you asked his name?

A. I asked him where the driver of the vehicle was. I asked him who owned -- where was the driver -- the person who owned that vehicle, and he said it belongs to his father-in-law and he was using it.

Q. So he told you that the driver of the vehicle was his father-in-law?

A. The owner of the vehicle was, yeah, his

father-in-law.

Q. Excuse me. Thank you for correcting me there.

What happened next?

A. We confirmed his ID -- his identification, who he was. One of the other officers was speaking to him. Once we confirmed who he was, we realized that -- we discovered that he had an application for asylum and he was working without authorization, so we called our supervisor to see what steps to take next.

Q. Okay. And what did your supervisor say?

A. No. I believe that the gentleman was on OREC, but -- so he said to let him go.

Q. Did you let him go?

A. Yes, ma'am.

THE COURT: When you say, "OREC," meaning what?

THE WITNESS: Oh. He was coming down to the office to check in once a -- whenever he was required to with one of the officers.

THE COURT: OREC, is that own recognizance?

THE WITNESS: Oh, yes. I'm sorry, sir.

THE COURT: Okay.

BY MS. GAROUSI:

Q. So once you -- your supervisor told you to release him and you did, what happened next?

A. We removed him off handcuffs, made sure he was -- he

was good. I asked him to come down to the office and fill out a tort claim for his window and to speak to his father-in-law to come down and check in with -- at the office.

Q. About how long was C-J-V-M in handcuffs for?

A. Probably two minutes.

Q. So two minutes from when you pulled him out of the car to when your supervisor said release him. Is that correct?

A. Yeah. About two minutes.

Q. Okay. Do you know if C-J-V-M ever came down to the office to make a tort claim?

A. I do not.

Q. Okay. Officer --

THE COURT: Is ICE paying for broken windows?

THE WITNESS: My supervisor asked me to tell him to come down and fill out a tort claim.

THE COURT: I mean --

THE WITNESS: So I imagine so.

THE COURT: Okay. And why is it called a tort claim?

THE WITNESS: That's what it's always been called since I worked for the government. They pay for any property damage that was caused by the government.

THE COURT: All right.

BY MS. GAROUSI:

Q. Okay. Officer J.G., we're going to turn to the other

encounter. So this is the one with H-D-G-H. And do you recall encountering H-D-G-H in a Wal-Mart parking lot?

A. I do, but go ahead.

Q. I'm just trying to familiarize you with this one as we're turning topics.

A. Yes.

Q. Okay. So where did you -- where did you first encounter the passenger in the vehicle H-D-G-H was traveling in?

A. At Immigrant Lake.

THE COURT: I want to make sure we're talking about the same person. So you're saying H-D-G-H? Is that correct?

MS. GAROUSI: Yes, Your Honor.

THE COURT: Okay.

Q. Can you repeat your answer? I'm sorry. I didn't hear that.

A. At -- I encountered him -- or we encountered him at Immigrant Lake.

Q. Okay. And before you encountered him at Immigrant Lake, where were you?

A. We were at the Wal-Mart in Medford, north Medford.

Q. Okay.

A. Correction. South Medford.

Q. And what were you doing in the Wal-Mart parking lot on that date?

A. We were just running license plates.

Q. And did you run the plate on H-D-G-H's -- the vehicle H-D-G-H was traveling in?

A. Yes.

Q. And what -- what information did you obtain from that plate run?

A. That the registered owner -- it came back to the registered owner that started with the initial M. And we -- he ended up -- we -- after running it through the FCC, we did -- they sent back that he was unlawful here in the United States.

THE COURT: And what was the database you ran it through?

THE WITNESS: FCC, Field Communications Center.

MS. GAROUSI: Your Honor, may I clarify?

THE COURT: Go ahead.

BY MS. GAROUSI:

Q. Is FCC a database?

A. It is.

Q. It is a -- oh, it is a data --

A. We -- we send it -- it's -- it's a -- it's run on Teams. And we send in the information, and there's officers there that run it for us and send us back the information. They run it through UPACS, TECS, and LEDS, NCIC.

Q. So you in the field obtain a license plate and you

send that information via Teams to other people who then run the searches? Is that correct?

A. That is correct.

Q. Okay. And is that team of people called the FCC?

A. Yes.

Q. Okay. And can you remind me, what did you say the information you got back about the registered owner was?

A. That he was -- I'm going off my memory, but what -- it came back that he was not a citizen of the United States, that he was unlawful here.

Q. Were you provided a photo of the registered owner of the vehicle?

A. Yes.

Q. Were you provided a warrant for the registered owner of the vehicle?

A. Yes.

Q. And the FCC team is the one who sends that to you?

A. Yes.

Q. They send it to you via Teams as well?

A. Yes.

Q. About how long does it take from when you provide this information to the FCC via Teams to when you get the warrant back?

A. That varies. Sometimes it's five minutes, sometimes it's up to 20 minutes. It just depends on what they find.

Q. Do you recall how long it took in this situation?
A. I don't.
Q. Okay. So what's happening in -- so are you at the Wal-Mart parking lot at this point when you're sending the information to the FCC team?
A. Yes.
Q. And so what are you guys doing while you're waiting?
A. We just sit there and run random plates, and then once we get a hit, we wait for the person to come back.
Q. Did you see the driver and the passenger re-enter the vehicle?
A. Yes.
THE COURT: Were you able to make a positive identification of the registered -- the registered owner of the vehicle at that time?
THE WITNESS: Yes, sir.
THE COURT: All right.
BY MS. GAROUSI:
Q. So you see them enter the car. What happens next?
A. We ended up getting the warrant, but by then it was too late, so we had to follow them. So we -- they got into the roadway and we followed them at a distance. We followed them for about 20 minutes, maybe 30, and we ended up at Immigrant Lake.
THE COURT: You waited that long because why? You

didn't have the warrant yet?

THE WITNESS: We had -- we had the warrant, sir, but because of -- ICE put a stop so we couldn't do vehicle stops.

THE COURT: You mean on the road?

THE WITNESS: Yes, sir.

THE COURT: Okay. Go ahead.

MS. GAROUSI: Okay.

BY MS. GAROUSI:

Q. So you -- so you followed the car to the lake. And then what happens at the lake?

A. We -- we had to wait till they parked. Once they parked, we went around them and we got out of our vehicles. And I went around to the passenger side. My partner, SDDO C.D., walked to -- over to the driver's, spoke with him for a little bit, asked -- asked him to exit the vehicle, and he placed him into handcuffs.

THE COURT: You said, "SDDO." What does that stand for?

THE WITNESS: It's our -- our supervisor.

BY MS. GAROUSI:

Q. Does SDDO stand for Supervisor Deportation and Detention Officer?

A. It does.

Q. Okay. And your partner's initials one more time, please?

A. D.C.

Q. Okay. You earlier said C.D., but it's D.C., correct?

A. That is correct.

Q. Okay. Okay. So what did your partner do after the vehicle came to a stop?

A. We both exited the vehicle and we approached the -- the target's vehicle. I went to the passenger, he went to the driver's. He spoke to the driver for a few minutes. Once the driver exited the vehicle and -- he placed him into handcuffs. Once he placed him into handcuffs, he took him and put him in back of the patrol vehicle.

Q. Could you hear your partner's conversation with the driver?

A. Just a few words here and there.

Q. What did you hear your partner say?

A. Oh, he asked him for his name and where was he from, how long has he been here. And he asked him a few other things that I don't recall.

Q. When did he ask the driver for his name?

A. When he had pulled him over. Or not pulled him over. Correction. When he was speaking with him through the window -- or he rolled down the window, was speaking to him.

Q. And from where you were standing, could you see or hear the driver answering your partner's questions?

A. Yes.

Q. And was the driver answering your partner's questions?

A. Yes.

Q. Okay. So after your partner finishes talking to the passenger, what does your partner do? I mean -- excuse me.

After your partner finishes talking to the driver, what does your partner do?

A. He asked me if I identified the passenger, and I -- I said no, so he came around and started talking to him since his Spanish is better than mine.

Q. While you were -- while your partner was talking to the driver, were you at all talking to the passenger?

A. I tried to come up with a little bit of small talk, but he just stayed silent.

Q. Okay. And while your partner was talking to the driver, where was the passenger sitting?

A. Just in the passenger seat.

Q. So he was still in the car at that point?

A. Yes.

Q. Okay. About how long would you say the encounter was with your partner and the driver before the driver was taken out of the car and placed in handcuffs?

A. Probably two minutes.

Q. And then so after the driver is placed in handcuffs, what happens next?

A. He put him in the back of the vehicle, Immigration vehicle.

Q. And so then your partner comes to the passenger side? Is that right?

A. Yes.

Q. And let me back up for a second. Do you know if your partner showed the driver the warrant you had previously obtained for the driver?

A. I do not.

Q. Okay.

THE COURT: Did you have a physical copy of the 205?

THE WITNESS: We -- it was on the -- it was on the Teams. It was on the phone.

THE COURT: So you did not have a physical copy?

THE WITNESS: But we do not have a hard copy.

THE COURT: Okay.

BY MS. GAROUSI:

Q. And the form you had obtained for the driver was a Form I-200? That's correct?

A. That is correct.

Q. Okay. So what happens when your partner gets to the passenger side of the vehicle?

A. He asked him -- his Spanish was better, so he asked him what -- his name, where he was from, how long he's been in the country. And he was cooperative with him.

Q. When you say, "he was cooperative with him," do you mean that the passenger was cooperative with your partner?

A. Yes.

Q. And when you say, "he was cooperative," does that mean the passenger was answering your partner's questions?

A. Yes.

Q. While the passenger was answering your partner's questions, was he in handcuffs?

A. No.

Q. Was he still sitting in the car?

A. Yes.

Q. At any point (pause) -- while your partner was talking to the passenger at this time, did your partner tell the passenger that he was being arrested?

A. No.

Q. Okay. So what happens after your partner talks to the passenger?

A. My partner tries to use his phone to identify him, but we're -- the area we were in, the service wasn't very good, so he made a call to another SDDO by the name -- by the name of J.W. J.W. answered the phone and ran it. He was at the office, so he ended up running it and finding his identity.

Q. And the passenger -- while your partner was talking to him, the passenger gave your partner his name. Is that

correct?

A. Yes.

Q. And is his name -- was the passenger's name H-D-G-H?

A. Yes.

Q. So --

THE COURT: Did your partner have any other identification from H-D-G-H?

THE WITNESS: Not that I -- not that I know of.

THE COURT: All right. So it was just the -- just H-D-G-H's name that your partner ran?

THE WITNESS: Name, date of birth, and the country he was from.

THE COURT: Okay.

BY MS. GAROUSI:

Q. Did H-D-G-H state that he was in the country without status?

A. I don't know.

Q. Okay. Do you know if your partner asked him that?

A. I don't know.

Q. Okay. So you testified that your partner, he didn't have good cell service, so he called SDD -- SDDO J.W. What are you doing while your partner's on the phone with SDDO J.W.?

A. I'm just standing there watching -- watching him, make sure he didn't reach for any kind of weapons.

Q. Are you talking to H-D-G-H at all?
A. I'm not. He didn't seem like he wanted to talk.
Q. Do you know what the result of the conversation your partner had with SDDO J.W. was?
A. What I do know is he ended up confirming his identity, and that's when he walked over to the patrol vehicle, the ICE vehicle, and filled out some paperwork.
Q. So SDDO J.W. confirmed the identity of the passenger?
A. Yes. They found a picture, too.
Q. Okay. And did they send that picture to SDDO -- your partner?
A. That, I don't know.
Q. Okay. And then you said your partner filled out some paperwork? Is that correct?
A. Yes.
Q. What paperwork did he fill out?
A. He filled out an I-200.
Q. Okay. So once your partner had the I-200, what happens next?
A. He comes back around the car, and we asked him to step out of the vehicle and we told him he was under arrest, and we placed him in handcuffs. We checked him for weapons and we put him in the back of the vehicle of our -- our patrol vehicle.
Q. Did you guys show him the Form I-200?

A. I don't know if he did or not.

Q. Okay. And you said -- you said after you put him in handcuffs, you placed him in the back of the vehicle. Is that correct?

A. That is correct.

Q. And then from -- did you transport him to the Medford office thereafter?

A. Yes.

Q. Do you recall having any interaction with H-D-G-H while you were at the Medford office?

A. Just the standard questions that we ask everybody.

Q. And what are those standard questions?

A. When did he come -- when did he come into the country, mother and father, if he had any children, medication, health issues, just the normal Seattle questions that we ask, and I don't -- I don't really have them memorized.

Q. Okay.

MS. GAROUSI: Do you guys have a warrantless copy I can use?

MS. CUNNINGS: You guys want to use our exhibit?

MS. GAROUSI: Yes, please.

MS. CUNNINGS: Which one?

MS. GAROUSI: 112, please.

MS. CUNNINGS: We gave you a copy.

MS. GAROUSI: Yeah. All right. I'll just get one. That's fine.

Your Honor, may I approach?

THE COURT: You may.

BY MS. GAROUSI:

Q. Officer J.G., I'm showing you what's been marked as Exhibit 112. Do you want to take a second to look through this document and tell me when you're ready for me to ask you a couple questions about it?

A. You can proceed.

Q. Okay. If you turn to the second page, do you see where it says, "Encounter"?

A. Yes.

Q. Did you write that portion of the I-213?

A. I did.

Q. Are there any differences between what's written in this Exhibit 112 at page 2 versus what you've just testified to?

A. Let me read it.

Q. Okay.

A. (Pause-referring). Yeah, there is.

Q. Can you tell me what those differences are?

A. I wrote this as if I was -- if I already knew who the person was, but I did not.

THE COURT: And what are you referring to?

THE WITNESS: The bottom down here, sir (indicating).
THE COURT: Second paragraph?
THE WITNESS: Yes, sir.
MS. GAROUSI: Your Honor, can I proceed?
THE COURT: Yes.
MS. GAROUSI: Oh, okay.
BY MS. GAROUSI:
Q. Officer J.G., can you explain why this form is different than what you testified to?
A. Because I also wrote the narrative for the driver, so I pretty much wrote it the same as this one, and that's where I made the mistake of not correcting the second paragraph.
Q. So you think you just -- scratch that.
THE COURT: Is it -- are we talking about the paragraph after the heading, "Arrest"? Officer? Is that what you're referring to?
THE WITNESS: I'm speak -- I'm referring to ERO Medford initiated an investigation to locate and apprehend him. I did not have a warrant at the time for this gentleman. I did not even -- I did not even know he existed. That's a discrepancy, sir.
THE COURT: And then the -- well, the following paragraph after "Arrest", it says that on July 26, 2026, the arrest team observed a subject matching G-H description as a passenger. That couldn't have happened either, right?

THE WITNESS: No.
THE COURT: All right. Please continue.
MS. GAROUSI: Your Honor, may I approach?
THE COURT: Yes. And are you going to show him a document?
MS. GAROUSI: I am, Your Honor.
THE COURT: Which document?
MS. GAROUSI: It's not one that's been admitted into evidence yet. It's Exhibit 501, so we're going to use him.
THE COURT: Well, are you -- and remind me, what is the nature of the document?
MS. GAROUSI: It's a -- it's a Form I-200.
THE COURT: Okay. And is that consistent with whatever is Exhibit 113?
MS. GAROUSI: Your Honor, this is an I-200 for a different declarant.
THE COURT: It's for a different -- I'm sorry.
MS. GAROUSI: Declarant. A different witness who's already testified.
THE COURT: Oh, okay. Not H-D-G-H.
MS. GAROUSI: No, Your Honor.
THE COURT: All right. And you want to -- is this where you're wanting to establish a foundation --
MS. GAROUSI: Yes, Your Honor.
THE COURT: -- to authenticate it? Okay. Go ahead.

MS. GAROUSI: Oh, am I allowed to give that to you yet?

THE COURT: Yes.

BY MS. GAROUSI:

Q. Officer J.G., do you know what this document is?

A. Yes, an I-200, arrest warrant.

Q. And does ICE maintain I-200s in the regular course of business?

A. Yes.

Q. Is this the standard Form I-200?

A. It is.

MS. GAROUSI: Your Honor, the government would move to admit Exhibit 501.

(Respondents' Exhibit 501 offered)

MS. SAAVEDRA VANACORE: Your Honor, we object. Officer J.G. has no personal knowledge of this exhibit, proposed exhibit, and defendants have not met the business record exception. Plaintiffs, in fact, have shown that the source of information and the method or circumstances of preparation using -- the making of this document indicate a lack of trustworthiness. The evidence, including the Exhibit 112, indicate that defendants' records are not trustworthy. They contain erroneous information. They're internally inconsistent.

THE COURT: Well, how would -- are you talking about

this I-213 or I-213s generally?

MS. SAAVEDRA VANACORE: The ones that we have seen in this case.

THE COURT: Okay. Well, that hasn't been -- I mean, I don't know how you prove that part about inconsistencies or unreliabilities at this stage. Do you have questions you want to ask this witness --

MS. SAAVEDRA VANACORE: Yes.

THE COURT: -- about 501? You're welcome to in aid of objection if you'd like.

MS. SAAVEDRA VANACORE: Yes. I would like to ask the witness questions --

THE COURT: Go ahead.

MS. SAAVEDRA VANACORE: -- regarding this. Okay.

QUESTION IN AID OF OBJECTION

BY MS. SAAVEDRA VANACORE:

Q. Officer J.G., is -- is this the first time that you've seen this document?

A. It is.

THE COURT: So you're not the author of this document?

THE WITNESS: I'm not.

THE COURT: Okay. Are you charged with -- any of your responsibilities with being a custodian of all of these I-213s that are kept with -- with your agency?

THE WITNESS: I'm not.

THE COURT: All right. That objection's sustained. It doesn't meet the business records exception, but with respect to any other allegations about unreliability, inconsistencies, I'm not making such a finding at least on the record we have yet.

MS. SAAVEDRA VANACORE: Thank you, Your Honor.

MS. GAROUSI: No further questions for this witness.

THE COURT: Okay.

MS. CUNNINGS: Your Honor, might we request a ten-minute recess before cross?

THE COURT: So you're asking for a ten-minute recess?

MS. CUNNINGS: I am.

THE COURT: Okay. Let's take ten minutes.

All right. Officer, you're welcome to step down; however, since you're still testifying, you are ordered not to discuss your testimony -- subsequent testimony with anybody until after you're completed with your testimony and you're excused. Okay?

THE WITNESS: Yes, sir.

THE COURT: All right. Ten minutes.

(Recess: 4:03 - 4:17)

THE COURT: Counsel.

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CROSS-EXAMINATION

BY MS. SAAVEDRA VANACORE:

Q. Good afternoon, Officer J.G.

A. Good afternoon.

Q. You are familiar with the DHS Form I-200?

A. I am.

MS. SAAVEDRA VANACORE: Your Honor, may I approach the witness with --

THE COURT: You may.

MS. SAAVEDRA VANACORE: Thank you.

THE COURT: And you're referring -- what exhibit are you referring to?

MS. SAAVEDRA VANACORE: Exhibit 113.

THE COURT: Okay.

BY MS. SAAVEDRA VANACORE:

Q. You had this form with you in the morning of July 26, 2026, when you began your work shift?

MS. GAROUSI: Objection. Misstates testimony.

THE COURT: Overruled. That was a kind of a leading question.

You can either say yes, no, or explain if you'd like.

A. I did not.

Q. You had this form -- you had blanks of these forms, correct?

A. Yes. The SDDO has blanks -- blank forms in his

vehicle.

THE COURT: And the SDDOs, they're authorized to issue warrants, correct?

THE WITNESS: They are, sir.

THE COURT: You weren't authorized to issue one?

THE WITNESS: No, sir.

THE COURT: All right.

BY MS. SAAVEDRA VANACORE:

Q. I want to point out the -- the printed name that is at -- in the middle of the document. That is your -- your partner whose name appears there. Is that correct?

A. It is -- in the center of the page where it's signature of authorized immigration officer, that is my partner.

Q. So just to confirm, that's Badge Number 6269? That's who you referred to as D.C. earlier?

A. Yes.

Q. You -- you said that the officer -- that the SDDO has these forms. That would -- that includes your partner, correct?

A. He's the only one that has them, yes, the blank ones.

Q. And when you say that he had the blank forms, that that refers to the file number, that was blank?

A. (No audible response).

Q. The line for the file number in the top right of the

document, was that blank?

A. That is also blank.

Q. And the date was blank?

A. Yes. The whole page is blank.

Q. So the line where the respondent's name would go was blank, correct?

A. Say that one more time.

Q. The line where the respondent's name would go was blank?

A. Yes.

Q. And in the certificate of service box, the lines for location, name, date of service, and language was blank?

A. Yes.

Q. And the name and signature of the officer was also blank?

A. Yes.

Q. Okay. And --

THE COURT: Well, so the printed name and title of authorized immigration officer, that's already -- I mean, that's typed out, it's printed?

THE WITNESS: Yes, it's printed.

THE COURT: So is that already on the form, the form I-2 -- the I-200? Or let me ask it this way. Does -- does your SDDO have a printer and computer in the -- in the rig to print these forms out?

THE WITNESS: He does, but I don't know if he had one that day.

THE COURT: Okay.

BY MS. SAAVEDRA VANACORE:

Q. So the signature line where the -- D.C.'s name appears, just to confirm, that was printed -- pre-printed?

A. That, I don't know.

THE COURT: Well, I mean, so if -- wait a minute. Everything else was filled out by hand. I mean, is there any reason why that you know of that -- that your partner would have just simply had his name printed and then hand filled everything else out off of a computer and printer?

THE WITNESS: I see what the confusion is, and that -- I don't have any answers to that.

THE COURT: Okay.

THE WITNESS: I really don't know.

THE COURT: Do you know if the SDDO keeps, like, a stack of these available as needed?

THE WITNESS: He does.

THE COURT: And do you know if he has several different ones that reflect different boxes checked instead of the last one on the document that we have here, 113?

THE WITNESS: I don't know.

THE COURT: Okay.

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BY MS. SAAVEDRA VANACORE:

Q. At the bottom of the form, there's a line for the name and signature of officer. That's your name that appears, correct?

A. It is.

Q. And so you were the investigating officer that issued this warrant?

MS. GAROUSI: Objection. Misstates testimony.

THE COURT: Overruled. If you understand the question, you're welcome to answer it. If you want clarification, ask for clarification.

THE WITNESS: You can give me more clarification.

BY MS. SAAVEDRA VANACORE:

Q. Okay. Does your -- your signature indicate that you issued this warrant?

MS. GAROUSI: Your Honor, same objection.

THE COURT: It's sustained. There's a different -- I take it there's a difference between issuing the warrant and serving it.

THE WITNESS: Yes, sir.

THE COURT: Your SDDO issued the warrant?

THE WITNESS: Yes, sir.

THE COURT: You served it?

THE WITNESS: Yes, sir.

THE COURT: Okay.

BY MS. SAAVEDRA VANACORE:

Q. And the SDDO was the one who had the information regarding H-D-G-H?

A. Yes.

Q. Okay. So in this case, the investigating officer, the SDDO, your partner, D.C., issued the warrant and then he executed the warrant as well?

A. Once he fills out the warrant and it's signed by him, then we can execute it, but I don't fill out the rest till he's in custody.

Q. Okay. Who --

THE COURT: Is there -- so the copy that we have, which is Exhibit 113, it was provided by the petitioner. It's the witness's copy, it seems like. Do you -- does your office keep an original or a copy of this as well for your records?

THE WITNESS: We do.

THE COURT: Okay. And it looks like in the top left-hand corner that this document seems like it's stapled to some other documents. Was -- when you served this -- do you see what I'm talking about up in the upper left-hand corner?

THE WITNESS: Yes, sir.

THE COURT: Does it look like something was stapled to it?

THE WITNESS: Yes, sir.

THE COURT: When you served this warrant, the I-200,

was there anything else stapled to this document?

THE WITNESS: Not that I remember.

THE COURT: So it's just one page?

THE WITNESS: It is.

THE COURT: Okay.

BY MS. SAAVEDRA VANACORE:

Q. The form in front of you is -- is filled out, correct?

A. Yes.

Q. The file number, that's -- that's your handwriting?

A. Yes.

Q. And as we mentioned before, you are a deportation officer, not an SDDO?

A. Yes.

Q. And the date, did you fill that out as well?

A. I did not do the date.

Q. Who did the date?

A. I imagine my partner did.

Q. And are there -- and the name?

A. He filled it out.

Q. Who is "he"?

A. D.C.

Q. And the signature?

A. D.C.

Q. And the handwriting in the certificate of service

section?

A. That's D.C.

Q. And the -- the check box, is that pre-printed?

A. It looks pre-printed, yes.

MS. SAAVEDRA VANACORE: Your Honor, may I approach the witness with another exhibit, Exhibit Number 114?

THE COURT: Yes.

Q. You are familiar with the form in general, the notice to appear?

A. Yes.

Q. At the top you'll see a name, and the name refers to the H-D-G-H?

A. Yes.

Q. And at the bottom there's a date, and the date is July 26, 2026, correct?

A. Yes.

Q. And at the bottom there's the name and signature of an officer?

A. Yes.

Q. Okay. And the name, using the initials, would be A.W.?

A. Yes.

Q. Or R.A.W.? Would R be the first initial?

A. Yes.

Q. Okay. R.A.W. And the title for that officer is

acting supervisor, supervising detention and deportation officer? Would that be what it stands for?

A. Yes, ma'am.

Q. And that is R.A.W.'s signature?

A. It is.

Q. Was R.A.W. with you during the arrest of H-D-G-H?

A. That person was not there.

Q. So this was issued on July 26, 2026. So the person was not DO 71 -- was not there. Whose signature appears there?

A. On -- on the notice to appear?

Q. Yes.

A. It looks like it's R.A.W.'s signature.

Q. Okay.

THE COURT: Do you remember handing this document at Immigrant Lake to H-D-G-H?

THE WITNESS: No, Your Honor. We did not issue this document.

THE COURT: Did you or your partner hand this document to H-D-G-H any time that day?

THE WITNESS: Not this -- not this document. This one -- this one is for Portland. The one they issued that day was for Tacoma.

THE COURT: Who issued what that day for Tacoma? I'm not (pause) --

THE WITNESS: So it -- can I explain?

THE COURT: Yeah.

THE WITNESS: Okay, Your Honor. So a notice to appear was issued to H-D-G-H, but it was -- his court date was for Tacoma. He was to appear in front of a judge in Tacoma. Once --

THE COURT: So that Tacoma notice to appear, when was that given to H-D-G-H?

THE WITNESS: (No audible response).

THE COURT: Was it in Medford?

THE WITNESS: It wasn't -- it was -- it was printed up in Medford, but the gentlemen were already on their way to Tacoma, and the file stayed behind to be finished. Once the file stayed behind, it's -- it's mailed off to Tacoma. That way they can issue it in Tacoma, his notice to appear.

THE COURT: Okay. But then I take it, then, it was revised to reflect an appearance location in Portland?

THE WITNESS: So since the gentlemen ended up getting a habeas, we do -- we take back the -- we take back the NTA for Tacoma and we issue a new notice to appear for Portland. That way, they don't have to go all the way to Tacoma. They can just stay around the area.

THE COURT: So when -- when H-D-G-H was -- ended up back in Medford, did he end up checking in with the ICE office there and did he receive this notice to appear?

THE WITNESS: Yes. The officer in the bottom here is the one who issued it.

THE COURT: And that's dated July 26th.

THE WITNESS: Yes.

THE COURT: Do you know when -- when it was served on -- on H-D-G-H?

THE WITNESS: I do not know.

THE COURT: And there's no way to tell from the document whether there was a date that this was actually provided to H-D-G-H? Well, wait a minute. There's a page 3 here.

THE WITNESS: In the back there is.

THE COURT: It looks like -- so on page 3 it says it was served on respondent on July 28, 2026.

THE WITNESS: Yes, sir.

THE COURT: Okay. Go ahead, Counsel.

BY MS. SAAVEDRA VANACORE:

Q. So going back to July 26, the day of H-D-G-H's arrest, the arresting officer was your partner, D.C. Is that correct?

A. Say that question one more time.

Q. Going back to the date of the arrest of H-D-G-H, the arresting officer, the officer who arrested him, was your partner, D.C., correct?

A. I -- we both removed him out of the vehicle and

placed him in handcuffs, so we would -- both of us.

Q. Both -- but -- okay. And who was the officer questioning H-D-G-H?

A. Was D.C.

Q. D.C. And D.C. was also the officer who gathered the information to support the probable cause to issue the warrant?

A. Yes, ma'am.

Q. And D.C. was also the officer who signed the warrant --

A. Yes.

Q. -- finding that that was sufficient evidence to issue it?

A. Yes.

THE COURT: What's supposed to come first, the I-200 or the I-213? And let me just be more specific. So the I-213 seems to have all the information about the encounter, background information about the subject.

THE WITNESS: Yes, Your Honor.

THE COURT: And is that the document that establishes the facts for probable cause for an arrest?

THE WITNESS: Yes, Your Honor.

THE COURT: All right. So does that document generally need to be drafted up first before an I-200 is issued?

THE WITNESS: No, Your Honor.

THE COURT: Why not?

THE WITNESS: Because we don't know what's going to happen, so we issue the I-200 first. We have to have a warrant to arrest the person, and then once everything's done and he's -- and he is processed, then one of us will go and generate the 213, which is putting the narrative and all the information in there.

THE COURT: And, you know, I think you may have gone over some of this several months ago with some hearings, but I'm still trying to get -- maybe make sure that I'm oriented properly.

So you served in law enforcement outside of ICE, so you've had -- you've had the -- you've had experience with getting warrants from -- from judges, right?

THE WITNESS: Yes; different type of warrants, but, yes.

THE COURT: Fair enough. And this is where I'm going to go with this question, because we're dealing with different types of warrants, but you also understand, as I think I do, that before you can get a warrant from -- from somebody who's authorized to issue a warrant, you have to give them the facts to determine if there's probable cause to issue a warrant.

THE WITNESS: Yes, Your Honor.

THE COURT: It doesn't look like that's how it works

with ICE, that you can issue a warrant without actually having a written document that sets out the facts for the warrant, because if you can do the 200 -- the I-200 without an I-213 even, you know, drafted up, printed, signed by whoever it is that did the investigation, then that -- that's not the same process as you and I are familiar with in everyday law enforcement.

THE WITNESS: No, it's -- it's not.

THE COURT: Okay. And do you have any understanding as to what the authority or basis for being able to do -- to do an I-200 in the field, even with an officer who's authorized to issue a warrant, without a 213 even drafted up?

THE WITNESS: They -- they get their PC from the databanks. And once that -- once they get the databanks and make sure they have the identification of that person and it is confirmed them, then that's when they do their I-200. Other than that, if we don't have any facts or I don't know who the person is, I let them go.

THE COURT: Okay. Well, and what I'm -- what I'm still trying to just simply reconcile -- and, again, it's because of, I think, both of us knowing how law enforcement warrants work and search warrants work or even arrest warrants that require probable cause, this isn't that same kind of process. It sounds to me like an SDDO can issue an I-200, an arrest warrant, without a written document that -- that they

have to prepare in advance of the I-200 arrest warrant.

THE WITNESS: Yeah. Like a criminal warrant, but, yes. I see where you're going with -- I see where you're going. And you're right. I'm still kind of getting used to it myself.

THE COURT: Okay. And is it your experience in the -- in the work that you've conducted with ICE and in observing other officers and SDDOs in the field that it's -- is it common for the 200s to be handed to somebody or issued to them before an I-213 is generated?

THE WITNESS: Yes.

THE COURT: All right. Thank you.

BY MS. SAAVEDRA VANACORE:

Q. So to confirm, the I-200 for H-D-G-H was issued before the NTA?

A. Yes.

Q. And did you or the other officer, your partner, involved in the arrest of H-D-G-H, did you wear body cameras?

A. They weren't issued at the time.

Q. Are they issued now?

A. They are.

THE COURT: When did officers start wearing body cams in Oregon?

THE WITNESS: I'm going to give you probably about a month ago.

THE COURT: Okay.

MS. SAAVEDRA VANACORE: No further questions, Your Honor.

THE COURT: Redirect?

MS. GAROUSI: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. GAROUSI:

Q. Officer J.G., do you -- is a Form I-213 also known as a Record of Deportable/Inadmissible Alien?

A. Yes.

Q. And you have experience as a law enforcement officer prior to joining ICE. Would you equate an I-213 with an arrest report?

A. Yes.

Q. And would you in your previous law enforcement experience fill out an arrest report after an arrest occurred?

A. Yes.

MS. GAROUSI: No further questions, Your Honor.

Thank you, Officer J.G.

THE COURT: Can this witness be excused?

MS. SAAVEDRA VANACORE: Yes, Your Honor.

MS. GAROUSI: Yes, Your Honor.

THE COURT: All right. Thank you. So you're free to step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: You're welcome to stay in the courtroom or leave if you wish. And you can leave those there for now. We'll figure out where they go.

THE WITNESS: Thank you, Your Honor.

THE COURT: Thank you.

Any other witnesses, Ms. Garousi?

MS. GAROUSI: No, Your Honor.

(Respondents' rest)

THE COURT: Any rebuttal?

MS. CUNNINGS: We don't have any rebuttal evidence, if that's what you're asking, Your Honor.

THE COURT: Yes.

MS. CUNNINGS: No.

THE COURT: The record is closed.

All right. Let's talk about argument. It is 4:40, we're not going to finish argument today, so it doesn't make any sense to start.

Monday, 9:30. I'll confirm the courtroom number, but I think it may -- maybe we'll start here and it could be on the 10th floor. Don't know yet.

Anything that we need to maybe firm up, discuss?

MS. GAROUSI: Your Honor, I know we just closed the record, but can we -- the government move to admit the one stipulated exhibit, which is Exhibit 502 into evidence?

THE COURT: I don't know what 502 is.

MS. GAROUSI: It was a stipulated exhibit.
THE COURT: Do I -- do I have a copy of it?
MS. GAROUSI: I didn't give you one yet.
THE COURT: Okay. And did the parties agree for 502 to be admitted?
MS. CUNNINGS: We did, Your Honor.
THE COURT: All right. Five -- I will allow 502 received. If you'd be kind enough to bring it on up.
(Respondents' Exhibit 502 offered and received)
THE COURT: You want to tell me what it is?
MS. GAROUSI: Your Honor, this is the Form I-200 for J-C-C-V, and this was issued in April of 2023.
THE COURT: April of 2023?
MS. GAROUSI: Yes, Your Honor.
THE COURT: All right. So this isn't relating to the incidents here in Oregon?
MS. GAROUSI: The -- from my understanding, Your Honor, this was issued to him when he entered the country in 2023.
THE COURT: All right. I get that the parties stip to it and I received it. What's -- what's its relevance? Help me understand why it's part of the record now.
MS. GAROUSI: There was a warrant in the file before he was encountered on the day in 2023.
THE COURT: Yeah. So it had not been executed. It

was outstanding.

MS. GAROUSI: Yes, Your Honor.

THE COURT: All right. Any other housekeeping matters before we talk details? Ms. Cunnings?

MS. CUNNINGS: I'll just note just to preview, we dispute the characterization of the 2023 warrant, but I'm happy to address that further in our closing argument if that's helpful.

THE COURT: You dispute what about that?

MS. CUNNINGS: The characterization of it by the government.

THE COURT: All right.

MS. CUNNINGS: But I'm happy to address that --

THE COURT: Well, briefly, I mean, since I -- I asked Ms. Garousi some questions about it, why don't you tell me what it is you think about 502.

MS. CUNNINGS: Certainly. So this was the warrant issued for his arrest when he first entered the country, which was executed, because they detained him, I believe he testified, for about eight days, and then they released him. And then they relied on an entirely separate warrant, which the validity we do not -- we do not believe was legal, necessarily, but what they actually relied on to arrest him is --

THE COURT: Arrest him when, back in --

MS. CUNNINGS: In 2026.

THE COURT: Okay.

MS. CUNNINGS: They relied on Exhibit 107, which is the Form I-200 dated June 19th, 2026. So I think it stretches credibility to claim that he was arrested on the basis of the 2023 warrant when they issued a post hac warrant in 2026 to arrest him in 2026.

THE COURT: All right. And your position, Ms. Garousi, is that this was an outstanding warrant and it had not been executed?

MS. GAROUSI: Your Honor, my position would be that the warrant remains valid until the removal proceedings end. And I'm looking for the -- I don't know if it's a statute or a regulation cite, but unless the warrant is specifically cancelled, it's still valid.

THE COURT: Even though the person was taken into custody on that warrant and served eight days in detention?

MS. GAROUSI: Yes, Your Honor.

THE COURT: All right. Well, then, make sure you prove up the legal basis for that.

MS. GAROUSI: Would you like me to read the regulation, Your Honor?

THE COURT: I want you to provide in a written document. So if you want me to consider it, then provide the citations and any supporting case law that allows -- allows

for that consideration.

MS. GAROUSI: Okay.

THE COURT: And are you also saying that that's how warrants are treated across the country, I-200s?

MS. GAROUSI: If there's an I-200 already in the file before someone is encountered, yes, it remains, but the regulation states that the warrant remains valid any time up until removal proceedings are completed. Removal proceedings, as the witness testified, are not completed with respect to --

THE COURT: So somebody could be on release conditions and yet still have an active warrant?

MS. GAROUSI: There's a warrant that remains in the file. Whether the agency decides to execute the warrant is a different question.

THE COURT: Well, so when somebody is on conditions of release, you're saying that the government could -- could unilaterally go ahead and arrest them anyway.

MS. GAROUSI: That's not what I'm saying, Your Honor. I'm saying that the basis for the probable cause of the warrant remains the same regardless of whether it would -- the warrant was issued in 2023 or 2026, because the basis for the warrant is the person's unlawful status in the United States, and that's not changing in that time period while the person is still in removal proceedings.

THE COURT: Even with conditions of release in

play -- in place and for which they might be abiding by, complying with?

MS. GAROUSI: Yes, Your Honor. An OREC and being on conditions of release does not change the lawful immigration status of the individual.

THE COURT: Well, it may not change their lawful immigration status, but that doesn't necessarily mean that a warrant is issued in every instance in which somebody may not be lawfully present. I mean, are you taking the position that every time somebody is not lawfully present, there's a valid basis for issuing a warrant?

MS. GAROUSI: If they --

THE COURT: That might be the case. I'm just trying to understand the scope of what you're trying to describe to me.

MS. GAROUSI: Your Honor, I think we're -- the ideas of an OREC and an I-200, a warrant, are two separate ideas. They interplay to the extent that perhaps an OREC violation would result in the execution of the warrant, but the basis for creating the warrant in the first place is standalone and related to an individual's status to be in the United States.

THE COURT: Well, and I'm -- I don't think we're talk -- well, I don't think I'm talking past you and I'm not sure you're answering my question.

I'm trying to understand -- maybe you can help me

understand it in this way, and it perhaps is also a reflection of my questions regarding the impact of an I-213 and an I-200 when I was speaking with the officer. There are some things that seem to be turned on its head when comparing it to traditional processes within both the civil and criminal systems that I otherwise operate in.

And so the idea of -- the idea that a warrant is issued, a warrant is executed, somebody is taken into custody and then released generally means that -- you know, that the warrant is now resolved, and that if somebody wanted to be -- if somebody wanted to take that individual back into custody, there would need to be another issuance of a warrant.

Now, that doesn't mean that the underlying basis might have been altered, but a warrant would still have to be reissued.

MS. GAROUSI: Your Honor, that's -- and I understand the difference between criminal and civil proceedings and administrative proceedings, but that's not what the regulation requires here.

THE COURT: And whose regulation is it?

MS. GAROUSI: This is the DHS's regulation, 8 C.F.R. 223 -- 236.

THE COURT: All right. Why don't you go ahead and submit it in advance of the -- of oral argument so I have an opportunity to review it by -- by Sunday at 5:00 PM.

MS. GAROUSI: The Court just wants a citation to the regulation?

THE COURT: Any briefing you have and any argument you want me to consider so I understand this argument, because it seems to me like it's going to be a pivotal point.

MS. GAROUSI: Okay. Sure, Your Honor.

THE COURT: Okay. And if you want to respond, Ms. Cunnings, 5:00 PM Sunday. Well, actually, no. That won't be -- let me put it this way: You can respond based on what we understand about the argument the government wants me to consider about the status of warrants and whether they ever resolve or are just simply pocket warrants available to execute at any time.

MS. CUNNINGS: Certainly. By 5:00 PM Sunday?

THE COURT: Yes.

MS. CUNNINGS: Okay. So simultaneous briefing.

THE COURT: Correct.

MS. CUNNINGS: Short briefing on the issue. Okay.

THE COURT: I don't know. I mean, how much time do you want to spend on the weekend to draft it?

MS. CUNNINGS: Yes.

THE COURT: That will be up to you.

MS. CUNNINGS: I appreciate that. Yes. And I'll just -- and maybe we'll put this in writing, but I would just add that if that is indeed the law, and I look forward to

seeing the filing, that is certainly not the understanding of the agents in this case, because they issued another I-200 that they attempted to rely on and litigated that in another proceeding, and the judge found that that didn't -- didn't work. So I'll leave it at that.

THE COURT: All right. Well, it sounds to me like I'm sure you'll be -- you'll be throwing arguments back and forth and I'll have to figure out what -- what makes sense under the law. It also sounds like practice may be different than that which the law perhaps provides or whether there's other guidance about the impact of issuing warrants. I mean, I appreciate that what you read to me is a regulation. I don't know if there's any other competing or balancing regulations that moderate that, so I'll expect that the parties help me understand what regulations provide and what practice apparently calls for.

Anything else about Monday's arguments? We have only until noon, which means two and a half hours, which means I may have to exercise more discipline in my questions to all of you and hold back or we'll just continue another day if I feel that we need to have more information, but it also appears that your briefing is also very -- very, very complete, so I'll have quite a bit of information to work with once we have closing arguments completed.

It also -- also occurs to me that we're dealing

with -- I mean, some of the testimony today I'm trying to work with understanding where it fits within whether a violation has occurred with respect to any -- any one of my orders in the preliminary injunction. And there are issues about violating this -- by committing unlawful warrantless arrests and then there's allegations associated with not providing information as required under the preliminary injunction order. And I appreciate that they may be somewhat intertwined, although I'm going to make my best efforts to treat them separately, because I don't want to -- I don't want to muddy the water between the two.

I -- I think we still need to work through some of these details about whether any of these arrests were deemed unlawful warrantless arrests, so I look forward to hearing your arguments about that, but I will say that I'm even more deeply concerned about the inaccuracies in some of these documents, the I-213 in particular, such that the intention -- at the very minimum, the intention behind the document disclosure I ordered in the preliminary injunction order is not being met. And I may need to revisit what it is that is going to be required in order to ensure that the respondents are complying with my preliminary injunction.

All right. Counsel, if there isn't anything else, I'm happy to excuse you, and hopefully you'll get some rest on Saturday. And then I look forward to getting your briefs on

Sunday by 5:00 PM.

MS. CUNNINGS: Nothing further from us. Thank you, Your Honor.

THE COURT: All right.

MS. GAROUSI: Thank you, Your Honor.

THE COURT: Thank you. We're in recess.

(Proceedings adjourned at 4:53 p.m.)

C E R T I F I C A T E

I certify, by signing below, that the foregoing is a true and correct transcript of the record, taken by stenographic means, of the proceedings in the above-entitled cause.

A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

DATED this 25th day of September 2026.

/s/ Kellie M. Humiston

Kellie M. Humiston, RMR, CRR
Official Court Reporter
Certificates Expire: 9/2027

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