

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

YOLANY PADILLA; IBIS GUZMAN;
BLANCA ORANTES; BALTAZAR
VASQUEZ,

Plaintiffs-Appellees,

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT; U.S. DEPARTMENT
OF HOMELAND SECURITY; U.S.
CUSTOMS AND BORDER
PROTECTION; UNITED STATES
CITIZENSHIP AND IMMIGRATION
SERVICES; TAE D. JOHNSON, Acting
Director of ICE; ALEJANDRO
MAYORKAS, Secretary of DHS;
CHRIS MAGNUS, Commissioner of
CBP; UR M. JADDOU, Director of
USCIS; MARC J. MOORE, Seattle
Field Office Director, ICE;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; MERRICK B.
GARLAND, Attorney General, United
States Attorney General; LOWELL
CLARK, Warden of the Northwest
Detention Center in Tacoma,
Washington; CHARLES INGRAM,
Warden of the Federal Detention
Center in SeaTac, Washington;

No. 19-35565

D.C. No.
2:18-cv-00928-
MJP

ORDER

DAVID SHINN, Director; JAMES
JANECKA, Warden of the Adelanto
Detention Facility,
Defendants-Appellants,

and

U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES, FKA Department
of Social Services; OFFICE OF
REFUGEE RESETTLEMENT; XAVIER
BECERRA, Secretary of HHS; SCOTT
LLOYD, Director of ORR; CHRIS
MAGNUS, Commissioner of CBP;
ELIZABETH GODFREY, Acting
Director of Seattle Field Office, ICE,
Defendants.

On Remand from the United States Supreme Court

Filed July 29, 2022

Before: Michael Daly Hawkins, Sidney R. Thomas, and
Bridget S. Bade, Circuit Judges.

Order

SUMMARY*

Immigration

Following the Supreme Court’s order vacating the judgment of this court, 953 F.3d 1134, and remanding to this court for further consideration in light of *Department of Homeland Security v. Thuraissigiam*, 140 S. Ct. 1959 (2020), the panel remanded to the district court with instructions to vacate the preliminary injunction and for further consideration in light of the Supreme Court’s decisions in *Biden v. Texas*, 142 S. Ct. 2528 (2022), *Garland v. Aleman Gonzalez*, 142 S. Ct. 2057 (2022), and *Thuraissigiam*.

COUNSEL

Lauren C. Bingham (argued), Counsel; Sarah S. Wilson and Erez Reuveni, Assistant Directors; William C. Peachey, Director; Brian Boynton, Principal Deputy Assistant Attorney General; Office of Immigration Litigation, United States Department of Justice, Washington, D.C.; for Defendants-Appellants.

Matt Adams (argued), Leila Kang, and Aaron Korthuis, Northwest Immigrant Rights Project, Seattle, Washington; Trina A. Realmuto and Kristin Macleod-Ball, National Immigration Litigation Alliance, Brookline, Massachusetts; Judy Rabinovitz, Michael Tan, and Anand Balakrishnan, ACLU Immigrants’ Rights Project New York, New York;

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

Emma Winger, American Immigration Council, Washington, D.C.; for Plaintiffs-Appellees.

Alan Schoenfeld and Lori A. Martin, Wilmer Cutler Pickering Hale and Dorr LLP, New York, New York; Rebecca Arriaga Herche, Wilmer Cutler Pickering Hale and Dorr LLP, Washington, D.C.; Jamil Aslam, Wilmer Cutler Pickering Hale and Dorr LLP, Los Angeles, California; for Amici Curiae Retired Immigration Judges and Board of Immigration Appeals Members.

Erin K. Earl, Julie Wilson-McNerney, and Anna Mouw Thompson, Perkins Coie LLP, Seattle, Washington, for Amici Curiae National Association of Criminal Defense Lawyers, Pretrial Justice Institute, and Center for Legal and Evidence-Based Practices.

Robert W. Ferguson, Attorney General; Andrew R. W. Hughes, Kristin Beneski, and Brendan Selby, Assistant Attorneys General; Office of the Attorney General, Seattle, Washington; Xavier Becerra, Attorney General, Sacramento, California; Phil Weiser, Attorney General, Denver, Colorado; William Tong, Attorney General, Hartford, Connecticut; Kathleen Jennings, Attorney General, Wilmington, Delaware; Karl A. Racine, Attorney General, Washington, D.C.; Clare E. Connors, Attorney General, Honolulu, Hawaii; Kwame Raoul, Attorney General, Chicago, Illinois; Brian E. Frosh, Attorney General, Baltimore, Maryland; Maura Healey, Attorney General, Boston, Massachusetts; Dana Nessel, Attorney General, Lansing, Michigan; Keith Ellison, Attorney General, St. Paul, Minnesota; Aaron D. Ford, Attorney General, Carson City, Nevada; Gurbir S. Grewal, Attorney General; Glenn J. Moramarco, Assistant Attorney General; Marie Soueid, Deputy Attorney General; Office of

the Attorney General, Trenton, New Jersey; Hector Balderas, Attorney General, Santa Fe, New Mexico; Peter F. Neronha, Attorney General, Providence, Rhode Island; Ellen F. Rosenblum, Attorney General, Salem, Oregon; Thomas J. Donovan Jr., Attorney General, Montpelier, Vermont; Mark R. Herring, Attorney General, Richmond, Virginia; for Amici Curiae Washington, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Virginia.

ORDER

The Supreme Court has vacated the judgment of this Court, 953 F.3d 1134, and remanded this case to us for further consideration in light of *Department of Homeland Security v. Thuraissigiam*, 140 S. Ct. 1959 (2020), see *Immigr. & Customs Enf't v. Padilla*, 141 S. Ct. 1041, 1041–42 (2021).

Therefore, we remand this case to the district court with instructions to vacate the preliminary injunction and for further consideration in light of the Supreme Court's decisions in *Biden v. Texas*, 142 S. Ct. 2528 (2022), *Garland v. Aleman Gonzalez*, 142 S. Ct. 2057 (2022), and *Department of Homeland Security v. Thuraissigiam*, 140 S. Ct. 1959 (2020). This order shall constitute the mandate of the Court.