

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

P.J.E.S.,  
a minor child, by and through  
his father and next friend,  
Mario Escobar Francisco,  
on behalf of himself and  
others similarly situated,

Plaintiffs,

v.

CHAD F. WOLF,  
Acting Secretary of  
Homeland Security, *et al.*,

Defendant.

Civ. Action No. 20-2245 (EGS)

**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED** that Magistrate Judge G. Michael Harvey's Report and Recommendation, ECF No. 65, is **ADOPTED**; and it is further

**ORDERED** that Plaintiffs' Motion to Certify Class, ECF No. 2, is **PROVISIONALLY GRANTED**, and it is further

**ORDERED** that the Court provisionally certifies a class pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure consisting of all unaccompanied noncitizen children who (1) are or will be detained in U.S. government custody in the United States, and (2) are or will be subjected to expulsion from the United States under the CDC Order Process,

whether pursuant to an Order issued by the Director of the Centers for Disease Control and Prevention under the authority granted by the Interim Final Rule, 85 Fed. Reg. 16559-01, or the Final Rule, 85 Fed. Reg. 56,424-01; it is further

**ORDERED** that Plaintiff is appointed as Class Representative and that Plaintiff's counsel from the ACLU Immigrants' Right Project be appointed as Lead Class Counsel and his other counsel be appointed as Class Counsel; and it is further

**ORDERED** that plaintiffs' Motion for Preliminary Injunction, ECF No. 15, is **GRANTED**; and it is further

**ORDERED** that Defendants, their agents, and any person acting in concert with them are enjoined from expelling the Class Members from the United States under the CDC Order Process, whether pursuant to an Order issued by the Director of the Centers for Disease Control and Prevention under the authority granted by the Interim Final Rule, 85 Fed. Reg. 16559-01, or the Final Rule, 85 Fed. Reg. 56,424-01; and it is further

**ORDERED** that Government's request to stay this Order while it decides whether to appeal and/or pending appeal is **DENIED**.

**SO ORDERED.**

**Signed: Emmet G. Sullivan**  
**United States District Judge**  
**November 18, 2020**