

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARVIN DUBON MIRANDA, *et al.*

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v.

Civil No. 20-1110

WILLIAM P. BARR, *et al.*

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ORDER

For the reasons identified in the accompanying Memorandum, it is hereby Ordered that:

1. The plaintiffs’ motion for a temporary restraining order and/or preliminary injunction (ECF 15), construed as a motion for a preliminary injunction, is GRANTED;

2. The defendants are ENJOINED as follows:

a. Plaintiff Jose de la Cruz Espinoza SHALL RECEIVE, within 21 days of the entry of this Order, a new custody redetermination hearing (*i.e.*, “bond hearing”) where the (1) government bears the burden of proving, by clear and convincing evidence, that he is a flight risk or a danger to the community in order to justify continued detention; and (2) the Immigration Judge (“IJ”) must consider his ability to pay a set bond amount and his suitability for release on alternative conditions of supervision;

b. The Executive Office of Immigration Review (“EOIR”) SHALL ENSURE that all future bond hearings conducted in the District of Maryland for individuals held pursuant to 8 U.S.C. § 1226(a) adhere to the following requirements: (1) the government must bear the burden of proving, by clear and convincing evidence, that a noncitizen is a flight risk or a danger to the community in order to justify detention; and (2) the IJ must consider a noncitizen’s ability to pay a set bond

amount and his or her suitability for release on alternative conditions of supervision;

- c. Any current § 1226(a) detainee known to have received a bond hearing in the District of Maryland not in conformance with the above requirements SHALL RECEIVE a new bond hearing on a schedule to be set after the filing of the status report required in (4), below;
3. The parties SHALL CONFER, within 21 days, in order to develop a plan for the following:
 - a. Promptly identifying § 1226(a) detainees currently held pursuant to bond hearings that did not comport with the above requirements;
 - b. Developing instructions to all IJs in the District of Maryland who conduct § 1226(a) bond hearings to inform them of the requirements of this Order;
 - c. Developing a notice, in English, Spanish, and any other language deemed appropriate by the parties, summarizing the requirements of this Order for distribution to Immigrations and Customs Enforcement (“ICE”) detainees in the District of Maryland;
 4. Also within 21 days, the parties SHALL PROVIDE a status report to the court detailing the agreed-upon plan for the matters discussed in (3), after which the court will, if necessary, issue an updated Order; and
 5. The Clerk shall SEND a copy of this Order and the accompanying Memorandum to counsel of record.

5/29/20
Date

/S/
Catherine C. Blake
United States District Judge