

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