

**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.*

Filed July 29, 2022

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

Order

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**SUMMARY\***

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**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*.

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**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;

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\* 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

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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.

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### 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.