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11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA
 13 SACRAMENTO DIVISION

15 **THE UNITED STATES OF AMERICA,**

Case No. 2:18-cv-00490-JAM-KJN

16 Plaintiff,

17 v.

**SECOND AMENDED DECLARATION
 OF CHEROKEE MELTON IN SUPPORT
 OF DEFENDANTS' OPPOSITION TO
 PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION**

19 **THE STATE OF CALIFORNIA; EDMUND
 GERALD BROWN JR., Governor of
 20 California, in his official capacity; and
 XAVIER BECERRA, Attorney General of
 21 California, in his official capacity,**

Judge: Honorable John A. Mendez
 Action Filed: March 6, 2018

22 Defendants.

1 I, Cherokee Melton, declare as follows:

2 1. I am a member of the California State Bar, admitted to practice before this Court,
3 employed by the Office of the California Attorney General as a Deputy Attorney General, and
4 counsel to Defendants in this action.

5 2. In December 2017, the Attorney General's Office began visiting California
6 detention facilities that hold civil immigration detainees, pursuant to Assembly Bill 103 (AB
7 103), codified at Government Code § 12532.

8 3. As of February 2018, the Attorney General's Office had visited the following five
9 county-owned facilities used by Immigration and Customs Enforcement (ICE) to hold civil
10 immigration detainees: Contra Costa West County Detention Facility; James A. Musick Facility;
11 Theo Lacy Facility; Rio Cosumnes Correction Center; and Yuba County Jail. In addition, the
12 Attorney General's Office has visited Yolo County Juvenile Detention Facility which, upon
13 information and belief, contracts with the Office of Refugee Resettlement to hold juvenile civil
14 immigration detainees.

15 4. The Attorney General's Office has not yet gained access to the following four
16 privately-owned facilities: Adelanto Detention Center; Mesa Verde Detention Facility; Imperial
17 Regional Detention Facility; and Otay Mesa Detention Center.

18 5. Attached hereto as Exhibit A, is a true and correct copy of excerpts from the
19 certified transcript of the deposition of Thomas Homan, taken on Tuesday, April 10, 2018, in
20 Washington D.C.

21 6. Attached hereto as Exhibit B is a true and correct copy of Bates No.
22 USvCA_Homan_Depo000463, produced at the deposition of Mr. Homan on April 10, 2018, and
23 marked as Homan Exhibit 5. This exhibit was designated CONFIDENTIAL by Plaintiff and has
24 been filed provisionally under seal pending Court Order. *See* Notice of Request to Seal
25 Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
26 Injunction, filed concurrently herewith.

27 7. Attached hereto as Exhibit C is a true and correct copy of Bates No.
28 USvCA_Homan_Depo000389, produced at the deposition of Mr. Homan on April 10, 2018. This

1 document was designated CONFIDENTIAL by Plaintiff and has been filed provisionally under
2 seal pending Court Order. *See* Notice of Request to Seal Documents in Support of Defendants'
3 Opposition to Plaintiff's Motion for Preliminary Injunction, filed concurrently herewith.

4 8. Attached hereto as Exhibit D is a true and correct copy of Bates No.
5 USvCA_Homan_Depo000246-250, produced at the deposition of Mr. Homan on April 10, 2018.
6 This document was designated CONFIDENTIAL by Plaintiff and has been filed provisionally
7 under seal pending Court Order. *See* Notice of Request to Seal Documents in Support of
8 Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction, filed concurrently
9 herewith.

10 9. Attached hereto as Exhibit E is a true and correct copy of excerpts from the
11 certified transcript of the deposition of Todd Hoffman, including an errata sheet with corrections
12 to cited sections of the excerpts, taken Thursday, April 12, 2018, in Washington D.C.

13 10. Attached hereto as Exhibit F is a true and correct copy of Bates No.
14 USvCA_Hoffman_Depo000001-000005, produced at the deposition of Mr. Hoffman on April 10,
15 2018, and marked as Hoffman Exhibit 11. This exhibit was designated CONFIDENTIAL by
16 Plaintiff and has been filed provisionally under seal pending Court Order. *See* Notice of Request
17 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
18 Injunction, filed concurrently herewith.

19 11. Attached hereto as Exhibit G is a true and correct copy of Bates No.
20 USvCA_Hoffman_Depo000006-000011, produced at the deposition of Mr. Hoffman on April 10,
21 2018, and marked Hoffman Exhibit 12. This exhibit was designated CONFIDENTIAL by
22 Plaintiff and has been filed provisionally under seal pending Court Order. *See* Notice of Request
23 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
24 Injunction, filed concurrently herewith.

25 12. Attached hereto as Exhibit H is a true and correct copy of Bates No.
26 USvCA_Hoffman_Depo0000012-000017, produced at the deposition of Mr. Hoffman on April
27 10, 2018, and marked Hoffman Exhibit 13. This exhibit was designated CONFIDENTIAL by
28 Plaintiff and has been filed provisionally under seal pending Court Order. *See* Notice of Request

1 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
2 Injunction, filed concurrently herewith.

3 13. Attached hereto as Exhibit I is a true and correct copy of Bates No.
4 USvCA_Hoffman_Depo0000018-000023, produced at the deposition of Mr. Hoffman on April
5 10, 2018, and marked Hoffman Exhibit 14. This exhibit was designated CONFIDENTIAL by
6 Plaintiff and has been filed provisionally under seal pending Court Order. *See* Notice of Request
7 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
8 Injunction, filed concurrently herewith

9 14. Attached hereto as Exhibit J is a true and correct copy of a webpage from the
10 Alameda County Sheriff's Office that I accessed and downloaded on May 2, 2018.

11 15. Attached hereto as Exhibit K is a news article titled "Alameda County Sheriff's
12 Decision to Make Inmate Release Dates Public Stirs Concern Among Immigrant Rights
13 Advocates," dated April 3, 2018. I accessed and downloaded this article on May 2, 2018 at
14 [https://www.eastbayexpress.com/SevenDays/archives/2018/04/03/alameda-county-sheriffs-](https://www.eastbayexpress.com/SevenDays/archives/2018/04/03/alameda-county-sheriffs-office-decision-to-make-inmate-release-dates-public-stirs-concern-among-immigrant-rights-advocates)
15 [office-decision-to-make-inmate-release-dates-public-stirs-concern-among-immigrant-rights-](https://www.eastbayexpress.com/SevenDays/archives/2018/04/03/alameda-county-sheriffs-office-decision-to-make-inmate-release-dates-public-stirs-concern-among-immigrant-rights-advocates)
16 [advocates.](https://www.eastbayexpress.com/SevenDays/archives/2018/04/03/alameda-county-sheriffs-office-decision-to-make-inmate-release-dates-public-stirs-concern-among-immigrant-rights-advocates)

17 16. Attached hereto as Exhibit L is a true and correct copy of the privilege log
18 produced by the United States on April 19, 2018 in this matter.

19 17. Attached hereto as Exhibit M is a summary index of information contained in
20 detention facility contracts, Exhibits N-S, which were produced by Plaintiff and filed under seal.
21 *See* ECF No. 80. Pursuant to the Court's order filed October 16, 2018 (ECF No. 212), Exhibit M
22 is ordered unsealed and attached hereto.

23 18. Attached hereto as Exhibit N is a true and correct copy of an excerpt of an
24 Intergovernmental Service Agreement produced by Plaintiff. This exhibit was filed under seal.
25 *See* ECF No. 80. Pursuant to the Court's order filed October 16, 2018 (ECF No. 212), Exhibit N
26 is ordered unsealed with limited redactions and attached hereto.

27 19. Attached hereto as Exhibit O is a true and correct copy of an excerpt of an
28 Intergovernmental Service Agreement produced by Plaintiff. This exhibit was filed under seal.

1 See ECF No. 80. Pursuant to the Court's order filed October 16, 2018 (ECF No. 212), Exhibit O
2 is ordered unsealed with limited redactions and attached hereto.

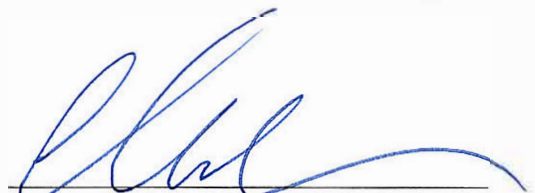
3 20. Attached hereto as Exhibit P is a true and correct copy of an excerpt of an
4 Intergovernmental Service Agreement produced by Plaintiff. This exhibit was filed under seal.
5 See ECF No. 80. Pursuant to the Court's order filed October 16, 2018 (ECF No. 212), Exhibit P
6 is ordered unsealed and attached hereto.

7 21. Attached hereto as Exhibit Q is a true and correct copy of an excerpt of an
8 Intergovernmental Service Agreement produced by Plaintiff. This exhibit was filed under seal.
9 See ECF No. 80. Pursuant to the Court's order filed October 16, 2018 (ECF No. 212), Exhibit Q
10 is ordered unsealed with limited redactions and attached hereto.

11 22. Attached hereto as Exhibit R is a true and correct copy of an excerpt of a contract
12 for detention services produced by Plaintiff. This exhibit was filed under seal. See ECF No. 80.
13 Pursuant to the Court's order filed October 16, 2018 (ECF No. 212), Exhibit R is ordered
14 unsealed with limited redactions and attached hereto.

15 23. Attached hereto as Exhibit S is a true and correct copy of an excerpt of an
16 Intergovernmental Agreement produced by Plaintiff. This exhibit was filed under seal. See ECF
17 No. 80. Pursuant to the Court's order filed October 16, 2018 (ECF No. 212), Exhibit S is
18 ordered unsealed with limited redactions and attached hereto.

19
20
21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct and that this declaration was executed on October 17, 2018 in Los Angeles,
23 California.

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25 

26 CHEROKEE MELTON
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