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18 *Attorneys for Plaintiffs Fernando Gomez Ruiz, Fernando Viera Reyes, Jose Ruiz Canizales, Yuri*
19 *Alexander Roque Campos, Sokhean Keo, Gustavo Guevara Alarcon, Alejandro Mendiola Escutia*
and all others similarly situated

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 FERNANDO GOMEZ RUIZ; FERNANDO
23 VIERA REYES; JOSE RUIZ CANIZALES;
24 YURI ALEXANDER ROQUE CAMPOS;
25 SOKHEAN KEO; GUSTAVO GUEVARA
ALARCON; and ALEJANDRO MENDIOLA
ESCUTIA, on behalf of themselves and all
others similarly situated,

26 Plaintiffs,

27 v.

28 U.S. IMMIGRATION AND CUSTOMS

Case No. 3:25-cv-09757-MMC

**NOTICE OF NONCOMPLIANCE WITH
COURT ORDER**

Judge: Hon. Maxine M. Chesney

Date Filed: November 12, 2025

1 ENFORCEMENT; TODD M. LYONS,
2 Acting Director, U.S. Immigration and
3 Customs Enforcement; SERGIO
4 ALBARRAN, Acting Director of San
5 Francisco Field Office, Enforcement and
6 Removal Operations, U.S. Immigration and
7 Customs Enforcement; U.S. DEPARTMENT
8 OF HOMELAND SECURITY; KRISTI
9 NOEM, Secretary, U.S. Department of
10 Homeland Security,

Defendants.

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1 Plaintiffs file this Notice to bring an urgent matter to the Court’s attention in advance of
2 tomorrow’s scheduled hearing. On December 22, 2025, the Court entered a stipulated order
3 requiring Defendants to provide certain medical care to Named Plaintiff Fernando Viera Reyes,
4 including a biopsy for what is likely prostate cancer that is rapidly metastasizing. *See* ECF
5 No. 36. Defendants have violated the Court’s order: Plaintiffs’ counsel learned from Defendants’
6 counsel this morning that Defendants have failed to obtain Mr. Viera Reyes’s biopsy results and
7 failed to transport him to a scheduled follow-up urology appointment on February 2, 2026 “due to
8 an internal scheduling error.” The result is that Mr. Viera Reyes remains in a dangerous and dire
9 situation. Indeed, his condition has deteriorated markedly. He has lost significant weight, is in
10 extreme pain, and cannot receive the most basic care needed for his catheter. Defendants are
11 unwilling or unable to follow this Court’s orders, and a man’s life is at stake. Plaintiffs intend to
12 discuss this issue at tomorrow’s hearing and will file a motion to enforce the Court’s order if
13 Defendants fail to expeditiously remedy the situation with respect to Mr. Viera Reyes’s medical
14 care.

15 The relevant facts are as follows. Fernando Viera Reyes was transferred from Golden
16 State Annex Detention Facility to California City in August 2025. His medical records indicated
17 that he urgently needed a prostate biopsy, which had been recommended by a urologist in March
18 2025, to formally diagnose his likely prostate cancer. Over the next several months, Mr. Viera
19 Reyes neither received a biopsy nor saw a urologist for his worsening symptoms and alarming
20 blood work. In late November 2025, during an emergency room visit, a scan of his spine raised
21 concerns, according to the ER physician, of “possible new onset malignancy,” meaning that if it
22 was cancer, it may have already spread to the bone. *See generally* ECF No. 27-2 (Supplemental
23 Declaration of Dr. Todd Wilcox).

24 Defendants took no action to diagnose and treat Mr. Viera Reyes’s likely prostate cancer
25 until Plaintiffs filed a Motion for Temporary Restraining Order on December 16, 2025. *See* ECF
26 No. 27. Rather than oppose that motion, Defendants stipulated to ensuring that Mr. Viera Reyes
27 would receive appropriate medical treatment. On December 22, 2025, this Court entered the
28 stipulated order which provides in relevant part:

1 Defendants will ensure that Fernando Viera Reyes receives a
2 comprehensive assessment by a urologist on the agreed-upon date
3 (barring scheduling issues outside of Defendants’ control) in order
for the urologist to perform a biopsy, if the urologist determines it
to be necessary, and to develop a comprehensive treatment plan . . .

4 Defendants will ensure timely compliance with all follow-up orders
5 for treatment and medication directed by the urologist, including, if
6 indicated, timely access to an appropriate oncologist and timely
compliance with any follow-up orders directed by the oncologist.

7 ECF No. 36 ¶¶ 4(c)–(d). That same day, Plaintiffs warned Defendants that the biopsy would not
8 take place as scheduled unless Mr. Viera Reyes received antibiotics in advance of the
9 appointment. ECF No. 51 at Ex. 2. The appointment was scheduled for December 30, 2025.

10 Mr. Viera Reyes’s biopsy did not take place on December 30, 2025. On December 31,
11 2025, Plaintiffs’ counsel emailed Defendants’ counsel and told him that if the biopsy did not
12 occur by January 7, 2026, Plaintiffs would seek Court intervention. Defendants rescheduled the
13 biopsy for January 7, 2026. *Id.* at Ex. 3.

14 The biopsy finally took place on January 7, 2026. The discharge paperwork from that
15 urology appointment states that Mr. Viera Reyes had a scheduled follow-up appointment for
16 February 2, 2026 at 11:30 a.m. with the same urologist. *See* Decl. of Cody S. Harris ¶ 2, Ex. A.

17 Plaintiffs’ counsel believe that biopsy results of this nature usually take no more than a
18 week or two to be returned. Yet nearly a month after the biopsy, Mr. Viera Reyes has not received
19 the results.

20 Mr. Viera Reyes’s scheduled February 2, 2026 follow-up appointment with the urologist
21 also did not occur because Defendants failed to transport him to Kern Medical Center for the
22 appointment. *Id.* ¶ 2, Ex. A. On February 3, 2026, Plaintiffs emailed Defendants and asked for the
23 results of Mr. Viera Reyes’s biopsy, why Mr. Viera Reyes did not go to his scheduled urology
24 appointment on February 2, 2026, and when Mr. Viera Reyes would see the urologist for follow-
25 up care. *Id.* ¶ 5, Ex. A. Plaintiffs’ counsel also noted that Mr. Viera Reyes’s health has drastically
26 deteriorated over the last month. *Id.* ¶ 3, Ex. A. His medical records indicate he has lost 11
27 pounds since mid-December, and 25 pounds total since he arrived at California City. *Id.* He is
28 also reporting excruciating pain in his bladder and prostate, that his catheter site is

1 causing significant pain, and that his urine color is concerning, among other things. *Id.*

2 On February 5, Defendants’ counsel responded in relevant part:

3 Mr. Viera Reyes was scheduled for a follow-up appointment with
4 his urologist at Kern Medical Center on February 2, 2026, but this
5 visit did not occur due to an internal scheduling error. The
6 appointment was rescheduled for [future date], and efforts are
underway to secure an earlier date if possible. The medical records
department has also requested a copy of Mr. Viera Reyes’s biopsy
results.

7 *Id.* ¶ 7, Ex. A. The future date, which Defendants’ counsel provided on an attorneys-eyes-
8 only basis, is more than a month after the appointment Defendants neglected to honor on
9 February 2, 2026. *Id.* Plaintiffs’ counsel immediately asked Defendants to describe the “internal
10 scheduling error” and to state when California City medical staff had requested Mr. Viera Reyes’s
11 biopsy results. *Id.* ¶ 8, Ex. A. Defendants confirmed receipt of these inquiries but have not
12 responded as of the time of this filing. *Id.* ¶ 9, Ex. A.

13 Defendants’ conduct, on its face, violates the Court’s order that they “ensure that
14 Fernando Viera Reyes receives a comprehensive assessment by a urologist to develop a
15 comprehensive treatment plan” and “ensure timely compliance with all follow-up orders for
16 treatment and medication directed by the urologist.” ECF No. 36 ¶ 4. Plaintiffs’ counsel will
17 continue to communicate with Defendants’ counsel in the hope that Defendants will transport
18 Mr. Viera Reyes to a follow-up urology appointment in the coming days, receive the biopsy
19 results, and finally begin treating Mr. Viera Reyes’s condition. As Plaintiffs’ expert, Dr. Wilcox,
20 wrote on December 16, “[f]urther delay is medically reckless and places Mr. Viera Reyes at
21 substantial risk of needless suffering or death.” ECF No. 27-2 ¶ 42. That remains true.

22 Because Mr. Viera Reyes’s situation is further evidence of Defendants’ failure to provide
23 constitutionally adequate care, Plaintiffs respectfully provide this Notice ahead of tomorrow’s
24 hearing.

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Dated: February 5, 2026

Respectfully submitted,

/s/ Cody S. Harris

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/s/ Margot Mendelson

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