

1 KEKER, VAN NEST & PETERS LLP
STEVEN P. RAGLAND - # 221076
2 sragland@keker.com
CODY S. HARRIS - # 255302
3 charris@keker.com
CARLOS C. MARTINEZ - # 354616
4 cmartinez@keker.com
LISA C. LU - # 364259
5 llu@keker.com
633 Battery Street
6 San Francisco, CA 94111-1809
Telephone: 415 391 5400
7 Facsimile: 415 397 7188

PRISON LAW OFFICE
MARGOT MENDELSON - # 268583
mmendelson@prisonlaw.com
TESS BORDEN - MJP # 805022, *pro hac vice*
tess@prisonlaw.com
PATRICK BOOTH - # 328783
patrick@prisonlaw.com
ALISON HARDY - # 135966
ahardy@prisonlaw.com
RANA ANABTAWI - # 267073
rana@prisonlaw.com
1917 Fifth Street
Berkeley, California 94710-1916
Tel.: (510) 280-2621

8 CALIFORNIA COLLABORATIVE FOR
IMMIGRANT JUSTICE
9 PRIYA ARVIND PATEL - # 295602
priya@ccijjustice.org
10 MARIEL VILLARREAL - # 317048
mariel@ccijjustice.org
11 1999 Harrison Street #1800
Oakland, California 94612
12 Tel: (650) 762-8990

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
KYLE VIRGIEN - # 278747
kvirgien@aclu.org
FELIPE HERNANDEZ - # 338468
npp_fhernandez@aclu.org
MARISOL DOMINGUEZ-RUIZ - # 345416
mdominguez-ruiz@aclu.org
425 California Street, 7th Floor
San Francisco, CA 94104
Tel.: (415) 343-0770

CARMEN IGUINA GONZALEZ - # 277369
ciguinagonzalez@aclu.org
915 15th Street, NW, 7th Floor
Washington, DC 20005
Tel.: (202) 393-4930

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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;
YURI ALEXANDER ROQUE CAMPOS;
24 SOKHEAN KEO; GUSTAVO GUEVARA
ALARCON; and ALEJANDRO MENDIOLA
25 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

**SECOND NOTICE OF
NONCOMPLIANCE WITH COURT'S
DECEMBER 22, 2025 ORDER
RESOLVING PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING
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 to the Court’s attention the urgent issue of Defendants’
2 continuing violation of the Court’s December 22, 2025 Order Resolving Plaintiffs’ Motion for
3 Temporary Restraining Order (“December 22 Order”) with respect to Named Plaintiff Fernando
4 Viera Reyes. Dkt. No. 36. As the Court will recall, Mr. Viera Reyes had reason to believe that he
5 was suffering from prostate cancer and had been trying since his arrival at California City
6 Detention Center in August 2025 to get a diagnosis and begin receiving treatment, with no
7 success. Plaintiffs raised his plight in their Complaint, Motion for Preliminary Injunction, and
8 Motion for Temporary Restraining Order. Dkt. Nos. 1, 22, 27. The Court issued relief for Mr.
9 Viera Reyes in its December 22 Order, directing Defendants to ensure that Mr. Viera Reyes see a
10 urologist and receive his long-awaited biopsy, and thereafter “ensure timely compliance with all
11 follow-up orders” for care and treatment, including by an oncologist if needed, and all indicated
12 medications. Dkt. No. 36 ¶ 4(c)-(d).

13 Mr. Viera Reyes finally had a biopsy on January 7, 2026. That biopsy revealed a very
14 serious form of prostate cancer. Now, seven weeks after that January 7 biopsy and *more than two*
15 *months* after the Court ordered that “Defendants will ensure timely compliance with all follow-up
16 orders for treatment and medication,” ***Mr. Viera Reyes has received no treatment whatsoever for***
17 ***his prostate cancer***. He has not received any radiology work necessary to determine the extent of
18 the cancer, has not seen an oncologist and has no idea if or when he will. His condition has only
19 worsened—he is weak, in severe pain, cannot urinate without a catheter, and has difficulty and
20 pain trying to pass a bowel movement. The ***only*** medication he has been provided to address his
21 debilitating pain is Tylenol.

22 Plaintiffs have raised this with Defendants on multiple occasions—and are still trying to
23 get Mr. Viera Reyes the specific follow-up care that his urologist has ordered, but to no avail.
24 Because their prior Notice of Noncompliance appeared finally to provoke some action by
25 Defendants to comply with their legal obligations with regard to Mr. Viera Reyes, Plaintiffs
26 submit this Notice of Noncompliance in the hope that it will similarly cause Defendants to
27 comply with this Court’s order. Plaintiffs also wish to notify the Court that Plaintiffs will be
28 forced to move for an Order to Show Cause re: Contempt of the December 22 Order in short

1 order should Defendants’ noncompliance continue.

2 The relevant facts since the Court’s December 22, 2025 order are as follows. The Court
3 ordered Defendants to ensure that Mr. Viera Reyes see a urologist to obtain a biopsy and that he
4 receive timely follow-up care, treatment, and all indicated medications, including timely access to
5 an oncologist if indicated. Dkt. No. 36. A biopsy was scheduled for December 30, 2025, but did
6 not happen due to Defendants’ failure or neglect to comply with the Order. Plaintiffs, therefore,
7 pressed the issue of noncompliance with Defendants, and they eventually scheduled a biopsy for
8 Mr. Viera Reyes for January 7, 2026. *See* Dkt. No. 62. Once Mr. Viera Reyes finally received a
9 biopsy on January 7, he should have learned whether he had prostate cancer soon thereafter. *See*
10 *id.* Indeed, the biopsy results were read by the pathologist by January 9. Declaration of Tess
11 Borden (“Borden Decl.”) ¶ 5. But Mr. Viera Reyes did not receive his results for another five
12 weeks. It is hard to fathom why it took so long to provide those results to Mr. Viera Reyes.

13 He had a follow-up appointment scheduled with the urologist on February 2, 2026, but
14 Defendants failed to transport him to that appointment and then rescheduled the appointment for
15 more than a month later. This prompted Plaintiffs to file their first Notice of Noncompliance on
16 February 5, 2026, and the parties discussed the matter further with the Court at the motions
17 hearing the next day. *See id.*; *see also* Hr’g Tr. 9:3–5 (Feb. 6, 2026) (Court indicating that March
18 3 appointment “[d]efinitely needs to be advanced”).

19 Following that hearing, Defendants rescheduled Mr. Viera Reyes for his missed follow-up
20 appointment on February 12, 2026. Borden Decl. ¶ 4. On that day—more than one month after
21 the biopsy—the urologist finally delivered the results to Mr. Viera Reyes, informing him that he
22 has a “very aggressive” and high-risk cancer. Viera Reyes Decl. ¶¶ 2–3. According to the
23 discharge notes, the urologist ordered that Mr. Viera Reyes receive a PSMA PET scan. Borden
24 Decl. ¶ 7. Such a scan is necessary to determine whether and to what extent the cancer has
25 metastasized. *Id.* Ensuring that Mr. Viera Reyes receives this scan is critical; as Dr. Todd Wilcox
26 previously observed, a prior CT scan of Mr. Viera Reyes’s spine raises concerns about metastatic
27 cancer to the bone. *See* Supplemental Declaration of Dr. Todd Wilcox (“Suppl. Wilcox Decl.”) ¶¶
28 34–35, Dkt. No. 27-2.

1 As of February 23, 2026, Mr. Viera Reyes’s records show no indication that Defendants
2 have scheduled him for a PSMA PET scan. Borden Decl. ¶ 8. The records show a referral to
3 oncology with a “hold for” date of February 26 “pending financial authorization,” but as Dr.
4 Wilcox has previously explained, those notes do *not* indicate an appointment has been scheduled.
5 *See* Suppl. Wilcox Decl. ¶ 20. Indeed, Mr. Viera Reyes had no such appointment on February 26.
6 Mr. Viera Reyes has neither been sent for an oncology appointment nor a PSMA PET scan since
7 his biopsy, nor has he been told if or when he can expect such appointments. *See* Viera Reyes
8 Decl. ¶¶ 3–4. In the meantime, his condition has worsened. As his concurrently filed declaration
9 reports: “My pain is increasing. It’s in my rectum, my stomach, my back, and my left leg.” *Id.* ¶
10 5. He is “feeling fatigued more often” and “it has been very difficult” to try to pass a bowel
11 movement. *Id.* When he does, the “bowel movement is hard and yellow, like the color of urine.”
12 *Id.* He cannot urinate without a catheter and is having difficulty walking. *Id.* He has lost 29
13 pounds since arriving at California City. *Id.* ¶ 6. The only medication he has received for his pain
14 is Tylenol. *Id.* ¶ 5. As his conditions worsen with no end in sight, Mr. Viera Reyes fears he “will
15 die at California City” without the urgently needed medical care. *Id.* ¶ 7.

16 On February 26, 2026, Plaintiffs’ counsel contacted Defendants’ counsel about this,
17 asking whether and when Mr. Viera Reyes would receive a PSMA PET scan and an oncology
18 appointment. Borden Decl. ¶ 3, Ex. A. Given the urgency, Plaintiffs asked for this information by
19 close of business. Defendants’ counsel acknowledged receipt of the email but has provided no
20 substantive response. At 7:20 PM on the date of this filing, Defendants’ counsel emailed
21 Plaintiffs that they hoped to respond tomorrow. Plaintiffs replied that given the urgency and life-
22 and-death nature of the issue, they would file this Notice and remain open to discussing whatever
23 information Defendants can provide.

24 In the event that Defendants take urgent and appropriate action, Plaintiffs will ensure the
25 Court is promptly notified. But as of this moment—and for many weeks leading up to now—
26 Defendants are and have been in violation of the Court’s December 22 Order that they “ensure
27 timely compliance with all follow-up orders for treatment . . . directed by the urologist, including,
28 if indicated, timely access to an appropriate oncologist.” Dkt. No. 36 ¶ 4(d). Seven weeks have

1 passed since Mr. Viera Reyes’s biopsy results revealed an aggressive cancer diagnosis. Yet
2 Defendants appear to have taken no action despite the urologist’s follow-up orders. Plaintiffs
3 hope that this Notice will finally prompt Defendants to provide Mr. Viera Reyes with the care this
4 Court ordered and that Defendants promised via stipulation that they would provide. If it does
5 not, however, Plaintiffs will have no option but to move for an Order to Show Cause re:
6 Contempt.

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8 Dated: February 26, 2026

9 Respectfully submitted,

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11 */s/ Steven P. Ragland*

12 KEKER, VAN NEST & PETERS LLP
13 STEVEN P. RAGLAND
14 CODY S. HARRIS
15 CARLOS C. MARTINEZ
16 LISA C. LU

11 */s/ Margot Mendelson*

12 PRISON LAW OFFICE
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17 KYLE VIRGIEN
18 FELIPE HERNANDEZ
19 MARISOL DOMINGUEZ-RUIZ
20 CARMEN IGUINA GONZALEZ

21 *Attorneys for Plaintiffs*