

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 3:23-cv-9962-TKW-ZCB

ALEJANDRO MAYORKAS, et al.,

Defendants.

JOINT NOTICE OF COMPLIANCE WITH ECF NO. 18

The parties have conferred in accordance with this Court's order, ECF No. 18. Set forth in the chart below are the numbers provided by DHS regarding the daily Border Patrol encounters with noncitizens at the Southwest border from April 16 to May 14, 2023, average time in custody for such noncitizens, and the total number of noncitizens in Border Patrol custody per day.

Florida has no objection to DHS offering this information as part of the record for purposes of preliminary relief, nor does Florida object to the Court considering it. In fact, Florida believes this information is useful in deciding multiple issues before the Court. Florida, however, is unwilling to formally stipulate to the accuracy of this information because Florida has not had the opportunity to probe or test it and may seek to do so at some point during proceedings in this case.

Date: May 15, 2023

Respectfully submitted,

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The below data covers U.S Border Patrol.

	4/16	4/17	4/18	4/19	4/20	4/21	4/22	4/23	4/24	4/25
Total Encounters	5,147	5,793	6,221	6,561	6,946	6,154	6,666	7,104	7,595	7,715
Average TIC	65	72	75	75	76	70	71	63	65	67
Total in Custody	14,070	14,544	14,534	14,211	14,139	14,156	13,854	15,238	17,198	18,270

	4/26	4/27	4/28	4/29	4/30	5/1	5/2	5/3	5/4	5/5
Total Encounters	8,843	8,370	7,778	7,638	7,343	7,896	7,747	8,550	8,407	9,058
Average TIC	62	60	60	62	67	71	74	77	74	74
Total in Custody	18,213	19,134	20,733	20,143	21,565	22,527	22,664	21,705	21,271	20,636

	5/6	5/7	5/8	5/9	5/10	5/11	5/12	5/13	5/14
Total Encounters	9,110	8,712	10,138	10,640	9,998	9,649	6,251	4,335	4,193
Average TIC	66	66	69	69	68	66	63	69	77
Total in Custody	20,515	22,624	24,832	26,924	28,717	28,241	24,349	22,921	22,259

Daily encounter data is preliminary and generally increases slightly over the 12 – 24 hours after the reporting date ends as intake processing is finalized. In addition, CBP data undergoes data validation and finalization before publication in formal end of month reporting. So these preliminary numbers may not match the Department’s eventual public reporting.

The definitions for the above terms are:

1. “Total Encounters” represents the number of individuals that Border Patrol apprehended during specified date. This total number is accounted for without regard to processing disposition.
2. “Average TIC” – From the time that an individual has been apprehended by Border Patrol until they are transferred or released out of Border Patrol custody, regardless of the entity or location of their transfer or release, is referred to as Time in Custody. “Time in Custody” is abbreviated as “TIC,” and is measured in hours. This reporting shows the TIC within border Patrol Custody as of 0600 ET for the specified day.
3. Border Patrol’s “Total in Custody” number represents all encounters who have not been transferred or released, regardless of what the processing status of the individual may be. In other words, “total in custody” includes persons who are awaiting processing, currently undergoing processing, and processed

complete awaiting transfer or release. This reporting shows the Total In Custody within border Patrol Custody as of 0600 ET for the specified day.