

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANGEL DE JESUS ZEPEDA RIVAS, et
al.,

Plaintiffs,

v.

DAVID JENNINGS, et al.,

Defendants.

Case No. 20-cv-02731-VC

**ORDER GRANTING MOTION FOR
TRO**

Re: Dkt. No. 911

The motion for a temporary restraining order is granted in part. This motion is more challenging than the motions relating to the Mesa Verde Detention Center because the Yuba County Jail is run by a separate government entity and houses both ICE detainees and county detainees. Some of the relief sought by the plaintiffs would intrude too greatly on the County's ability to operate the facility as a whole. Most of the remaining measures sought by the plaintiffs are ones that the federal defendants have already agreed to take. But past experience in this case shows that a court order is necessary to ensure these sorts of safety measures are actually implemented. Accordingly, the federal defendants are ordered to:

1. Prevent additional immigration detainees from being placed into YCJ for the duration of the outbreak there. The outbreak will be considered over when there are no new positive tests among any staff or detainees for two consecutive weeks;

2. Ensure that rapid antigen tests are administered to any class member who has been identified as experiencing COVID-19 symptoms by YCJ medical personnel or class counsel;
3. Ensure that rapid antigen tests are administered to any class member in close contact with anyone who tests positive for COVID-19, with close contact including by definition being housed in the same housing unit, pod or tank as a COVID-positive individual at the time of the positive test or at any time in the prior two days;
4. Ensure that all class members are tested at least once per week with a laboratory COVID-19 test until at least two weeks have passed with zero positive tests among staff or the population in custody at YCJ. Class members who have tested positive within the last 90 days need not be retested, unless they begin presenting symptoms anew;
5. Ensure that any class member who is identified by medical personnel or class counsel as experiencing symptoms of COVID-19 is individually isolated unless he tests positive, satisfies the CDC criteria for release from isolation, or is released from custody;
6. Ensure that any class member who tests positive for COVID-19 is isolated, individually or with other COVID-positive detainees, from detainees who have not tested positive until he satisfies the CDC criteria for release from isolation or is released from custody;
7. Ensure that there is cleaning and disinfection by staff of any cell or bunk prior to the introduction of a class member into that cell or bunk;
8. Ensure that no class members are held in the section of YCJ identified as the “Old Jail”;
9. Ensure that all class members are provided with fresh, disposable masks daily until at least two weeks have passed with no new positive COVID tests at YCJ;

10. Provide updates in public filings with this Court by 5 p.m. daily. If the federal defendants are unable to obtain some of this information before then, the filing must explain why they have not received it and the efforts they have undertaken to obtain it. The daily filings must include:
 - a. The number of (i) class members, (ii) County prisoners, and (iii) staff members testing positive for COVID-19 since the last report and cumulatively;
 - b. The number of (i) class members, (ii) County prisoners, and (iii) staff members experiencing symptoms of COVID-19 since the last report and cumulatively;
 - c. The location of all class members;
 - d. The location of COVID-positive individuals in custody at YCJ;
 - e. The location of symptomatic individuals in custody at YCJ;
 - f. Plans for the testing, quarantine and isolation of class members, County prisoners, and staff, and the implementation of those plans;
 - g. Plans for the testing of class members, County prisoners, and staff, and the implementation of those plans;
11. Provide updates to class counsel as soon as the information is available concerning the names of (a) any class member experiencing COVID symptoms, (b) any class member testing positive, and (c) any class member refusing to be tested;
12. Provide timely responses to questions from class counsel concerning matters affecting the health and safety of class members in custody at Yuba County Jail.


ORDER TO SHOW CAUSE

The federal defendants are ordered to show cause why a preliminary injunction should not issue requiring them to maintain these measures for the duration of the outbreak (assuming

that the outbreak lasts longer than the temporary restraining order period). If the federal defendants wish to file a brief in response to the order to show cause, they must do so by 10 a.m. on January 4, 2021. The plaintiffs may file a reply by no later than 6 p.m. on January 5. The hearing on the order to show cause will be held on January 7, 2021 at 10 a.m. by Zoom. If the parties wish to seek more time before the hearing on the order to show cause, they may do so by submitting a stipulated request.

IT IS SO ORDERED.

Dated: December 23, 2020



VINCE CHHABRIA
United States District Judge