

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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<b>MARIA ALEJANDRA CELIMEN SAVINO</b>	)	)	
<b>and JULIO CESAR MEDEIROS NEVES,</b>	)	)	
	)	)	
<b>Petitioners-Plaintiffs,</b>	)	)	
	)	)	<b>20-cv-10617 WGY</b>
<b>v.</b>	)	)	
	)	)	
<b>THOMAS HODGSON, et al.,</b>	)	)	
	)	)	
<b>Respondents-Defendants.</b>	)	)	
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**DEFENDANTS’ UNOPPOSED MOTION  
TO MODIFY PRELIMINARY INJUNCTION**

Respondents-Defendants hereby move for a further modification of the Court’s preliminary injunction order, docket #175. The reason for the motion is that certain detainees require medical consultation and/or care outside the detention facility or detainees must obtain a medical examination by a designated civil surgeon outside of the detention facility as part of the process of adjusting their status to a lawful permanent resident. Defendants seek to return the detainees after the outside medical treatment to the Bristol County House of Corrections (“BCHOC”). Defendants believe that this makes more sense, from a COVID-19 risk perspective, than transferring them into a different institution which could also require a change of venue to a different immigration court.

Counsel for Plaintiffs do not oppose the modification provided that the following procedure is established in the modification:

1. Defendants will give Plaintiffs’ counsel seven (7) days’ written notice of the upcoming medical appointment as long as Defendants are aware of the necessity of the medical

appointment or examination. If exigent circumstances reasonably prevent Defendants from providing 7 days' written notice, Defendants will immediately provide written notice to Plaintiffs' counsel as soon as possible. The inability to provide 7 days' written notice will not prevent Defendants from obtaining medical treatment for a detainee as determined appropriate such as in an emergency hospitalization situation. Notice will not include the exact location, date or time of the scheduled medical appointment for security reasons, but will include the general purpose of the appointment.

2. Within 24 hours of Defendants' notice, but at a mutually agreeable time, Defendants will make the detainee available for a telephone call with Plaintiffs' counsel. The inability to schedule a telephone conference prior to obtaining medical treatment for a detainee will not prevent Defendants from obtaining medical treatment for a detainee as determined appropriate such as in an emergency hospitalization situation

3. Plaintiffs' counsel will have 48 hours from the time of the telephone conference in which to object to the proposed treatment and/or return of the detainee to BCHOC. Any such objection shall be made in writing to Defendants' counsel;

4. If no objection is made, the transport out of, and back into, BCHOC may go forward;

5. If an objection is lodged, Defendants may file a motion seeking the Court's permission for their proposed action.

All time periods shall be calendar, not business, days. All detainees taken from BCHOC for medical procedures will be instructed to wear masks and be screened for signs and symptoms of COVID-19 before they leave and before they are returned to BCHOC. They will not be tested for COVID-19 unless they have one or more symptoms of an infection, or the Court orders otherwise.

Absent a modification of the preliminary injunction order, Defendants will have to seek individual orders. As of right now, there are 10 detainees for whom 13 medical appointments have been scheduled. The earliest procedure is set for July 10, 2020 (notice was given to counsel in the morning of July 2, 2020).

The Defendants request that the Court modify the preliminary injunction order in the manner set forth above.

Respectfully submitted,

ANDREW E. LELLING,  
United States Attorney

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July 6, 2020

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: July 6, 2020

/s/ Thomas E. Kanwit  
Thomas E. Kanwit