

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

STATE OF FLORIDA,

Plaintiff,

v.

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

ALEJANDRO MAYORKAS;

et. al,

Defendants.

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**DEFENDANTS' RESPONSE TO COURT'S MAY 16 and 22, 2023 ORDERS**

In accordance with the Court's May 16, 2023 and May 22, 2023 Orders, ECF Nos. 31 and 36, Defendants submit the attached Declaration of Daniel A. Bible ("Bible Decl.") with attached reporting data. The Court's orders required Defendants to report the following with regard to the 2,572 noncitizens who were released from U.S. Customs and Border Protection ("CBP") after 11:59 p.m. ET on May 11, 2023: (1) the number of noncitizens who have reported to U.S. Immigration and Customs Enforcement ("ICE") and been issued Notices to Appear ("NTAs"); (2) when, where (city and state), and how (in person or online) these noncitizens reported to ICE and were issued NTAs; and (3) what steps ICE is taking to track down noncitizens who did not report as required and whether those efforts have been successful. ECF Nos. 31 and 36.

As explained in the attached declaration, the 2,572 individuals released from CBP custody on May 12, 2023 were required to check in with ICE on or before July 10, 2023. Bible Decl. ¶ 14. ICE defines a “check-in” as occurring when either: 1) an appointment record is created in the Field Office Appointment Scheduler (FOAS) or Enforcement Case Tracking System (ENFORCE) Alien Removal Module (EARM); 2) contact is made with an ICE office as instructed or there is a subsequent encounter (documented in EARM with ICE ERO) resulting in an enforcement action; 3) a Docket Status of Case Received in EOIR (Executive Office for Immigration Review) is observed, 4) contact is made with ERO Contact Center of Operations (ECCO) via the Detention Reporting Information Line (DRIL), or 5) contact is made with ECCO via the Online Change of Address (OCA) tool. *Id.* ¶ 7. When at least one member of a family unit “checks-in” as described above, then all members of the family unit are considered “checked-in.” *Id.*

In response to the Court’s first question, ICE reports that of the 2,572 noncitizens identified for this reporting, 1,507 have checked in with ICE, while 1,065 have not checked in. *Id.* at ¶ 9. Out of the 1,507 noncitizens who have checked in, 464 individuals have been served with a charging document, and 1,043 individuals have not yet been served with a charging document even though they have checked in. *Id.*

In response to the Court’s second question, ICE reports that 15 noncitizens have received a charging document via Certified Mail, 68 noncitizens have received a charging document via Regular Mail, and 319 noncitizens have received a charging document in-person. *Id.* at ¶ 11. Of the remaining 62 individuals who received charging documents, all have been issued the documents in-person or via mail, but additional manual review is required to determine the exact manner of service for these individuals. *Id.* Additionally, ICE provides the following breakdown of the number of noncitizens who checked in with specific ICE ERO Offices:

Check-In Location	Count
Atlanta, GA	57
Baltimore, MD	22
Boston, MA	137
Buffalo, NY	8
Chicago, IL	158
Dallas, TX	76
Denver, CO	63
Detroit, MI	47
El Paso, TX	20
Houston, TX	14
Los Angeles, CA	77
Miami, FL	88
New Orleans, LA	63
New York City, NY	264
New York, NY	94
Philadelphia, PA	39
Phoenix, AZ	10
Salt Lake City, UT	26
San Antonio, TX	32
San Diego, CA	4
San Francisco, CA	79
Seattle, WA	37
St. Paul, MN	24
Washington, DC	68

*Id.* at ¶ 12.

In response to the Court’s third question, the attached declaration explains that given the lag in data reporting times, the data provided may not reflect some individuals who have or may still timely check in with ICE. *Id.* at ¶¶ 13-14. As of

the date of this filing and the Declaration, and based on the data in the attached report, ICE has not yet determined what action will be taken against any noncitizens who have not yet checked in with ICE. *Id.* ¶ 16. However, DHS maintains its commitment that individuals have an obligation to comply with requirements imposed by DHS, and ICE is prepared to take such actions as may be required to ensure that individuals who were released pending the initiation of their immigration court proceedings comply with the terms of their release. *Id.*

Date: July 17, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 17, 2023, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which provided an electronic notice and electronic link of the same to all attorneys of record.

By: /s/ Sarah B. Fabian  
SARAH B. FABIAN  
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