

**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.

DEFENDANTS’ JANUARY 2024 SUPPLEMENTAL REPORT

In accordance with the Court’s December 20, 2023 Order (ECF No. 65), Defendants submit the attached Declaration of Marc A. Rapp (“Rapp Decl.”) with attached reporting data. The Court’s most recent order required Defendants’ January 2024 report to focus on the 438 noncitizens who are either “unaccounted for” or have not been issued a Notice to Appear (“NTA”) as of Defendants’ December 2023 supplemental report, in lieu of the information required by prior orders. ECF No. 65. Specifically, the Court required Defendants report the following information in 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) an updated summary of the status of all 2,572 noncitizens who were released after the Court enjoined the PWC policy—i.e., checked in and issued an NTA, checked in but not issued an NTA, or not checked

in/unaccounted for; (2) an updated summary chart of the check-in locations; (3) the number of unaccounted for noncitizens who have checked in since the last report, along with the date and location of the check-in, whether an NTA was issued at check-in, and whether any enforcement action was taken against the noncitizen other than the issuance of an NTA; (4) the number of noncitizens who have been issued an NTA since the last report, along with when and how the NTA was issued, whether the alien was released or detained after the NTA was issued, and what legal authority the release were based; and (5) how many of 2,572 noncitizens who were released after the PWC policy was enjoined are still in the country and, of those, how many are detained. ECF No. 65.

As explained in the attached declaration of Marc A. Rapp, in response to the Court's first question, ICE reports that of the 2,572 noncitizens identified for this reporting, 2,538 have checked in with ICE, while 34 have not checked in. Rapp Decl. ¶ 5. Out of the 2,538 noncitizens who have checked in, 2,183 individuals have been served with a charging document currently pending on an EOIR docket, therefore 355 individuals have not yet been served with a charging document currently pending on an EOIR docket even though they have checked in. *Id.* ¶ 8.

In response to the Court's second question, ICE provides the following breakdown of the number of noncitizens who checked in with specific ICE ERO Offices:

Check-In Location	Count
Atlanta, GA	141
Baltimore, MD	47
Boston, MA	209
Buffalo, NY	15
Chicago, IL	251
Dallas, TX	120
Denver, CO	101
Detroit, MI	72
El Paso, TX	24
Houston, TX	51
Los Angeles, CA	103
Miami, FL	174
New Orleans, LA	93
New York City, NY	440
Newark, NJ	141
Philadelphia, PA	62
Phoenix, AZ	26
Salt Lake City, UT	58
San Antonio, TX	47
San Diego, CA	6
San Francisco, CA	169
Seattle, WA	49
St. Paul, MN	42
Washington, DC	97
Total	2,538

Id. ¶ 6. The “Check-In Location” for an in-person check-in reflects the Area of Responsibility (AOR) where it occurred. *Id.* For an online check-in, “Check-in Location” reflects the location where the appointment was made. *Id.*

In response to the Court’s third question, ICE reports that there have been no new check-ins since the last report. *Id.* ¶ 7.

In response to the Court’s fourth question, out of the 2,538 noncitizens who

have checked in, 2,183 individuals have been served with a charging document. *Id.* ¶

8. There are 49 new charging documents issued since the prior report which were served by mail and therefore, no enforcement action was taken at the time of NTA service. *Id.*

In response to the Court's fifth question, eight noncitizens were removed by ICE or ICE has verified their departure from the United States, and one noncitizen is currently detained in ICE custody. *Id.* ¶ 9. On the remaining individuals, ICE does not have the ability to readily confirm when an individual leaves the United States except through removal efforts or verified departures, so ICE cannot provide additional information. *Id.*

Date: January 18, 2024

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 18, 2024, 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/ Erin T. Ryan

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