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10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

12 HUGO GONZALEZ, et al., on behalf of
13 themselves and all others similarly
situated,

14 Plaintiffs,

15 v.

16 The GEO Group, Inc., et al.

17 Defendants.
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Case No.: 2:22-cv-04014-JGB-ACCV

**MOTION TO INTERVENE FOR
THE LIMITED PURPOSE OF
UNSEALING COURT RECORDS**

Date: March 2, 2026

Time: 9:00 a.m.

Courtroom: 1 (Riverside)

Judge: Hon. Jesus G. Bernal

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3 The Adelanto ICE Processing Center (“Adelanto”) has been home to
4 continual dysfunction, abuse, and constitutional violations since it opened in 2011.
5 In 2020, members of the public rallied for its closure as conditions further
6 deteriorated during the COVID-19 global pandemic. Defendant GEO Group’s
7 (“GEO”) alleged mistreatment of people detained at Adelanto during the pandemic
8 resulted in no fewer than four lawsuits being filed, including this action arising from
9 GEO employees’ allegedly retaliatory and excessive use of chemical agents to quell
10 a peaceful protest by people entirely subject to GEO’s control.

11 In June of 2025, Adelanto began receiving people swept up and detained by
12 Immigration and Customs Enforcement (ICE) agents performing mass raids across
13 Southern California—an operation three Supreme Court Justices described as
14 “unconscionably irreconcilable with our Nation’s constitutional guarantees.” *Noem*
15 *v. Vasquez Perdomo*, 146 S. Ct. 1, 17 (Sept. 8, 2025) (J. Sotomayor, dissent). Given
16 the alarming proliferation of unlawful federal immigration enforcement activity, the
17 public has a significant interest in learning what occurs and has occurred inside
18 Adelanto. Meanwhile, opportunities for the public to learn what happens inside the
19 facility grow increasingly limited as members of Congress are still being denied
20 access to Adelanto.¹

21 _____
22 ¹Both Representatives followed the nonbinding oversight visit notice protocol
23 provided by ICE and were still turned away. Rep. Gil Cisneros, *Rep. Cisneros*
24 *DENIED at Adelanto ICE Facility*, (YouTube, Jan. 17, 2026),
<https://youtu.be/m2fnggTpzSs>; Staff Report, *ICE blocks Rep. Ruiz from oversight*
(footnote continued)

1 In particular, as new reports of tear gas deployment inside Adelanto emerge,²
2 the issues being litigated in this case are of increasing public concern. Yet the public
3 lacks critical access to information relating to GEO's alleged pattern of using
4 excessive force to retaliate against incarcerated people protesting conditions. One
5 reason for that lack of public access is that this Court has sealed a number of
6 documents and videos fundamental to the public's assessment of how the federal
7 government allows private contractors to run detention facilities. Because
8 transparency is necessary for accountability, the Inland Coalition for Immigrant
9 Justice, Los Angeles Public Press, The Southlander, and First Amendment Coalition
10 (collectively, "Proposed Intervenors") seek to intervene for the limited purpose of
11 separately moving to unseal those court records. Proposed Intervenors' motion is
12 timely and would not prejudice the parties. The Court should therefore grant this
13 motion.

14 INTERESTS OF MOVANTS

15 **Inland Coalition for Immigrant Justice** ("ICIJ") is a group of over thirty-
16 five organizations that serve the immigrant community in the Inland Empire.
17 Exhibit B, Hernandez Decl. ¶ 4. ICIJ engages in policy advocacy, community
18 organizing and education, and community responses to ICE and border patrol

19 _____
20 *visit at Adelanto Facility amid surge in custodial deaths*, Imperial Valley Press (Jan.
21 30, 2026), https://www.ivpressonline.com/news/ice-blocks-rep-ruiz-from-oversight-visit-at-adelanto-facility-amid-surge-in-custodial-deaths/article_8f33c3a9-04bb-48a2-8630-4db2a921990b.html.

22 ² Memo Torres, *Tear Gas, Censorship, and Medical Neglect At The GEO Owned*
23 *Adelanto ICE Processing Center*, L.A. Taco (Dec. 19, 2025),
24 <https://lataco.com/neglect-geo-adelanto-ice?giftLink=782e7d39186349f8db5e47937db8207e>.

1 operations. *Id.* ¶ 2. As a founding member of the Shut Down Adelanto Coalition,
2 ICIJ has been directly involved in the quest for accountability from GEO Group’s
3 deadly mismanagement and profiteering since at least 2019. *Id.* ¶ 8. Individual and
4 organizational members of ICIJ helped stage many peaceful protests around
5 conditions at Adelanto during the COVID-19 pandemic. *Id.* ¶ 10-11. ICIJ seeks to
6 intervene to obtain some transparency—and ultimately accountability—regarding
7 what takes place within the increasingly inaccessible facility caging members of
8 their community. *See id.* ¶ 11.

9 **The First Amendment Coalition** (“FAC”) is a nonpartisan public interest
10 nonprofit dedicated to protecting and promoting a free press, freedom of expression,
11 and the people’s right to know. Exhibit C, Loy Decl. ¶ 4. FAC believes that the
12 broadest range of engaged and informed communities is essential to the health of
13 our democracy, and that the values expressed by the First Amendment provide a
14 blueprint for an inclusive, equitable society and a responsive, accountable
15 government. *Id.* ¶ 5. Because information relating to incarceration, immigration
16 enforcement, and civil rights is of significant public concern, FAC has a
17 demonstrated commitment to ensuring law enforcement’s exercise of power is
18 exposed to public scrutiny. *Id.* ¶ 7. FAC seeks to intervene in this case to protect
19 the public’s right to see what information is before the court so the public can assess
20 for itself the true state of conditions in Adelanto and hold government contractors
21 accountable as the public sees fit. *Id.* ¶¶ 8, 10–11.

22 **Los Angeles Public Press** (“LAPP”) is an independent, non-profit newsroom
23 that publishes news in support of a healthier Los Angeles. Exhibit D, Tinoco Decl.
24 ¶ 2. LAPP uses journalism to interrogate systems of power while also supporting

The Southlander is an independent investigative news cooperative dedicated to critically examining the Greater Los Angeles area's powerbrokers. Exhibit E, Keith Decl. ¶ 2. Unlike traditional local newsrooms, their team spends months on high-impact investigative projects, allowing them to peel back bureaucracy, follow the money to its source, and map out power and influence. *Id.* The Southlander approaches journalism with the belief that there is no such thing as objectivity, but rather fairness, accuracy, and transparency. *Id.* ¶ 3. They prioritize using data and documents, rather than skewed official narratives, while centering the voices of people impacted by injustice. *Id.* The Southlander seeks to intervene to investigate the physical and constitutional harms committed inside Adelanto and on the public's dime. *Id.* ¶ 10.

Adelanto is one of the most notorious immigration detention facilities in the country. Issues at Adelanto have been well-documented since its doors opened. Various oversight bodies within the Department of Homeland Security (DHS) have

1 repeatedly investigated the facility and written reports documenting extreme neglect
2 and deadly dysfunction.³ Over the years, both incarcerated people and the outside
3 community have staged protests to bring awareness to the deplorable conditions of
4 confinement and to demand change.⁴ But rather than listen to these demands, ICE
5 and GEO have continued their “troubling pattern of retaliation against [people in
6 their custody] exercising their constitutional right to free speech”⁵ by violently
7 responding to the peaceful protests. The COVID-19 pandemic brought new and
8 literally toxic conditions to Adelanto as the atmosphere filled with deadly virus and
9 a harmful pesticide. *Roman v. Wolf*, No. 20-00768, 2020 WL 5797918, at *4–*5
10 (C.D. Cal. Sept. 29, 2020). Despite judicial intervention and public outcry,⁶

12 ³ “ICE continues to utilize facilities that demonstrate a pattern of violating [their]
13 own detention standards. Adelanto is a perfect example.” Staff of H.R. Comm. on
14 Homeland Sec., 116th Cong., *ICE Detention Facilities: Failing to Meet Basic
Standards of Care* 11-12 (Sept. 21, 2020), <https://bit.ly/4c4CY6K> (summarizing
oversight bodies’ previous findings).

15 ⁴ Esther Yu Hsi Lee, *Why Immigrant Detainees In California Just Launched A
Hunger Strike*, ThinkProgress (Nov. 2, 2015), [https://archive.thinkprogress.org/why-
16 immigrant-detainees-in-california-just-launched-a-hunger-strike-fa49f70cfd9/](https://archive.thinkprogress.org/why-immigrant-detainees-in-california-just-launched-a-hunger-strike-fa49f70cfd9/);
17 Paloma Esquivel, ‘We don’t feel OK here’: Detainee deaths, suicide attempts and
hunger strikes plague California immigration facility, L.A. Times (Aug. 8, 2017),
18 [https://www.latimes.com/local/lanow/la-me-ln-adelanto-detention-20170808-
story.html](https://www.latimes.com/local/lanow/la-me-ln-adelanto-detention-20170808-story.html); Roxana Kopetman, *Immigrant detainees stage hunger strike at Adelanto
19 facility*, San Bernadino Sun (Mar. 19, 2019)
20 [https://www.sbsun.com/2019/03/19/immigrant-detainees-stage-hunger-strike-at-
adelanto-facility/](https://www.sbsun.com/2019/03/19/immigrant-detainees-stage-hunger-strike-at-adelanto-facility/).

21 ⁵ Letter from Michael Kaufman, Sr. Staff Att’y, ACLU of S. Cal., to David A.
Marin, Field Off. Dir., and Gabriel Valdez, Assistant Field Off. Dir., U.S. Immigr.
22 & Customs Enf’t, *Mistreatment of detainees participating in a hunger strike at
Adelanto Det. Facility* (June 30, 2017), (<https://bit.ly/4a8qqZl>).

23 ⁶ Benjamin Purper, *Activists Rally Outside Adelanto ICE Processing Center*, KVCR
News (May 29, 2020), [https://www.kvcrnews.org/local-news/2020-05-29/activists-
24 rally-outside-adelanto-ice-processing-center](https://www.kvcrnews.org/local-news/2020-05-29/activists-rally-outside-adelanto-ice-processing-center).

1 COVID-19 prevention measures remained inadequate. *Id.* at *6. Instead, in
2 response to outside protests, GEO instituted lockdowns⁷ that trapped people in
3 crowded cells that this Court had already found likely violated their “constitutional
4 right to be housed in reasonable safety.” *Id.* When a group of incarcerated people
5 decided to peacefully protest the lockdowns, they were again met with violence.⁸
6 This time, GEO staff retaliated against entire units for the constitutionally protected
7 protest activity of a few individuals.

8 Reporting shows that GEO employs the same suppressive tactics at their
9 other California facilities.⁹ Indeed, this pattern of retaliation stretches across the
10 country, with GEO consistently deploying chemical agents and physical force to
11 silence peaceful demonstrations inside their immigration detention facilities.¹⁰

12 As ICE agents “seize anyone who looks Latino, speaks Spanish, and appears
13 to work a low wage job,” the rapid influx of people has caused conditions inside
14

15 ⁷ Gabriel Thompson, *Immigrant Detainees Accuse Guards of Chemical Attacks*,
Capital & Main (June 25, 2020), <https://capitalandmain.com/immigrant-detainees-accuse-guards-of-chemical-attacks-0625>.

16 ⁸ *Id.*

17 ⁹ Press Release, Laws.’ Comm. for C.R. of S. F., *Immigrants in California ICE*
18 *Detention Center File Civil Rights Complaint After Private Prison Guards Respond*
19 *to Peaceful Protests with Violent Raid, Pepper Spray, Solitary Confinement* (Aug.
15, 2024).

20 ¹⁰ A new GEO facility in Florida has had two pepper spray incidents since it opened
21 in September 2025, at least one of which was in response to a protest. Ana Goñi-
Lessan, *Immigrants Pepper Sprayed at Deportation Depot on Christmas Eve*,
Tallahassee Democrat (Jan. 21, 2026),
22 [https://www.tallahassee.com/story/news/local/state/2026/01/21/immigrants-pepper-](https://www.tallahassee.com/story/news/local/state/2026/01/21/immigrants-pepper-sprayed-at-deportation-depot-on-christmas-eve/88214244007/)
23 [sprayed-at-deportation-depot-on-christmas-eve/88214244007/](https://www.tallahassee.com/story/news/local/state/2026/01/21/immigrants-pepper-sprayed-at-deportation-depot-on-christmas-eve/88214244007/). In a Louisiana GEO
24 facility, protestors have had less-than-lethal weapons and chemical agents deployed
on them. Chantal Da Silva, *More Than 100 Detained Immigrants on Hunger Strike*
Allegedly Pepper-Sprayed, Newsweek (Aug. 7, 2019), <http://bit.ly/4rnsDar>.

1 Adelanto to *again* reach deadly levels. *Noem*, 146 S. Ct. at 6 (J. Sotomayor, dissent).
2 Two people have died since the “massive increase” in population at the “woefully
3 unprepared” facility.¹¹ People detained at Adelanto, like so many across the
4 country,¹² continue to lawfully “protest the conditions and speak out, but are met
5 with retaliation or punishment.” *L. T. et al. v. U.S. Immigr. & Customs Enf’t et al.*,
6 No. 5:26-cv-00322, Dkt. 1 ¶ 8. The public deserves to know how GEO may respond.

7 PROCEDURAL HISTORY

8 Plaintiffs are five individuals who were detained at Adelanto in 2020 and
9 subjected to a major use of force incident that unfolded across multiple units. On
10 behalf of themselves and all others similarly situated, Plaintiffs allege violations of
11 the First, Fourth, Fifth, and Fourteenth Amendments, as well as state tort law. Dkt.
12 1. In July 2025, the Court granted Plaintiffs’ motion for class certification and
13 denied GEO’s motion for summary judgment. Dkt. 113. In conjunction with those
14 two motions, the Parties applied to file materials under seal on five occasions, Dkts.
15 56, 60, 71, 87, 90, resulting in over fifty sealed documents and files. Dkts. 55, 57,
16 64, 73, 74, 81, 88, 91. The sealed court records include video footage, movement
17 logs showing when people were finally allowed to shower or receive medical

18
19 ¹¹Meg James, *Deaths in ICE custody raise serious questions, lawmakers say*, L.A.
20 Times (Nov. 22, 2025), [https://www.latimes.com/california/story/2025-11-22/ice-](https://www.latimes.com/california/story/2025-11-22/ice-custody-deaths-raise-congress-member-questions-ismael-ayala-uribe)
21 [custody-deaths-raise-congress-member-questions-ismael-ayala-uribe](https://www.latimes.com/california/story/2025-11-22/ice-custody-deaths-raise-congress-member-questions-ismael-ayala-uribe); Janny Jarvie
22 & Nathan Solis, *Moldy food, dirty towels: Critics warn of inhumane conditions at California’s largest detention center*, L.A. Times (June 20, 2025),
23 [https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-](https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center)
24 [inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center](https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center).

23 ¹² “*Let Us Out*”: ICE Detention of Kids Sparks Protests at Immigration Jail in
24 Texas, Democracy Now! (Jan. 29, 2026),
https://www.democracynow.org/2026/1/29/dilley_tx_ice_jail_family_detention.

1 treatment, and GEO's internal reports following the incident. Even GEO's brief
2 opposing Plaintiffs' motion for class certification is sealed. Dkt. 72. This case is
3 currently set for trial on April 14, 2026. Dkt. 116.

4 **ARGUMENT**

5 Proposed Intervenors seek access to sealed court records. The Court should
6 permit Proposed Intervenors to intervene in this action for the limited purpose of
7 asserting their First Amendment and common law rights of access.

8 In this Circuit, it is well-established that "[n]onparties seeking access to a
9 judicial record in a civil case may do so by seeking permissive intervention under
10 Rule 24(b)(2)." *San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1100
11 (9th Cir. 1999). Ordinarily, a court may grant permissive intervention under Rule
12 24(b) if the movant presents "(1) an independent ground for jurisdiction; (2) a
13 timely motion; and (3) a common question of law and fact between the movant's
14 claim or defense and the main action." *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966
15 F.2d 470, 473 (9th Cir. 1992). Consistent with the requirements of Rule 24(b), the
16 court must also "consider whether the intervention will unduly delay or prejudice
17 the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

18 However, when a party seeks to intervene solely for the purpose of seeking
19 access to court records, the requirements for permissive intervention are relaxed.
20 First, "an independent jurisdictional basis is not required because intervenors do not
21 seek to litigate a claim on the merits." *Beckman*, 966 F.2d at 473; *see Cosgrove v.*
22 *Nat'l Fire & Marine Ins. Co.*, 770 Fed. App'x 793, 795 (9th Cir. 2019) (explaining
23 that a "third party seeking permissive intervention purely to unseal a court record
24 does not need to demonstrate independent jurisdiction"); *Hernandez v. Cnty. of*

1 *Monterey*, No. 13-CV-02354-BLF, 2023 WL 5418753, at *2 (N.D. Cal. Aug. 21,
2 2023) (same). Second, “[t]here is no reason to require [] a strong nexus of fact or
3 law when a party seeks to intervene only for the purpose” of promoting court
4 transparency. *Beckman*, 966 F.2d at 474; *see Cosgrove*, 770 Fed. App’x at 795
5 (explaining that a “third party seeking permissive intervention purely to unseal a
6 court record does not need to demonstrate . . . a common question of law or fact”);
7 *Hernandez*, 2023 WL 5418753, at *2 (same). Accordingly, “a party who seeks to
8 intervene solely to unseal filed documents only needs to show timeliness.” *Greer v.*
9 *Cty. of San Diego*, No. 19-CV-378-JO-DEB, 2023 WL 4479234, at *3 (S.D. Cal.
10 July 10, 2023) (reversed on other grounds).

11 In determining whether the motion is timely, a court must consider “(1) the
12 stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice
13 to other parties; and (3) the reason for and length of [any] delay,” *San Jose Mercury*
14 *News*, 187 F.3d at 1101. These same considerations also satisfy Rule 24(b)(3)’s
15 required undue delay and prejudice analysis, *see* Fed. R. Civ. P. 24(b)(3).

16 Here, Proposed Intervenor’s Motion to Intervene is timely. It comes just five
17 months after this Court granted the applications to seal most of the documents
18 Proposed Intervenor now seek to unseal. ECF 113. For comparison, “delays
19 measured in years have been tolerated where an intervenor is pressing the public’s
20 right of access to judicial records.” *San Jose Mercury News*, 187 F.3d at 1101
21 (collecting cases). And this Court’s local rules do not limit the time by which “[a]
22 nonparty seeking access to a sealed document may intervene in a case for the
23 purpose of” unsealing. Civil L.R. 79-7.2.

1 Further, granting this Motion to Intervene will not prejudice the parties
2 because Proposed Intervenor seek only to enforce GEO's existing obligation to
3 demonstrate why records should be sealed. As explained in Proposed Intervenor's
4 Motion to Unseal, GEO bears the burden of establishing that there are compelling
5 reasons for keeping court records sealed. *See, e.g., In re Copley Press, Inc.*, 518
6 F.3d 1022, 1026 (9th Cir. 2008) (explaining the First Amendment presumption of
7 access can only be "overcome by a compelling governmental interest"); *Foltz v.*
8 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003) (explaining
9 the common law "strong presumption in favor of access to court records," which
10 can only be overridden if the party seeking to seal can establish there are
11 "sufficiently compelling reasons for doing so").

12 As explained in Proposed Intervenor's motion to unseal, filed concurrently,
13 GEO has failed to carry its existing burden. In fact, it failed to assert any reason at
14 all for sealing many of the court records at issue here. Importantly, "[t]he mere fact
15 that Defendants will need to explain why the relevant records should remain sealed
16 is not, itself, unduly prejudicial." *Muhammin v. City of Phoenix*, No. CV-17-04565-
17 PHX-DLR, 2021 WL 5173767, at *2 (D. Ariz. Nov. 3, 2021). Even if it were, once
18 an intervenor asserts "a legitimate, presumptive right to open the court record . . . ,
19 the potential burden or inequity to the parties should affect not the right to intervene
20 but, rather, the court's evaluation of the merits" of a motion to unseal. *San Jose*
21 *Mercury News*, 187 F.3d at 1101 (quoting *Pub. Citizen v. Liggett Grp., Inc.*, 858
22 F.2d 775, 787 (1st Cir. 1988)). Therefore, any concerns about potential prejudice to
23 the parties can be addressed when the Court balances the public's interest in
24 disclosure against GEO's interest in secrecy. *See Kamakana v. City & Cnty. of*

1 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (quoting *Foltz*, 331 F.3d at 1135)
2 (“[T]he court must ‘conscientiously balance[] the competing interests’ of the public
3 and the party who seeks to keep certain judicial records secret.”).

CONCLUSION

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6 Because Proposed Intervenors satisfy the requirements for permissive
7 intervention under Rule 24(b), the Court should grant their Motion and allow them
8 to assert their First Amendment and common law right of access to court records.
9

10 Dated: February 2, 2026

Submitted,

11 PUBLIC JUSTICE

12 /s/ Jacqueline Arkush

Jacqueline Arkush (SBN 365861)

13 Leslie Bailey (SBN 232690)

14 *Counsel for Proposed Intervenors*
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