

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

YAMIL LUNA GUTIERREZ, <i>et al.</i> ,)	
)	
<i>Plaintiffs</i> , on behalf of themselves and all others similarly situated,)	
)	
v.)	No. 1:25-cv-01766-SLS
)	
KRISTI NOEM, Secretary of Homeland Security, in her official capacity, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully submit this Notice of Supplemental Authority to inform the Court of a memorandum opinion issued by another judge in this District in *Florence Immigrant and Refugee Rights Project v. U.S. Dep't of Homeland Sec.* (“FIRRP”), No. 1:22-cv-3118-CKK, 2025 WL 2844538 (D.D.C. Oct. 6, 2025), attached hereto, which supports Plaintiffs’ opposition to Defendants’ pending Motion to Dismiss.

In its opinion, the court denied the government’s motion to dismiss, and concluded that Plaintiffs stated a valid claim that restrictions on attorney access for immigrant detainees held at the Florence Correctional Center were punitive, in violation of their Fifth Amendment right to substantive due process. *Id.* at *8-*12. The court concluded that detained immigrants can establish unconstitutional punishment “by showing that there is an expressed intent to punish, or that the challenged conditions are either not rationally related to a legitimate nonpunitive governmental purpose or excessive in relation to that purpose.” *Id.* at *5 (cleaned up) (quoting *Kingsley v. Hendrickson*, 576 U.S. 389, 398 (2015)). The court also concluded that “[w]here conditions at a detention facility are ‘not more considerate than those at pretrial and prison

facilities,’ they ‘may be punitive in nature.’” *Id.* (quoting *S. Poverty L. Ctr. v. U.S. Dep’t of Homeland Sec. (SPLC I)*, No. 18-cv-0760, 2020 WL 3265533, at *18 (D.D.C. June 17, 2020)).

Plaintiffs in this case likewise allege that their detention at Guantánamo is unconstitutionally punitive, under the same tests articulated by the *FIRRP* court. *See* ECF No. 33 at 38–43.

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