AMERICAN CIVIL LIBERTIES UNION
Colorado

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November 11, 2026

VIA CM/ECF

Christopher M. Wolpert
Clerk of the Court
United States Court of Appeals for the Tenth Circuit
The Byron White U.S. Courthouse
1823 Stout Street
Denver, CO 80257

Re: ***Ramirez Ovando v. Mullin*, No. 26-1027**
Notice of Supplemental Authority pursuant to Fed. R. App. P. 28(j) regarding *M-J-M-A v. Hernandez*, --- F.Supp.3d ----, 2026 WL 3301008 (D. Or. Nov. 2, 2026), and *Vasquez Perdomo v. Mullin*, --- F.Supp.3d ----, 2026 WL 2751388 (C.D. Cal. Sept. 2, 2026).

Dear Mr. Wolpert,

The decision in *M-J-M-A v. Hernandez,* --- F.Supp.3d ----, 2026 WL 3301008 (D. Or. Nov. 2, 2026), supports the arguments that: (i) the government's actions at issue here are pursuant to a widespread and ongoing policy and practice of making unlawful warrantless arrests, thus placing Plaintiffs and class members at substantial risk of future harm from that policy (Answer Brief ("AB") 4-7, 15-25, 44-47), 2026 WL 3301008, **7-19; (ii) issuance of I-200 administrative warrants does not mean that future arrests would be pursuant to that warrant (AB 24-25), *id.* at **4, 12-13, 18-19; and (iii) there should be no presumption of regularity for ICE's conduct at issue here (Reply 14), *id.* at *25. The *M-J-M-A* court held that (i) as a legal matter, a pre-existing warrant is valid only if the government has revoked bond or parole before rearresting the subject of the warrant; and (ii) as a factual matter, arrests were warrantless, even where an administrative warrant existed, because the officer did not have knowledge of the warrant at the time of arrests. *Id.* at **4, 12-13, 18-19.

The decision in *Vasquez Perdomo v. Mullin*, --- F.Supp.3d ----, 2026 WL 2751388 (C.D. Cal. Sept. 2, 2026), supports the arguments that: (i) Defendants have a widespread and ongoing policy and practice of making unlawful warrantless arrests that constitute final action under the APA (AB 4-7, 15-25, 44-48), 2026 WL 2751388, **6-10, 14-15, 18–23; (ii) Plaintiffs have standing because an injury is likely to recur where the harm is part of a pattern of officially sanctioned behavior targeted at people with Plaintiffs' characteristics, the policy caused the harm, and injunctive relief would redress the harm (AB 15-33), *id.* at **13-16; and (iii) Defendants' reliance on the Lyons Memo is misplaced and the memo is likely contrary to law by suggesting that legal status alone can form the basis for the likelihood-of-escape determination (AB 12, 22-23, 54-55), *id.* at *20.

Respectfully submitted,

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cc: Counsel of Record, via CM/ECF

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing letter complies with the type-volume limitations of Fed. R. App. P. 28(j) because the body contains 321 words. This letter also complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5)(A) because this letter was prepared in a proportionally spaced typeface using Word 14-point Times New Roman.

/s/ Timothy R. Macdonald
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Counsel for Plaintiffs-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2026, I filed the foregoing document using the Court's CM/ECF system, which caused all counsel of record to be served with a copy of the filing.

/s/ Timothy R. Macdonald
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Counsel for Plaintiffs-Appellees