

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS,)
STATE OF MISSOURI,)

Plaintiffs,)

v.)

JOSEPH R. BIDEN, JR.,)
in his official capacity as)
President of the United States, *et al.*,)

Defendants.)

Civil Action No. 2:21-cv-00067-Z

DEFENDANTS' MONTHLY REPORT FOR OCTOBER 2021

On August 13, 2021, the Court entered an injunction requiring Defendants to, *inter alia*, “enforce and implement [the Migrant Protection Protocols (MPP)] *in good faith*.” ECF No. 94 at 52; *see State v. Biden*, No. 21-10806, 2021 WL 3674780 at *13 (5th Cir. Aug. 19, 2021). “To ensure compliance with this order,” the Court provided, “starting September 15th, 2021, the Government must file with the Court on the 15th of each month, a report stating

(1) the total monthly number of encounters at the southwest border; (2) the total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute; (3) Defendants’ total detention capacity as well as current usage rate; (4) the total monthly number of “applicants for admission” under Section 1225; (5) the total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and (6) the total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.

ECF No. 94 at 52-53.

Defendants submit the following Report in compliance with this requirement. This November 15th report reflects data from October 1, 2021 through October 31, 2021.

1. Total Monthly Number of Encounters at the Southwest Border

For the month of October 2021, DHS reported 164,303 total encounters at the Southwest Border. Ex. A at 1 (CBP Report – November 2021). This figure combines statistics reported by the U.S. Customs and Border Protection’s Office of Field Operations (OFO), which deals with noncitizens seeking to enter at land ports of entry (POE), with statistics from the U.S. Border Patrol (USBP), which apprehends noncitizens seeking to enter between POEs.

2. Total Monthly Number of Aliens Expelled Under Title 42, Section 1225, or Under Any Other Statute

For the month of October 2021, DHS reported 102,633 total noncitizens expelled under Title 42 and removed or returned under Title 8 authorities (including 8 U.S.C. § 1225). This figure includes 93,676 Title 42 expulsions and 7,722 Title 8 removals and returns reported by CBP, Ex.

A at 2, and 1,235 removals under 8 U.S.C. § 1225 reported by U.S. Immigration and Customs Enforcement (ICE)¹, Ex. B at 1 (ICE Statistics for October 2021). As explained in Exhibit A, CBP's Title 8 removals and returns include several categories of removals and returns conducted by OFO and USBP, including expedited removals, reinstated orders of removal, voluntary returns, returns pursuant to 8 U.S.C. § 1225(b)(2)(C), withdrawals of applications for admission, etc. Ex. A at 2. ICE's removals under section 1225 represent expedited removals. Ex. B at 1.

3. Total Detention Capacity and Current Usage Rate

For the month of October 2021, DHS reported that its total detention capacity was approximately 32,485, a figure combining CBP's approximate holding capacity of 5,685, Ex. A at 3-4, and ICE's current approximate funded detention capacity of 26,800,² Ex. B at 5. CBP's approximate holding capacity is the sum of OFO's approximate holding capacity, 935, and USBP's average holding capacity, 4,750. Ex. A at 3 & n.11.

DHS reported that the current average daily usage rate throughout October 2021 for CBP detention was 13.2% for OFO facilities and 150.65% for Border Patrol facilities, Ex. A at 3 & n.11, and approximately 85.10% for ICE detention facilities. *See* Ex. B at 5 (rate equals average daily population of 22,806 for the month of October 2021 over the current approximate total detention capacity of 26,800).

¹ ICE removals include noncitizens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ICE Enforcement and Removal Operations (ERO) for detention. Noncitizens processed for ER and not detained by ERO or VR after June 1, 2013 and not detained by ERO are primarily processed by CBP, and would be included within CBP's data. Ex. B.

² ICE has approximately 34,000 funded detention beds available nationwide but its full inventory of bedspace is severely limited to 75% capacity, or approximately 26,800 beds, due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. *See, e.g., Fraihat v. ICE*, 445 F. Supp. 3d 709 (C.D. Cal. Apr. 20, 2020).

4. Total Monthly Number of Applicants for Admission Under § 1225

For the month of October 2021, DHS reported that the total number of applicants for admission under Section 1225 encountered³ by CBP was 70,627. Ex. A at 4. This figure is consistent with CBP's total number of noncitizen encounters subtracting its Title 42 expulsions. See Ex. A at 4 n.12; *supra* §§ 1, 2.

5. Total Monthly Number of Applicants for Admission Under § 1225 Paroled Into the United States

For the month of October 2021, DHS reported that the total number of applicants for admission under Section 1225 paroled into the United States was 16,880. This figure combines CBP grants of parole – 9,827 USBP Apprehensions with a Parole Disposition, 626 OFO Inadmissible Aliens with a Parole Disposition, and 2,998 individuals categorized as “OFO NTA [Notice to Appear] and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5),” Ex. A. at 4 – and 3,429 ICE grants of parole, Ex. B at 2.

6. Total Monthly Number of Applicants for Admission Under § 1225 Released Into the United States, Paroled or Otherwise

For the month of October 2021, DHS reported that the total number of applicants for admission under Section 1225 released into the United States, paroled or otherwise, was 42,560, a figure reflecting CBP's 30,549 total releases across all categories for the month of October, Ex. A

³ An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track applicants for admission in the United States that are not encountered by CBP. Ex. A at 4 n.12. All references in this document to “applicants for admission” refer to noncitizen applicants for admission encountered at or in-between POEs by CBP.

at 4,⁴ combined with ICE's 12,011 total releases of noncitizens transferred to it from CBP following their apprehension or encounter at the Southwest Border for the month of October, Ex. B at 2.

Dated: November 15, 2021

Respectfully submitted,

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⁴ This report does not include data on unaccompanied alien children (UCs), as defined in 6 U.S.C. § 279(g), who the Court recognized are not amenable to MPP, ECF No. 94 at 9, and who are subject to special processing and are transferred to U.S. Department of Health and Human Services Custody pursuant to the Trafficking Victims Protection Reauthorization Act. *See* 8 U.S.C. §§1232(a)(5)(D), 1232(b)(3), 1232(c)(2)(A), 1232(c)(3); *see also* CBP, Southwest Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (providing statistics on UCs encountered by CBP).

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2021, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of Texas by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Joseph A. Darrow

JOSEPH A. DARROW

U.S. Department of Justice

Exhibit A

Texas v. Biden Monthly Report
Reporting Period: October 1, 2021 – October 31, 2021

(1) The total monthly number of encounters¹ at the southwest border (SWB);

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions² between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles³ at land ports of entry along the SWB, and Title 42 Expulsions⁴ at and between the ports of entry along the SWB.

October 2021 as of November 4, 2021	Title 42	Title 8	Total Encounters
Office of Field Operations	1,837	3,891	5,728
El Paso Field Office	171	232	403
Laredo Field Office	649	578	1,227
San Diego Field Office	845	2,879	3,724
Tucson Field Office	172	202	374
U.S. Border Patrol	91,839	66,736	158,575
Big Bend Sector	3,232	372	3,604
Del Rio Sector	14,343	13,768	28,111
El Centro Sector	4,083	959	5,042
El Paso Sector	11,179	2,813	13,992
Laredo Sector	6,846	597	7,443
Rio Grande Valley Sector	24,157	21,167	45,324
San Diego Sector	10,922	3,396	14,318
Tucson Sector	15,122	3,996	19,118
Yuma Sector	1,955	19,668	21,623
Grand Total	93,676	70,627	164,303

¹ The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

² Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

³ Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

⁴ Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

(2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- Title 42 expulsions at and between the ports of entry along the SWB⁵

October 2021 as of November 4, 2021	Title 42
Office of Field Operations	1,837
El Paso Field Office	171
Laredo Field Office	649
San Diego Field Office	845
Tucson Field Office	172
U.S. Border Patrol	91,839
Big Bend Sector	3,232
Del Rio Sector	14,343
El Centro Sector	4,083
El Paso Sector	11,179
Laredo Sector	6,846
Rio Grande Valley Sector	24,157
San Diego Sector	10,922
Tucson Sector	15,122
Yuma Sector	1,955
Grand Total	93,676

- Removals/Returns under Title 8

Southwest Land Border (Based on Encounter Date)⁶: 7,722

- BP Removals/Returns: 7,016
 - Bag and Baggage⁷: 84
 - Voluntary Return⁸: 2,303
 - Expedited Removal: 3,102
 - Reinstatement of Removal: 1,527
 - Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C): 0
- OFO Removals/Returns: 706
 - Bag and Baggage: 1
 - Voluntary Return: 132
 - Expedited Removal: 111
 - Reinstatement of Removal: 13
 - Withdrawal of Application for Admission: 449
 - Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C): 0

⁵ Same as Title 42 expulsion data provided in response to 1 above.

⁶ Indicates that the noncitizen was encountered during the reporting period (October 1, 2021 – October 31, 2021).

⁷ When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

⁸ Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

(3) Defendants’ total detention capacity as well as current usage rates;

OFO Holding Capacity – Southwest Border in Custody⁹

Detention Capacity	October 2021
935	123 (13.2%) ¹⁰

USBP Average Daily Subjects In Custody by Southwest Border Sector¹¹

USBP Sector	October 2021
Big Bend	23
Del Rio	839
El Centro	293
El Paso	550
Laredo	372
Rio Grande	2,572
San Diego	480
Tucson	456
Yuma	1,571
Total	7,156

⁹ Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP’s capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

¹⁰ Represents the average number of travelers in custody on a daily basis averaged over the 30-day period, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

¹¹ U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 4,750, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis is 150.65%, which is averaged over the 30-day period and includes all Southwest Border Sector locations.

(4) The total monthly number of “applicants for admission”¹² under Section 1225;

October 2021 as of November 4, 2021	Title 8
Office of Field Operations	3,891
El Paso Field Office	232
Laredo Field Office	578
San Diego Field Office	2,879
Tucson Field Office	202
U.S. Border Patrol	66,736
Big Bend Sector	372
Del Rio Sector	13,768
El Centro Sector	959
El Paso Sector	2,813
Laredo Sector	597
Rio Grande Valley Sector	21,167
San Diego Sector	3,396
Tucson Sector	3,996
Yuma Sector	19,668
Grand Total	70,627

(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and

- OFO NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5): 2,998
- BP Apprehensions with Parole Disposition: 9,827
- OFO Inadmissible Aliens with Parole Disposition: 626

(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”¹³

- BP Notice to Report¹⁴: 4
- BP NTA-Order of Release on Recognizance: 17,094
- OFO NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5): 2,998
- BP Apprehensions with Parole Disposition: 9,827
- OFO Inadmissible Aliens with Parole Disposition: 626

¹² An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track all applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

¹³ All numbers in reporting requirement 6 are “based on encounter date,” as defined above.

¹⁴ Individuals who are screened by CBP, and after criminal and immigration records checks are conducted to determine if the subject is a threat to national security or public safety, are then released and instructed to report to U.S. Immigration and Customs Enforcement (ICE) for continued processing.

Exhibit B

ERO LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 11/08/2021**ICE Removals of Expedited Removals for Oct FY2022**

Case AOR	Total
Atlanta	52
Baltimore	1
Boston	3
Buffalo	5
Chicago	15
Dallas	86
Denver	15
Detroit	5
El Paso	48
Harlingen	179
Houston	92
Los Angeles	1
Miami	34
New Orleans	350
New York City	11
Newark	3
Philadelphia	1
Phoenix	92
Salt Lake City	32
San Antonio	120
San Diego	57
San Francisco	4
Seattle	24
St. Paul	2
Washington	3
Total	1,235

ERO-LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 11/08/2021

ICE Initial Book Ins in Oct FY2022 with Arresting Agency of CBP	25,080
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ICE Initial Book Ins in Oct FY2022 with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border	21,628
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	10/30/2021 ICE Currently Detained	9,023
	FY2022 YTD ICE Final Release	12,011
	<i>Bonded out</i>	25
	<i>Order of Recognizance</i>	8,334
	<i>Order of supervision</i>	223
	<i>Paroled</i>	3,429
	FY2022 YTD ICE Removal	268

ERO-LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 11/08/2021

Footnotes

FY2022 ICE Initial Book Ins data are updated through 10/30/2021 (IIDS v2.0 run date 11/03/2021; EID as of 10/30/2021).
ICE Currently Detained National Docket data are a snapshot as of 10/30/2021 (IIDS v2.0 run date 11/03/2021; EID as of 10/30/2021).
FY2022 ICE Final Releases data are updated through 10/31/2021 (IIDS v2.0 run date 11/03/2021; EID as of 10/31/2021).
FY2022 ICE Removals data are updated through 10/30/2021 (IIDS v2.0 run date 11/03/2021; EID as of 10/30/2021).

USBP Apprehensions FY14 - FY22 YTD uploaded to IIDS on 11/01/2021, with FY22 apps through 10/29/2021.

Office of Field Operations (OFO) Southwest Border Operations (SBO) Enforcement Encounters Report with Subject-level details for FY22TD through 10/30/2021.

For the purpose of this report, only the most recent status for an individual who had an ICE Initial Book Ins in Oct FY2021 with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border is included in the summary count. I.e., Individual with multiple initial book-ins pertinent to this litigation should have the same reported status and not be included in multiple status summary counts.

The person record for 326 ICE Initial Book Ins pertinent to this litigation could not be matched to an ICE Current Detention, ICE Final Release or ICE Removal occurring after the ICE Initial Book In date.

ICE Initial Book Ins

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

The "CBP" Arresting Agency includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

ICE Initial Book Ins are matched to USBP Apprehensions and/or OFO Encounters based on subject-level details (Civilian record) where the USBP Apprehension and/or OFO Encounter occur prior to the ICE Initial Book In date. STU cannot confirm that the ICE Initial Book In is directly related to the matched USBP Apprehension and/or OFO Encounter.

Individuals may have more than one ICE Initial Book Ins relevant to this litigation. All have been included.

Individuals may have more than one USBP Apprehensions and/or OFO Encounters relevant to this litigation. The latest occurring Apprehension or Encounter is included.

ICE Detained National Docket

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Current Detention record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Current Detention date. The ICE Initial Book In may not be directly related to the matched ICE Current Detention.

ICE Final Releases

An ICE Final Release is defined as a Final Bookout that reflects one of the following release reasons: Bonded Out, Order of Recognizance, Order of Supervision, Paroled, or Prosecutorial Discretion. All Case Statuses are included.

ICE Detention data exclude ORR transfers/facilities and U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Removal record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Removal date. The ICE Initial Book In may not be directly related to the matched ICE Removal.

ICE Initial Book Ins are matched to ICE Final Release record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Final Release date. The ICE Initial Book In may not be directly related to the matched ICE Final Release.

ICE Removals

ICE Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals Under Docket Co

ICE Removals include aliens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ERO for detention. Aliens processed for ER and not detained by ERO or VR after June 1st, 2013 and not detained by ERO are primarily processed by Border Patrol.

Starting in FY2009, ICE began to “lock” removal statistics at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after the end of that fiscal year were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after the end of that fiscal year into the next fiscal year. The number of removals in FY2009, excluding the “lag” from FY2008, was 387,790. The number of removals in FY2010, excluding the “lag” from FY2009, was 373,440. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in FY2010. Of those 76,732, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,155,260 on those 33,900 cases. The number of removals in FY2011, excluding the “lag” from FY2010, was 385,145. The number of removals in FY2012, excluding the “lag” from FY2011, was 402,919. The number of removals in FY2013, excluding the “lag” from FY2012, was 363,144. The number of removals in FY2014, excluding the “lag” from FY2013, was 311,111. The number of removals in FY2015, excluding the “lag” from FY2014, was 231,250. The number of removals in FY2016, excluding the “lag” from FY2015, was 235,524. The number of removals in FY2017, excluding the “lag” from FY2016, was 220,649. The number of removals in FY2018, excluding the “lag” from FY2017, was 252,405. The Number of removals in FY2019, excluding the “lag” from FY2018, was 262,591. The number of removals in FY2020, excluding the “lag” from FY2019, was 177,516. The number of removals in FY2021, excluding the “lag” from FY2020, was 55,355.

FY Data Lag/Case Closure Lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in EARM until a subsequent FY after the data is locked. Since the data from the previous FY is locked, the removal is recorded in the month the case was closed and reported in the next FY Removals. This will result in a higher number of recorded removals in an FY than actual departures.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

Expedited removals include cases have one of the following case categories:

[8F] Expedited Removal [8G] Expedited Removal - Credible Fear Referral, [8H] Expedited Removal - Status Claim Referral, [8K] Expedited Removal Terminated due to Credible Fear Finding / NTA Issued.

ERO Custody Management Division

Population Counts from October 1, 2021 through October

Source: ICE Integrated Decision Support (IIDS), 11/08/2021

IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

FY2021 data: IIDS as of 11/08/2021; EID data through 11/06/2021

Average Daily Population is calculated by the total daily population divided by the number of days in the month

Total Daily Population includes single adults and individuals in family units

ERO is currently appropriated sufficient funding for approximately 31,500 detention beds nationwide, to support its mission to enforce immigration law. ICE is currently operating under a Continuing Resolution until December 3, 2021, and the Fiscal Year 2022 Budget has not yet passed. The Fiscal Year 2022 President's Budget, submitted to Congress, requests 30,000 adult beds and 2,500 beds for members of family units. However, it is likely to change once the final bill is passed. ICE's access to its full inventory of bedspace is severely limited due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. Specifically, ICE's Pandemic Response Requirements (PRR) for its detention facilities, which are informed by the Centers for Disease Control and Prevention's COVID-19 guidelines, require that facilities undertake efforts to reduce populations to approximately 75% capacity. Last year, the U.S. District Court for the Central District of California issued a nationwide preliminary injunction recognizing the 75% capacity limit, and ordering ICE to maintain additional strict standards to reduce the risk of COVID-19 infection. See *Fraihat v. ICE*, 445 F.Supp.3d 709 (C.D. Cal. Apr. 20, 2020). In light of these mandates, ICE's currently available bedspace inventory is only approximately 26,800 beds

Average Daily Population for the Month of October	22,806
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Date	Total Daily Population
10/1/2021	21,576
10/2/2021	21,511
10/3/2021	21,867
10/4/2021	22,583
10/5/2021	22,456
10/6/2021	22,602
10/7/2021	22,269
10/8/2021	22,365
10/9/2021	22,404
10/10/2021	22,859
10/11/2021	22,938
10/12/2021	23,052
10/13/2021	22,908
10/14/2021	22,616
10/15/2021	22,309
10/16/2021	22,435
10/17/2021	22,487
10/18/2021	22,590
10/19/2021	22,540
10/20/2021	22,815
10/21/2021	22,894
10/22/2021	22,594
10/23/2021	22,887

10/24/2021	23,305
10/25/2021	23,846
10/26/2021	23,835
10/27/2021	23,652
10/28/2021	23,597
10/29/2021	23,663
10/30/2021	23,656
10/31/2021	23,868

r 31, 2021