

The Honorable Benjamin H. Settle

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

THE GEO GROUP, INC.,

Plaintiff,

v.

ROBERT W. FERGUSON, in his official
capacity as Governor of the State of
Washington; NICHOLAS W. BROWN, in
his official capacity as Attorney General of
the State of Washington,

Defendants.

NO. 3:23-cv-05626-BHS

DEFENDANTS-COUNTERCLAIMANTS'
MOTION FOR PRELIMINARY
INJUNCTION

NOTE ON MOTION CALENDAR:
MAY 26, 2026

ORAL ARGUMENT REQUESTED

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I. INTRODUCTION

After losing at the Ninth Circuit, The GEO Group is now openly defying Washington law. On March 4, the Ninth Circuit entered its mandate vacating the preliminary injunction against House Bill 1470 (HB 1470). Since the mandate issued, Washington’s Department of Health has twice attempted to inspect GEO’s Tacoma facility to investigate what is now more than 3,500 complaints alleging substandard conditions within the facility. These complaints paint a stunning portrait of neglect and outright cruelty—medical emergencies ignored, substandard and contaminated food, unsanitary conditions, and even assault by staff. But GEO has twice refused entry to Department inspectors, most recently on April 20. GEO’s brazen disregard for Washington law is not only unlawful, it irreparably harms the State Defendants-Counterclaimants (the State) and the public interest by thwarting Washington’s sovereign prerogative to protect the health and safety of people within its borders.

The State therefore requests a preliminary injunction to enjoin GEO from blocking the Department of Health from inspecting GEO’s Tacoma facility.

II. FACTS

A. GEO Sued to Enjoin HB 1470, but the Ninth Circuit Rejected Its Challenge

In July 2023, GEO sued the State to enjoin enforcement of a then-newly enacted state law, HB 1470, which set basic public health and safety requirements for private detention facilities and directed Washington’s Department of Health to inspect them. Dkt. # 1. Although this Court concluded that GEO’s challenge to Section 4 was not ripe and that HB 1470 did not directly regulate the federal government and was not preempted, the Court nevertheless enjoined Sections 2, 3, 5, and 6 of HB 1470 (i.e., Wash. Rev. Code §§ 70.395.040, .050, .070, and .080, respectively). Wash. Rev. Code § 70.395.040 sets basic health and safety standards for private detention facilities, Wash. Rev. Code § 70.395.050 allows for unannounced health and safety inspections, and Wash. Rev. Code §§ 70.395.070 and .080 recognize a private right of action and civil penalties for any violation. The Court concluded those provisions violated the

1 discrimination prong of intergovernmental immunity on the theory that the requirements differed
2 from those applicable to state prisons and jails and GEO's Tacoma facility was the only facility
3 subject to its requirements. Dkt. # 35 at p. 32. The State appealed, arguing that HB 1470 did not
4 discriminate against GEO because its requirements mirrored those that already apply to
5 residential treatment facilities and similar facilities.

6 While the State's appeal of the preliminary injunction was pending, several events
7 occurred. First, the Washington Legislature enacted House Bill 1232 (HB 1232), which amended
8 several provisions of Wash. Rev. Code § 70.395. Relevant here, HB 1232 expanded the
9 definition of "private detention facilities" to include both for-profit and non-profit organizations.
10 See Engrossed Second Substitute HB 1232, 69th Leg. Reg. Sess. (Wash. 2025). As a result of
11 the amendment, GEO's Tacoma facility is no longer the only "private detention facility" covered
12 by the law. See Wash. Rev. Code § 70.395.020(6). Martin Hall Juvenile Detention Facility, for
13 example, is now subject to Wash. Rev. Code § 70.395's requirements. Multiple Agency Fiscal
14 Note Summary, Engrossed Second Substitute HB 1232, at 25–26, [https://fnspublic.
15 ofm.wa.gov/FNSPublicSearch/GetPDF?packageID=74955](https://fnspublic.ofm.wa.gov/FNSPublicSearch/GetPDF?packageID=74955) (last visited April 25, 2026). Further,
16 HB 1232 added substantive provisions to Wash. Rev. Code § 70.395.040 (i.e., Section 2) and
17 Wash. Rev. Code § 70.395.050 (Section 3), requiring that private detention facilities
18 accommodate detainees with physical and mental disabilities, ensure lighting and running water,
19 and adequately equip utility areas and housekeeping closets. The added requirements were drawn
20 directly from standards governing private psychiatric detention facilities. See Wash. Admin.
21 Code § 246-322-120.

22 Second, there have now been over 3,500 complaints received by the Washington
23 Department of Health (the Department) about the abhorrent conditions at GEO's Tacoma facility
24 from people detained inside the facility. Declaration of Wendy Yomiko Nanto (Nanto Decl.) ¶ 4;
25 see also *Washington Dep't of Health v. The GEO Group, Inc.*, No. 3:24-cv-05639 BHS, (W.D.
26

1 Wash. Aug. 16, 2024), Dkt. # 9 (Muñiz Declaration). Two people have died while detained inside
2 the Tacoma facility¹ and six more have attempted suicide.²

3 Third, the Ninth Circuit issued its opinion in *Nwauzor v. The GEO Group, Inc.*, 127 F.4th
4 750 (9th Cir. 2025). There, GEO raised similar federal defenses for its failure to comply with
5 Washington’s minimum wage law and the Ninth Circuit rejected each one. Dispensing with
6 GEO’s direct regulation defense, the Ninth Circuit observed “[t]he government does not
7 ‘operate[] the detention facility,’” and Washington’s minimum wage law did not interfere with
8 the federal government’s authority to use private contractors or otherwise control federal
9 operations. *Id.* at 761–62. As for the discrimination prong of intergovernmental immunity, the
10 Ninth Circuit recognized an exact comparator was unavailable because Washington does not
11 rely on private contractors for its prisons, but still held there was no discrimination because
12 Washington’s minimum wage law treated private employers who would contract with the state
13 and those who contract with the federal government equally. Specifically, the Ninth Circuit
14 rejected the idea that the proper comparison was between public detention facilities and private
15 ones, like GEO, noting that statutes and case law routinely distinguish between state regulation
16 of government entities and private companies that contract with those entities. *Id.* at 765–67.
17 Finally, the Ninth Circuit rejected GEO’s preemption defenses because no federal law prohibited
18 GEO from paying detainees Washington’s minimum wage. *Id.* at 767–68.

19 Accordingly, in August 2025, the Ninth Circuit vacated the preliminary injunction in this
20 case and remanded in part. The Ninth Circuit rejected GEO’s claim that HB 1232’s enactment
21 mooted the appeal because “most of the questions presented to [the Ninth Circuit] remain[ed]
22 unchanged by HB 1232.” *The GEO Group, Inc. v. Inslee*, 151 F.4th 1107, 1113 (9th Cir. 2025).

23
24 ¹ See Freddy Monares, *ICE releases identity of latest death at Tacoma detention center*, KNKX Public
25 Radio (Oct. 30, 2024), <https://www.knkx.org/social-justice/2024-10-30/immigration-customs-enforcement-releases-identity-second-death-tacoma-nw-processing-detention-center>.

26 ² See Univ. of Wash. Center for Human Rts., *911 Call Logs Reveal Increase in Reports of Suicide Attempts at Northwest Detention Center in Tacoma, WA* (Apr. 9, 2024), <https://jsis.washington.edu/humanrights/2024/04/09/press-release-911-calls-reveal-suicide-attempts-at-nwdc/>.

1 Additionally, the Ninth Circuit dismissed GEO’s challenge to Wash. Rev. Code § 70.395.050,
2 which creates a private right of action, concluding this claim was not justiciable in a lawsuit
3 against the Governor and Attorney General. On the merits, the Ninth Circuit affirmed this
4 Court’s order dismissing GEO’s direct regulation and preemption defenses, reasoning that
5 Wash. Rev. Code § 70.395 did *not* give Washington virtual power of review over ICE detention
6 facilities nor prevent ICE from detaining individuals at GEO’s Tacoma facility. *Id.* at 1118.
7 Regarding preemption, the Ninth Circuit “[s]aw] no indication that Congress ha[d] demonstrated
8 any intent, let alone a clear and manifest intent, to preempt Sections 2, 3, and 6 of HB 1470 and
9 relevant portions of HB 1232.” *Id.* at 1123. In other words, nothing in those sections prevents
10 GEO from accomplishing any task that has been required by the federal government. *Id.* at 1124.

11 As for the discrimination prong, the Ninth Circuit concluded that the proper comparator
12 was not state prisons or jails. *Id.* at 1119–20. While this Court had relied on *United States v.*
13 *California*, 921 F.3d 865 (9th Cir. 2019), to compare immigration detention facilities to state
14 prisons and jails, the Ninth Circuit concluded that *California*’s prison comparison did not control
15 here. Instead, the Ninth Circuit recognized there is a “fundamental difference between civil
16 detainees and those charged or convicted with crimes.” *Id.* at 1119. Because the conditions of
17 confinement are not “part of a penal regime,” the Ninth Circuit concluded civil immigration
18 facilities are more similar to civil detention facilities like residential treatment facilities or civil
19 commitment centers, i.e., facilities where individuals are held in involuntary confinement, but
20 not for punitive purposes. *Id.* at 1120. As such, the Ninth Circuit remanded for this Court to
21 determine whether Washington regulates the conditions of confinement at GEO’s Tacoma
22 facility under Wash. Rev. Code § 70.395.040 differently from the way it regulates the conditions
23 in civil detention facilities. *Id.* at 1122. Although the Ninth Circuit ultimately left it for this Court
24 to make the comparison “in the first instance,” it nevertheless observed that the vast majority of
25 Wash. Rev. Code § 70.395.040’s requirements appear to mirror those applicable to residential
26 treatment facilities, i.e., Wash. Admin. Code §§ 246-337-001, -060, -111, -112, -124, -128, -135,

1 -146, or involuntary civil commitment centers, i.e., Wash. Rev. Code §§ 71.05.010–950,
2 Wash. Admin. Code §§ 246-322-100, -120, -140, -160, -230, -240. *Id.* at 1121.

3 After GEO’s petition for rehearing en banc was denied, GEO sought to stay the Ninth
4 Circuit’s mandate pending a petition for certiorari, due June 11, 2026. *See* Ninth Cir. Dkt. # 85.1.
5 The Ninth Circuit denied GEO’s requested stay and issued its mandate on March 4, 2026.
6 Ninth Cir. Dkt. # 84.1 (also filed at Dkt. # 57) (ordering that the Ninth Circuit’s judgment take
7 effect March 4, 2026).

8 **B. Following the Ninth Circuit’s Reversal of the Preliminary Injunction, GEO**
9 **Continues to Block Access to Its Tacoma Facility**

10 The Department continues to review frequent complaints received about the conditions
11 inside GEO’s Tacoma facility. Nanto Decl. ¶ 4. Common complaints reported include assault,
12 medical concerns including infection control, living conditions and cleanliness, and food, water,
13 and air quality. *Id.* After the Ninth Circuit issued its mandate, the Department sent employees to
14 GEO’s Tacoma facility in accordance with Wash. Rev. Code § 70.395.050(2)(b) to investigate
15 complaints received relating to the facility. Declaration of Joseph D. Laxson (Laxson Decl.)
16 ¶¶ 10, 11, 14.

17 On March 20, 2026, Department employees Joseph Laxson and Todd Phillips went to
18 GEO’s Tacoma facility to investigate complaints relating to the facility. *Id.* ¶ 11. They were
19 greeted by a guard who then called the facility administrator, Bruce Scott. *Id.* The Department
20 employees explained to Mr. Scott that they were there to investigate complaints from people
21 detained in the facility about problems with drinking water, as well as complaints about the
22 facility denying individuals the ability to attend religious services, in accordance with
23 Wash. Rev. Code § 70.395. *Id.* Instead of allowing the Department employees entry, Mr. Scott
24 had the employees fill out a form and then left to get an ICE agent. *Id.* The ICE agent, Matthew
25 Cantrell, told the Department employees that they had to reach out to DHS’s Seattle office
26

1 (Seattle office) at seattle.outreach@ice.dhs.gov to receive permission to access secure areas. *Id.*

2 ¶ 12. The Department's employees were not permitted to access the Tacoma facility.

3 Following that denial, on April 3, 2026, Mr. Laxson emailed the Seattle office, reiterating
4 the Department's request to access GEO's Tacoma facility to investigate ongoing complaints
5 relating to the facility. Laxson Decl. ¶ 13. Mr. Laxson has yet to receive a response to his email.
6 *Id.*

7 On April 20, 2026, Mr. Laxson and Mr. Phillips made another attempt to enter the
8 Tacoma facility to investigate complaints relating to low quality drinking water at the facility.
9 *Id.* ¶¶ 14–15. During this attempt, they were again greeted by a guard, and Mr. Scott was called
10 down to speak with the Department employees. *Id.* The Department employees explained that
11 they were there pursuant to Wash. Rev. Code § 70.390.050 to investigate complaints about
12 drinking water at the facility. Instead of allowing the Department employees to enter the facility,
13 Mr. Scott contacted an ICE agent to speak with the Department employees. *Id.* Mr. Cantrell came
14 out and again told the Department employees that they are not allowed to enter secure areas
15 without permission from the Seattle office. *Id.* The Department has still not received a response
16 to their email sent to the Seattle office. *Id.* ¶ 15.

17 Following GEO's second refusal to comply with the plain terms of Washington law, the
18 State seeks to amend its answer to add a counterclaim for GEO's violation of the law, lift the
19 stay in this case, and move for preliminary injunction.

20 III. ARGUMENT

21 A. Standard of Review

22 A preliminary injunction is warranted where the moving party establishes that (1) it is
23 likely to succeed on the merits; (2) irreparable harm is likely in the absence of preliminary relief;
24 (3) the balance of equities tips in the movant's favor; and (4) an injunction is in the public
25 interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); Fed. R. Civ. P. 65. Here,
26 all four factors strongly favor the State.

1 **B. The State Is Likely to Succeed on the Merits Because GEO Is Violating Washington**
 2 **Law by Denying Inspection of Its Tacoma facility**

3 **1. GEO’s refusal to permit Department of Health inspectors into its Tacoma**
 4 **facility plainly violates Wash. Rev. Code § 70.395.050(2)(b)**

5 Enacted as Section 3 of HB 1470, Wash. Rev. Code § 70.395.050 requires Washington’s
 6 Department of Health to inspect private detention facilities in Washington. As relevant here,
 7 Wash. Rev. Code § 70.395.050(2)(b) provides that “The [D]epartment of [H]ealth
 8 shall . . . [c]onduct investigations of complaints received relating to any private detention
 9 facility located within the state[.]” The statute further provides that “[t]he office of the attorney
 10 general may enforce violations of this section.” Wash. Rev. Code § 70.395.050(6).³

11 The analysis here is straightforward. After the Ninth Circuit vacated GEO’s preliminary
 12 injunction against Wash. Rev. Code § 70.395.050, the Department of Health twice sought to
 13 inspect GEO’s facility in response to more than 3,500 complaints it received. These complaints
 14 ran the gamut from inadequate medical care to substandard food to unsanitary conditions to
 15 assault. Nanto Decl. ¶ 4. Twice, GEO refused. Laxson Decl. ¶¶ 11, 14. Because GEO’s refusal
 16 plainly violates the statute, the State is likely to succeed unless GEO can show it was somehow
 17 excused from complying with the law. It cannot.

18 **2. GEO has no defense to justify its disregard for Washington law**

19 Following the Ninth Circuit’s rejection of nearly all of GEO’s defenses, its only possible
 20 defense is that Wash. Rev. Code § 70.395.050 violates the doctrine of
 21 intergovernmental immunity by discriminating against GEO as a federal contractor.
 22 *See The GEO Group, Inc.*, 151 F.4th at 1116–24. In other words, GEO can only succeed if it
 23 shows that Wash. Rev. Code § 70.395.050 treats state-contracted, privately owned and operated

24 ³ Additionally, the attorney general has broad authority to both “[a]pppear for and represent the state . . . in
 25 all cases in which the state is interested” and “[i]nstitute and prosecute all actions and proceedings . . . which may
 26 be necessary in the execution of the duties of any state officer[.]” Wash. Rev. Code § 43.10.030. *See also*
Washington v. City of Sunnyside, 3 Wash.3d 279, 319–20 (2024) (concluding the state attorney general “[was]
 authorized to bring an action under RCW 43.10.030(1) because th[e] case involve[d] matters of public concern in
 which the State has an interest”).

1 civil detention facilities more favorably than it treats GEO’s Tacoma facility. *Id.* at 1118–20; *see*
2 *also Nwauzor*, 127 F.4th at 772.

3 Through all its prior briefing, GEO has never argued that the inspection requirement
4 discriminated against it. Dkt. # 8 (GEO Prelim. Inj. Mot.) at 20–23; Dkt. # 25-1 (GEO Mot. To
5 Dismiss Opp’n) at 15–20; *The GEO Group, Inc.*, 151 F.4th at 1118 (“In the portion of its brief
6 arguing that HB 1470 is an impermissible discriminatory regulation, GEO . . . does not make a
7 separate argument directed to the inspection . . . provision[] in Sections 3.”). Nor could it.

8 As the Ninth Circuit explained, “[a] state law or regulation impermissibly discriminates
9 against the federal government if it treats a state entity more favorably than it treats a comparable
10 federal entity.” *The GEO Group, Inc.*, 151 F.4th at 1118 (citing *Dawson v. Steager*, 586 U.S.
11 171, 175–76 (2019)). “The ‘important consideration’ is whether the state has ‘singled out
12 contractors who work for the United States for discriminatory treatment.’” *Id.* (quoting
13 *Washington v. United States*, 460 U.S. 536, 544 (1983)). “A state law or regulation that burdens
14 only a federal contractor is not impermissibly discriminatory if it ‘duplicate[s] requirements
15 otherwise mandated under’ state law that are imposed on similarly situated state contractors.”
16 *Id.* (quoting *California*, 921 F.3d at 873).

17 Here, GEO’s discrimination argument fails twice over. First, as amended by HB 1232,
18 Wash. Rev. Code § 70.395.050 applies to private facilities beyond GEO’s, including facilities
19 that do not contract with the federal government. Multiple Agency Fiscal Note
20 Summary, Engrossed Second Substitute HB 1232, at 25–26, [https://fnspublic.
21 ofm.wa.gov/FNSPublicSearch/GetPDF?packageID=74955](https://fnspublic.ofm.wa.gov/FNSPublicSearch/GetPDF?packageID=74955) (last visited April 25, 2026).
22 Accordingly, GEO cannot show the law, as amended, “‘single[s them] out’ for less favorable
23 ‘treatment[.]’” *United States v. Washington*, 596 U.S. 832, 839 (2022) (quoting
24 *Washington*, 460 U.S. at 546) (alteration in original). For this reason alone, their
25 intergovernmental immunity argument fails.
26

1 Second, even if Wash. Rev. Code § 70.395.050 only applied to GEO, it cannot show it
 2 is being singled out for less favorable treatment because its inspection requirement is no different
 3 than that applicable to comparable facilities in Washington. As the Ninth Circuit held, the proper
 4 comparators for GEO’s civil immigration detention facility are “residential treatment facilities
 5 and civil commitment facilities[.]” *The GEO Group, Inc.*, 151 F.4th at 1119. But even a cursory
 6 glance at Washington statutes shows that Section 3’s inspection requirements are no more
 7 burdensome than those imposed on these other civil detention facilities. For both residential
 8 treatment facilities and civil commitment facilities, “[t]he [D]epartment of [H]ealth may at any
 9 time cause any” facility “to be visited and examined,” and “[e]ach such visit may include an
 10 inspection of every part of each establishment,” as well as “an examination of all records,” and
 11 “any person confined therein.” Wash. Rev. Code §§ 71.12.510–.520; *see also id.* at § .455(3)
 12 (defining scope of § .510 and § .520); Wash. Admin. Code § 246-322-025(3) (“The department
 13 [of health] shall . . . [c]onduct on-site inspections [of private psychiatric hospitals] at any time
 14 to determine compliance with chapter 71.12 RCW[.]”). Beyond this, the Department has long
 15 enjoyed the authority to inspect “all buildings, yards, warehouses, storage and transportation
 16 facilities or *any other place*” upon receipt of a complaint indicating “a threat to the public
 17 health.” Wash. Rev. Code § 43.70.170. These broad requirements for Department of Health
 18 inspection are, if anything, more burdensome than the Department’s requirement to “[c]onduct
 19 investigations of complaints[.]” Wash. Rev. Code § 70.395.050(2)(b).

20 To be sure, Wash. Rev. Code § 70.395.050 (as amended by HB 1232) also permits the
 21 Department to inspect private detention facilities “at any time” to determine whether the facilities
 22 have complied with “the requirements of this chapter” or similar standards. Wash. Rev. Code
 23 § 70.395.050(1). However, because the Department has yet to promulgate final rules under this
 24 chapter, the Department does not currently seek to inspect on this basis.⁴ And even if it did, such

25 _____
 26 ⁴ Moreover, while Section 3 directs the Department to “[c]onduct routine, unannounced inspections of private detention facilities including, but not limited to, inspection of food service and food handling, sanitation and

1 an inspection would still be no broader than the “at any time” visits required of comparable civil
 2 detention facilities. Wash. Rev. Code §§ 71.12.510–.520. This is particularly so because, as the
 3 State already explained, the substantive requirements of HB 1470 are no more burdensome than
 4 those already imposed on residential treatment facilities and civil detention facilities.
 5 *See* Dkt # 44 at pp. 22–25.

6 In any event, for purposes of this motion, the sole dispositive question is whether
 7 Section 3’s requirement that the Department investigate complaints in private detention facilities
 8 singles out GEO for discriminatory treatment. It plainly does not. Thus, because “Washington
 9 law treats similarly situated entities in the same manner HB 1470 treats [GEO’s Tacoma facility],
 10 [Section 3 of] HB 1470 is not impermissibly discriminatory.” *The GEO Group, Inc.*, 151 F.4th
 11 at 1119. The State is likely to succeed on the merits of its claim.

12 **C. The State Will Be Irreparably Harmed Absent an Injunction**

13 The Washington State Legislature found that “all people confined in prisons and
 14 detention facilities in Washington deserve basic health care, nutrition, and safety.”
 15 Wash. Rev. Code § 70.395.010(1). The State possesses “the general authority to ensure the health
 16 and welfare of inmates and detainees in facilities within its borders.” *The GEO Group, Inc.*, 151
 17 F.4th at 1112 (citing *California*, 921 F.3d at 886); *see also California*, 921 F.3d at 894
 18 (“California retains an historic—and, since the federal government’s contracts with immigration
 19 detainee facilities explicitly contemplate the application of state regulations, undisputed—
 20 authority to regulate the conditions of detainees housed within its borders.”). The State will
 21 suffer irreparable harm if the Department is not allowed to investigate complaints relating to the
 22 deplorable conditions in GEO’s Tacoma facility. *Cf. Maryland v. King*, 567 U.S. 1301, 1303
 23 (2012) (“[A]ny time a State is enjoined by a court from effectuating statutes enacted by
 24 representatives of its people, it suffers a form of irreparable injury.”) (citation modified).

25 _____
 26 hygiene, and nutrition,” Wash. Rev. Code § 70.395.050(2)(a), the Department’s inspections here are focused on
 investigating the many, many complaints it has received. *Id.* at .050(2)(b); Laxson Decl. ¶¶ 10, 11, 14.

1 **1. The State is being denied access to investigate complaints relating to water,**
 2 **food, and air quality**

3 Of the 3,500 complaints received from people detained in the Tacoma facility, over 990
 4 relate to water, food, and air quality. Nanto Decl. ¶ 10, Ex. A. Detainees have complained that the
 5 food provided has contained foreign objects, such as burned plastic, metal string, rope, splinters,
 6 hair, and worms. *Id.* ¶ 6. Detained individuals state that food often tastes bad, smells bad, and
 7 they do not receive enough. *Id.* For example, one complaint reported that “[y]esterday for dinner,
 8 they served us raw meat. You can see the blood inside the meat. Many of us in the unit (54 people)
 9 chose to throw it away, but others made the decision to still eat it because they were hungry. Today,
 10 around 15 people woke up sick due to the food from last night.” *Id.* ¶ 10, Ex. A. The Department
 11 has also received complaints about drinking water, for example, that the “water tastes disgusting,
 12 it does not taste like normal water you usually drink, which makes sense because all the staff
 13 here bring in their own water bottles because they know the water here is not safe to drink.” *Id.*
 14 There are also complaints about the air quality and that there is a “bad smell [] coming from the
 15 vents” and that it “smells like sewer.” *Id.* The State is being denied access to investigate these
 16 complaints pursuant to Wash. Rev. Code § 70.390.050(2)(b).

17 **2. The State is being denied access to investigate complaints relating to**
 18 **cleanliness, laundry, and living conditions**

19 The Department has received over 650 complaints from people detained at GEO’s Tacoma
 20 facility relating to unsanitary conditions. Nanto Decl. ¶ 10, Ex. A. People detained at the Tacoma
 21 facility have complained it is unsanitary: bathrooms are rarely cleaned, floors go unswept, and the
 22 facility smells like a dirty bathroom. *Id.* ¶ 7. There are reports of black mold in the showers. *Id.*
 23 A recent complaint stated that at one point there were only two working bathrooms for around 100
 24 people to use. *Id.*

25 The people detained at GEO’s facility have also reported they are unable to care for basic
 26 personal hygiene needs. Nanto Decl. ¶ 8. They are not given access to launder their own clothes,
 but the facility rarely changes or launders clothing, sheets, and blankets. *Id.* And when clothes

1 are laundered, they are returned wet and dirtier than before. *Id.* For example, one person reported
 2 that a “few days ago, I asked them to change my boxers, and they brought me ones that were
 3 dirty and belonged to someone else. The socks are also used and smell bad.” *Id.* ¶ 10, Ex. A. It is
 4 a common complaint that clothes come back wet. *Id.* ¶ 8. To make it worse, GEO does not allow
 5 people to hang up clothes to dry. *Id.* They are forced to wear wet clothes that then begin to smell
 6 moldy. *Id.* Clothing is also not replaced; detainees have only one change of clothes. *Id.* There
 7 are reports that sheets are not washed after someone has been sick with an infectious disease
 8 such as chicken pox or COVID. *Id.* A detainee with mental health issues had soiled their clothing
 9 but was refused clean clothing by one of the guards. *Id.* The State is being denied access to
 10 investigate these complaints pursuant to Wash. Rev. Code § 70.390.050(2)(b).

11 **3. The State is being denied access to investigate complaints of lack of attention**
 12 **to medical needs and assaults**

13 Over 900 complaints received from people detained at GEO’s Tacoma facility are about the
 14 lack of attention to their medical needs. Nanto Decl. ¶ 10, Ex. A. Detainees have reported that they
 15 have suffered strokes, paralysis, heart conditions, internal bleeding, and asthma, and that these
 16 complaints were not addressed by the facility. *Id.* ¶ 5. Detainees have likewise complained that
 17 GEO has been denying access to necessary medication. *Id.* For example, the Department received
 18 a report about a detained individual who was transferred to the hospital for a medical emergency,
 19 but when he was released from the hospital the facility refused to give him the medication
 20 prescribed. *Id.* Instead, they gave him ibuprofen, leaving his condition to continue to worsen. *Id.*
 21 Other detained individuals report that they are only allowed to be seen for a single illness and
 22 are denied dental care unless they have been detained for over a year. *Id.* The State is being
 23 denied access to investigate these complaints pursuant to Wash. Rev. Code § 70.390.050(2)(b).

24 Additionally, some detained individuals have reported being victims of abuse and sexual
 25 assault. Nanto Decl. ¶ 9. For example, one person reported she was sexually assaulted by an
 26 officer in her unit, and that she was not the only one. *Id.* ¶ 10, Ex. A. Another person reported that

1 she was a victim of abuse three times and had become depressed and scared that it could happen
 2 again. *Id.* The State is being denied access to investigate these complaints pursuant to
 3 Wash. Rev. Code § 70.390.050(2)(b).

4 **D. Balance of Equities**

5 The final two *Winter* factors—the balance of the equities and the public interest—weigh
 6 heavily in the State’s favor. Where the government is a party, these factors merge. *Drakes Bay*
 7 *Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014). Here, the equities and public interest
 8 tip sharply in the State’s favor. GEO is forcing human beings to live in squalid conditions
 9 because it is profitable for the company’s shareholders. This is intolerable.

10 **1. Equity and the public interest favor ensuring the health, safety, and security**
 11 **of people detained in private detention facilities**

12 Concerns about the health and safety impacts of private detention facilities are central to
 13 this Court’s inquiry into equity and the public interest. As the Ninth Circuit confirmed, “health
 14 and safety” risks to immigrant detainees are a critical part of the preliminary injunction analysis
 15 in suits involving conditions at private detention facilities. *Roman v. Wolf*, 977 F.3d 935,
 16 942–44 (9th Cir. 2020). That is because “adverse effects on the health and welfare of the
 17 immigrant as well as general population” are inconsistent with the “equities and public
 18 interest[.]” *City & County of San Francisco v. U.S. Citizenship & Immigr. Servs.*, 981 F.3d 742,
 19 762 (9th Cir. 2020). Indeed, evidence of “egregious conditions in facilities housing civil
 20 detainees” should weigh significantly in the analysis. *California*, 921 F.3d at 894 (citation and
 21 internal quotation marks omitted); *see also Roman*, 977 F.3d at 944 (concluding “that the equities
 22 and public interest tipped in . . . favor” of immigrant detainees challenging facility’s failure to
 23 implement COVID protocols, “particularly in light of the lack of criminal records of many of
 24 the detainees and the alternative means available to prevent them from absconding if they were
 25 released, such as electronic monitoring[]”).
 26

1 **a. Private detention facilities increase the risk of assault**

2 In 2001, a DOJ report found private detention facilities are responsible for “a
3 significantly higher rate” of “critical incidents” like inmate assaults when compared with
4 publicly run institutions.⁵ According to one report, the five immigrant detention facilities with
5 the most sexual assault complaints were *all* privately owned—three by GEO, including its
6 Tacoma facility at number four⁶ And despite—or perhaps because of—the high rate of
7 complaints at GEO’s Tacoma facility, a 2022 University of Washington Center for Human
8 Rights report found that complaints of sexual harassment and abuse at that facility are routinely
9 dismissed or outright ignored.⁷ And when inmates in private detention facilities report violence,
10 their complaints are sometimes ignored or mocked.⁸ As reported, this is happening at GEO’s
11 Tacoma facility. Nanto Decl. ¶ 9. Shielding GEO from *any* State oversight of its facilities,
12 including its efforts to address violence and sexual assault, plainly undermines equity and the
13 public interest.

14 **b. Private detention facilities lead to medical neglect**

15 Allegations of medical neglect inside private detention facilities have been rampant. The
16 U.S. House of Representatives Committee on Oversight and Reform issued a report chronicling
17 multiple instances where private detention providers—including GEO—failed to take detainee
18 health complaints seriously or permit timely access to medical care.⁹ The year-long study

19 _____
20 ⁵ James Austin & Garry Coventry, U.S. DOJ, Off. of Just. Programs, Bureau of Just. Assistance, *Emerging Issues on Privatized Prisons* at 11 (Feb. 2001), <https://www.ojp.gov/pdffiles1/bja/181249.pdf>.

21 ⁶ Letter from Rebecca Merton, National Independent Monitor for CIVIC & Christina Fialho, Co-Founder/Executive Director for CIVIC, to Thomas D. Homan, et al., Director for Office of Detention Policy and Planning, ICE (Apr. 11, 2017), http://www.endisolation.org/wp-content/uploads/2017/05/CIVIC_SexualAssault_Complaint.pdf.

22 ⁷ Univ. of Wash. Ctr. for Human Rts., *Calls to nowhere: Reports of sexual abuse and assault go unanswered at the NWDC* (May 16, 2022), <https://jsis.washington.edu/humanrights/2022/05/16/nwdc-assault-abuse-reporting/>.

23 ⁸ Timothy Williams, *Inside a Private Prison: Blood, Suicide, and Poorly Paid Guards*, *The N.Y. Times* (Apr. 3, 2018), <https://www.nytimes.com/2018/04/03/us/mississippi-private-prison-abuse.html>.

24 ⁹ U.S. H.R., Comm. on Oversight and Reform and Subcomm. on Civil Rights and Civil Liberties, *The Trump Administration’s Mistreatment of Detained Immigrants: Deaths and Deficient Medical Care by For-Profit Detention Contractors* at 12-27, 30-31 (Sept. 2020), [https://oversightdemocrats.house.gov/sites/democrats.oversight](https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2020-09-24.%20Staff%20Report%20on%20ICE%20Contractors.pdf)
25 [ht.house.gov/files/2020-09-24.%20Staff%20Report%20on%20ICE%20Contractors.pdf](https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2020-09-24.%20Staff%20Report%20on%20ICE%20Contractors.pdf).
26

1 showed that contractors made detainees wait days or weeks to visit the medical clinic, failed to
 2 notice that detainees were unconscious in their living quarters, placed sick detainees in solitary
 3 confinement where their conditions worsened, and failed to distribute prescribed medications.¹⁰
 4 The delay and denial of care had devastating results, including permanent hearing loss,
 5 permanent paralysis, and death.¹¹ Based on hundreds of complaints, this is happening at GEO’s
 6 Tacoma facility. Nanto Decl. ¶ 5; *Id.*, Ex. A.

7 Whistleblowers within DHS have documented GEO’s Tacoma facility as having a
 8 detainee health care system that is “severely dysfunctional,” resulting in “preventable harm and
 9 death to detainees.”¹² Medical documents, detainee interviews, and court records reveal “a
 10 multitude of complaints about insufficient medical care, including tumors that grew
 11 exponentially while in custody, the denial of surgery for hernias, several-month delays on the
 12 stocking of medical devices such as catheters, . . . and forced isolation of people with mental
 13 health issues.”¹³ Since 2023, there have been over 900 complaints from people detained at the
 14 Tacoma facility regarding lack of medical attention. Nanto Decl. ¶ 10, Ex. A at 4.

15 The University of Washington’s review of more than 3,500 pages of grievances spanning
 16 six years revealed that “allegations of medical neglect” were the most common type of complaint
 17 regarding detention conditions at the Tacoma facility.¹⁴ While reviewers did not have access to
 18 the medical records or circumstances underlying the grievances, their review showed “detained
 19 people at [GEO’s Tacoma facility] routinely report[ed] that when seeking access to medical care,
 20

21 ¹⁰ *Id.*

22 ¹¹ *Id.*

23 ¹² Ken Klippenstein, *ICE Detainee Deaths Were Preventable: Document*, TYT (June 3, 2019),
 24 <https://web.archive.org/web/20190619030205/http://tyt.com/stories/4vZLCHuQrYE4uKagy0oyMA/688s1LbTKvQKNCv2E9bu7h> (memo to Mathew Albence, Deputy Dir. of ICE (Dec. 3, 2018), alerting ICE leadership to dozens of incidents, including a “[d]elay in referral to higher level of care at Tacoma Facility which lead to a ruptured appendix[]”).

25 ¹³ Melissa Hellmann, *Incarcerated and Infirm: How Northwest Detention Center Is Failing Sick Inmates*,
 Seattle Weekly (Oct. 10, 2018), <https://www.seattleweekly.com/news/incarcerated-and-infirm-how-northwest-detention-center-is-failing-sick-inmates/>.

26 ¹⁴ Univ. of Wash. Ctr. for Human Rts., *Human Rights Conditions in the Northwest Detention Center*
 (April 16, 2020), <https://jsis.washington.edu/humanrights/2020/04/16/nwdc-medical/>.

1 their concerns are ignored, either because GEO guards deny them permission to visit the medical
 2 clinic” or because “the medical staff belittles their concerns.”¹⁵ People detained at the Tacoma
 3 facility reported long waits for care, even for acute conditions like cancer, injuries requiring
 4 surgery, and liver failure.¹⁶ Some complaints for detained people state that dental care is not
 5 available unless someone has been detained more than a year. Nanto Decl. ¶ 5. Complaints
 6 received by the Department confirm that detainees at the Tacoma facility are routinely denied
 7 adequate medical care. *Id.*

8 Finally, when detainees complained about insufficient medical care, their concerns often
 9 are labeled “not a grievance.”¹⁷ A lack of access to detainee medical care at GEO’s Tacoma
 10 facility—coupled with an inability to raise complaints about medical issues—is a dangerous mix
 11 that runs contrary to equity and the public interest.

12 **c. Private detention facilities lead to unsafe and insufficient food**
 13 **problems**

14 Private detention facilities have, for years, been plagued with serious problems related to
 15 inadequate and unsafe food. For example, during unannounced inspections at three GEO
 16 immigration detention centers in 2018, DHS inspectors found “food service issues at all facilities
 17 [that] endanger detainee health and welfare.”¹⁸ Inspectors labeled some conditions “egregious,”
 18 and cited GEO for “unwrapped and unlabeled” meat, “chicken [that] smelled foul and appeared
 19 to be spoiled,” and “food in the freezer [that] was expired.”¹⁹ In recent years, the Tacoma-Pierce
 20 County Health Department has received “multiple complaints about rotten food and maggots in
 21 the food at [the Tacoma facility].”²⁰ In a 2022 inspection of GEO’s Tacoma facility, DHS Office

22 ¹⁵ *Id.*

23 ¹⁶ *Id.*

24 ¹⁷ *Id.*

25 ¹⁸ John V. Kelly, Office of the Inspector General, *Concerns about ICE Detainee Treatment and Care at*
Four Detention Facilities (June 3, 2019), [https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-](https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf)
 26 [Jun19.pdf](https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf) (original capitalization removed).

¹⁹ *Id.* at 4.

²⁰ Univ. of Wash. Ctr. for Human Rts., *Conditions at the NWDC: Sanitation of Food & Laundry* (March 27,
 2020), <https://jsis.washington.edu/humanrights/2020/03/27/nwdc-sanitation-of-food-laundry/>.

1 of Inspector General found long-expired food on shelves and boxes of meat left open and
 2 exposed to the air.²¹ In May 2025, after a large volume of complaints concerning food-related
 3 illnesses, the Tacoma Pierce County Health Department conducted an inspection that detected
 4 *Bacillus cereus*, a bacteria that causes food poisoning, in collard greens the Tacoma facility had
 5 served detainees. Nanto Decl. ¶ 6. The symptoms complained of included stomachache,
 6 bloating, and diarrhea with blood. *Id.*

7 Other evidence shows that individuals held in private detention frequently go hungry. In
 8 a report summarizing nearly fifty interviews of people detained at GEO’s Tacoma facility
 9 conducted by the Seattle University School of Law, “[a]bout 80% of the detainees interviewed
 10 stated they received an insufficient quantity of food and were often hungry after meals.”²² As a
 11 former GEO Kitchen Supervisor testified at a June 2021 trial involving conditions at the facility,
 12 GEO budgets 97 cents per detainee, per meal. Dkt. # 19-1 at pp. 332, 354 (Testimony of
 13 John Patrick Griffin (Griffin Testimony) at 41:2–10, 63:4–19 (June 3, 2021)). When asked
 14 whether GEO was able to prepare and serve adequate meals within that budget, the witness
 15 conceded, “I would say, in my experience, no,” and further admitted that “[m]y understanding
 16 is that [the detainees] seemed to be pretty hungry.” *Id.* at pp. 353–54 (Griffin Testimony at 63:22,
 17 62:23–25).

18 The food is also poor quality. The same Kitchen Supervisor described menu items as
 19 “low-grade products,” “cheap products,” and “spongy meats.” *Id.* at pp. 374, 376 (Griffin
 20 Testimony at 83:2–15, 85:16–18). He testified that “80 percent of the products that were served
 21 either was beans [or] soy-based meats” like “soy-based beef granules, soy-based Salisbury steak,
 22 soy-based burger patties.” *Id.* at pp. 373–75, 378 (Griffin Testimony at 82:13–84:12, 87:14). The

23
 24 ²¹ U.S. Dep’t of Homeland Sec., Off. of Inspector Gen., *Results of an Unannounced Inspection of*
 25 *Northwest ICE Processing Center in Tacoma, Washington 9-12* (May 22, 2023), <https://www.oig.dhs.gov/sites/default/files/assets/2023-05/OIG-23-26-May23.pdf>.

26 ²² Seattle Univ. School of Law Int’l Human Rights Clinic & OneAmerica, *Voices from Detention: A Report on Human Rights Violations at the Northwest Detention Center in Tacoma, Washington* (July 2008), <https://www.yumpu.com/en/document/read/48836345/voices-from-detention-a-report-on-human-rightsoneamerica>.

1 Kitchen Supervisor later described ingredients including “substandard quality food in cans[] . . .
 2 [s]ometimes . . . mixed with spiders or grasshoppers[]” and a product called “[p]ink chicken,” a
 3 “50-pound block” of unidentifiable “chicken pieces.” *Id.* at p. 110 (Griffin Testimony at 154:2–
 4 24). According to the Seattle University report, unless a specialized diet has been approved,
 5 “detainees do not receive fresh fruit and only rarely receive fresh vegetables.”²³ Sometimes the
 6 canned vegetables have bugs like “grasshoppers” in them, and it is the job of the kitchen staff to
 7 “make sure [detainees] didn’t get one of those.” *Id.* at p. 374 (Griffin Testimony at 83:11–16).
 8 Detainee complaints received by the Department indicate that the food tastes of “burned plastic”
 9 and contains “metal string” and “splinters.” Nanto Decl. ¶ 6. Detainee interviews describe the
 10 food as “bad, watery, tasteless, rotten, poor quality, low quantity, overcooked, repetitive, and
 11 cold. A few detainees who previously spent time incarcerated mentioned that the food was much
 12 better and more plentiful in prison.”²⁴ Other detainees reported that the food “appears rotten, has
 13 been served on dirty trays, and contains bugs.”²⁵ These findings are consistent with national
 14 findings that, because “[p]rivate providers have a business incentive to keep costs as low as
 15 possible,” the end result is “lower-quality food.”²⁶ Complaints received by the Department
 16 confirm that people detained inside the Tacoma facility receive extremely low-quality food—
 17 food that has contained foreign objects like burned plastic, metal string, rope, splinters, hair, and
 18 worms. Nanto Decl. ¶ 6.

19 Equity and the public interest are not served by stripping the State’s oversight of GEO’s
 20 business model of profiting by serving unsafe and insufficient food to people detained at the
 21 Tacoma facility.

22
 23 _____
 24 ²³*Id.* at 50; *see also* Dkt. # 19-1 at pp. 129–130 (Griffin Testimony at 173:24-174:1) (detainees did “not
 often” receive fresh foods).

25 ²⁴ *Voices from Detention*, *supra* note 22, at 50.

26 ²⁵ *Id.*

²⁶ Natalie Delgadillo, *Maggots With a Side of Dirt? What Privatization Does to Prison Food*,
 Governing.com (Jan. 26, 2018), <https://www.governing.com/archive/gov-private-food-service-prisons-aramark-trinity-ohio-michigan.html>.

1 **d. Private detention facilities lead to unsanitary conditions and lack of**
 2 **hygiene supplies for the people detained**

3 Private detention facilities also provide insufficient access to personal hygiene items and
 4 clean laundry. Access to clean laundry has also been a persistent problem at the Tacoma facility,
 5 leading to hunger strikes in 2014 and 2017, and the filing of hundreds of grievances.²⁷ Detainees
 6 complained that their clothes are washed in the same machines as the dirty mop heads used to
 7 wash the floors, with the result that clothes come back from the laundry gray and foul-smelling.²⁸
 8 The University of Washington documented multiple grievances related to women’s underwear,
 9 with detainees begging for clean panties instead of “old yellow stained disgusting panties” or
 10 “yellow or brown used panties” that are “filthy” and “disgusting and unsanitary.”²⁹ The response
 11 has been to mark such complaints as “[n]ot a grievance.”³⁰ As recent complaints attest, these
 12 problems have continued unabated. Nanto Decl. ¶ 7. A lack of concern for the hygiene of
 13 detained people is inconsistent with the public interest or principles of equity.

14 Given the significant risks to detainee health, safety, and security at GEO’s Tacoma
 15 facility, equity and the public interest weigh in the State’s favor.

16 **2. Equity and the public interest favor improved transparency, accountability,**
 17 **and oversight of detention facilities**

18 Permitting the Department access to GEO’s Tacoma facility to investigate complaints
 19 pursuant to Wash. Rev. Code § 70.395.050 would also promote the public’s interest in
 20 accountability. Improved public oversight and accountability further the public interest. *See, e.g.,*
 21 *Valentine v. Collier*, 978 F.3d 154, 166 (5th Cir. 2020) (“the public interest favors having
 22 politically accountable officials . . . determine how to allocate resources[.]” in the prison
 23 context); *Conn. State Police Union v. Rovella*, 494 F. Supp. 3d 210, 224–25, 230 (D. Conn.
 24 2020) (denying preliminary injunction because public interest and equity supported “the state’s

25 ²⁷ *Conditions at the NWDC: Sanitation of Food & Laundry*, *supra* note 20.

26 ²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

1 salutory efforts to enhance transparency and promote accountability in law enforcement[]”);
 2 *Nat’l Head Start Ass’n v. Dep’t of Health & Hum. Servs.*, 297 F. Supp. 2d 242, 251 (D.D.C.
 3 2004) (denying temporary restraining order where granting it would thwart “[t]he public[’s] . . .
 4 strong interest in the effective and transparent administration of [taxpayer-funded] programs[]”).
 5 But the Legislature has found “that private prisons and detention centers are less accountable for
 6 what happens inside those facilities than state-run facilities.” Wash. Rev. Code § 70.395.010(5).

7 Enforcement of Wash. Rev. Code § 70.395.050 benefits transparency and accountability
 8 by allowing more daylight into detention facilities—including at the Tacoma facility. GEO’s
 9 recordkeeping has been glaringly poor, making it difficult for regulators to confirm that detainees
 10 are safe and well. GEO has a poor record of documenting and responding to detainee grievances,
 11 even though its Tacoma facility “had the highest grievance volume of the facilities [ICE]
 12 inspected” in 2019.³¹ GEO itself will not even turn over grievances or other records about its
 13 operations—it “decline[s] to respond to FOIA requests, citing its status as a private company.”³²
 14 Of course, the DHS Inspector General has access to GEO’s records, and that office concluded
 15 that GEO violates ICE’s requirements for “maintain[ing] grievance logs,” that almost half of
 16 detainee grievances received no response during the mandatory five-day response window, and
 17 that almost a third went unaddressed far longer.³³

18 But the DHS Inspector General’s visit to GEO’s Tacoma facility is a rare event, and ICE
 19 itself inspects only “[a]bout once every three years.”³⁴ More often, inspections are conducted by
 20 one of ICE’s contract inspectors. The DHS Inspector General itself is skeptical of ICE’s contract
 21 inspectors, and cited “examples of inspectors contracted by ICE submitting false information

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 23 ³¹ U.S. DHS, Off. of the Inspector Gen., *Capping Report: Observations of Unannounced Inspections of*
ICE Facilities in 2019, at 8 (July 1, 2020), [https://www.oig.dhs.gov/sites/default/files/assets/2020-07/OIG-20-45-](https://www.oig.dhs.gov/sites/default/files/assets/2020-07/OIG-20-45-Jul20.pdf)
[Jul20.pdf](https://www.oig.dhs.gov/sites/default/files/assets/2020-07/OIG-20-45-Jul20.pdf).

24 ³² *Conditions at the NWDC: Solitary Confinement*, *supra* note 20.

25 ³³ *Capping Report: Observations of Unannounced Inspections of ICE Facilities in 2019*, *supra* note 31,
 at 7–8.

26 ³⁴ John V. Kelly, Office of the Inspector General, *ICE’s Inspections and Monitoring of Detention*
Facilities Do Not Lead to Sustained Compliance or Systemic Improvements, at 3 (June 26 2018),
<https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

1 that made detention facilities look like they were following regulations when they weren't,"
 2 private facilities "failing to notify ICE about alleged or proven sexual assaults," and contract
 3 staff "conducting strip searches with no reasonable suspicion."³⁵ Indeed, ICE's own employees
 4 express the view that inspections conducted by private contractors are "useless" and "very, very,
 5 very difficult to fail."³⁶

6 Taken together, the poor recordkeeping, lack of records access, and unreliable
 7 inspections mean that lawmakers, state and local regulators, and the public are in the dark about
 8 what goes on inside private detention facilities. Enforcement of Wash. Rev. Code § 70.395.050
 9 furthers the public interest by increasing facility accountability.

10 IV. CONCLUSION

11 For the foregoing reasons, the State Defendants-Counterclaimants respectfully request
 12 that this Court preliminarily enjoin The GEO Group from denying access to its Tacoma facility
 13 by Washington Department of Health inspectors.

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³⁵ Bob Ortega, *Migrants describe hunger and solitary confinement at for-profit detention center*, CNN
 25 Investigates (July 11, 2018), [https://www.cnn.com/2018/07/11/us/northwest-immigrant-detention-center-geo-
 group-invs/index.html](https://www.cnn.com/2018/07/11/us/northwest-immigrant-detention-center-geo-group-invs/index.html).

26 ³⁶ *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or
 Systemic Improvements*, *supra* note 34, at 7–8 & n.12.

1 DATED this 28th day of April 2026.

2 The signing attorney certifies that the foregoing
3 document contains 7172 words in compliance
4 with Local Civil Rules.

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