

1 STACY TOLCHIN (SBN 217431)
2 *stacy@tolchinimmigration.com*
3 LAW OFFICES OF STACY TOLCHIN
4 776 E. Green St., Suite 210
5 Pasadena, CA 91101
6 Tel: 213-622-7450; Fax: 213-622-7233

7 MOHAMMAD TAJ SAR (SBN 280152)
8 *mtajsar@aclusocal.org*
9 MAYRA JOACHIN (SBN 306065)
10 *mjoachin@aclusocal.org*
11 EVA BITRAN (SBN 302081)
12 *ebitrان@aclusocal.org*
13 DAE KEUN KWON (SBN 313155)
14 *akwon@aclusocal.org*
15 STEPHANIE PADILLA (SBN 321568)
16 *spadilla@aclusocal.org*
17 ACLU FOUNDATION OF
18 SOUTHERN CALIFORNIA
19 P.O. Box 811370
20 Los Angeles, CA 90017-4022
21 Tel: 213-977-5232; Fax: 213-201-7878

22 *Counsel for Stop/Arrest Plaintiffs*

23 *(Additional counsel listed on next page)*

MARK ROSENBAUM (SBN 59940)
mrosenbaum@publiccounsel.org
REBECCA BROWN (SBN 345805)
rbrown@publiccounsel.org
RITU MAHAJAN (SBN 252970)
rmahajan@publiccounsel.org
GINA AMATO (SBN 215519)
gamato@publiccounsel.org
AMANDA MANGASER SAVAGE
(SBN 325996)
asavage@publiccounsel.org
PUBLIC COUNSEL
610 South Ardmore Avenue
Los Angeles, CA 90005
Tel: 213-385-2977

Counsel for All Plaintiffs

ANNE LAI (SBN 295394)
alai@law.uci.edu
UC IRVINE SCHOOL OF LAW
IMMIGRANT AND RACIAL JUSTICE
SOLIDARITY CLINIC
P.O. Box 5479
Irvine, CA 92616-5479
Tel: 949-824-9894; Fax: 949-824-2747

Counsel for Stop/Arrest Plaintiffs

17 **UNITED STATES DISTRICT COURT**
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

19 Pedro VASQUEZ PERDOMO; Carlos
20 Alexander OSORTO; and Isaac VILLEGAS
21 MOLINA; Jorge HERNANDEZ
22 VIRAMONTES; Jason Brian GAVIDIA; LOS
23 ANGELES WORKER CENTER NETWORK;
24 UNITED FARM WORKERS; COALITION
25 FOR HUMANE IMMIGRANT RIGHTS;
26 IMMIGRANT DEFENDERS LAW CENTER,

27 Plaintiffs,

28 v.

Markwayne MULLIN, in his official capacity
as Secretary, Department of Homeland
Security; David VENTURELLA, in his
official capacity as Acting Director, U.S.
Immigration and Customs Enforcement;
Rodney S. SCOTT, in his official capacity as

Case No.: 2:25-cv-05605-MEMF-SP

**NOTICE OF MOTION AND MOTION
FOR PRELIMINARY INJUNCTION RE:
WARRANTLESS ARRESTS;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**

Hon. Maame Ewusi-Mensah Frimpong

Date: August 13, 2026
Time: 10:00 a.m.
Place: Courtroom 8B

Commissioner, U.S. Customs and Border Patrol; Michael W. BANKS, in his official capacity as Chief of U.S. Border Patrol; Kash PATEL, in his official capacity as Director, Federal Bureau of Investigation; Todd BLANCHE, in his official capacity as Acting U.S. Attorney General; Thomas GILES, in his official capacity as Acting Field Office Director for Los Angeles, U.S. Immigration and Customs Enforcement; Dean T. SORENSON, Special Agent in Charge for Los Angeles, Homeland Security Investigations, U.S. Immigration and Customs Enforcement; Daniel PARRA, in his official capacity as Acting Chief Patrol Agent for El Centro Sector of the U.S. Border Patrol; Justin DE LA TORRE, in his official capacity as Acting Chief Patrol Agent, San Diego Sector of the U.S. Border Patrol; Akil DAVIS, in his official capacity as Assistant Director in Charge, Los Angeles Office, Federal Bureau of Investigation; Bilal A. ESSAYLI, in his official capacity as First Assistant U.S. Attorney for the Central District of California,

Defendants.

- 1 JACOB S. KREILKAMP (SBN 248210) JESSICA KARP BANSAL (SBN 277347)
jacob.kreilkamp@mto.com *Jessica@ndlon.org*
2 DAVID FRY (SBN 189276) LAUREN MICHEL WILFONG*
david.fry@mto.com *lwilfong@ndlon.org*
3 ADAM B. WEISS (SBN 296381) JIA FU*
adam.wess@mto.com *jennifer@ndlon.org*
4 SARA H. WORTH (SBN 341088) NATIONAL DAY LABORER ORGANIZING
sara.worth@mto.com NETWORK
5 HENRY D. SHREFFLER (SBN 343388) 1030 S. Arroyo Parkway, Suite 106
henry.shreffler@mto.com Pasadena, CA 91105
6 LAURA R. PERRY STONE (SBN 342504) Tel: 626-214-5689
laura.perrystone@mto.com
7 LAUREN E. KUHN (SBN 343855) *Counsel for Stop/Arrest Plaintiffs*
lauren.kuhn@mto.com
8 MAGGIE BUSHELL (SBN 354048) MATTHEW J. CRAIG (SBN 350030)
maggie.bushell@mto.com *mcraig@heckerfink.com*
9 ANGELA URIBE (SBN 353579) MACK E. JENKINS (SBN 242101)
angela.uribe@mto.com *mjenkins@heckerfink.com*
10 MUNGER, TOLLES & OLSON LLP HECKER FINK LLP
350 S. Grand Ave., 50th Floor 1150 South Olive Street, Suite 10-140
11 Los Angeles, CA 90071 Los Angeles, CA 90015
Tel: 213-683-9100; Fax: 213-683-9100 Tel: 212-763-0883; Fax: 212-564-0883
12 *Counsel for Stop/Arrest Plaintiffs* *Counsel for Access/Conditions Plaintiffs*
13 BREE BERNWANGER (SBN 331731) CARL BERGQUIST*
14 *bbernwanger@aclunc.org* *cbergquist@chirla.org*
AMERICAN CIVIL LIBERTIES UNION COALITION FOR HUMANE IMMIGRANT
15 FOUNDATION OF NORTHERN RIGHTS
CALIFORNIA 2351 Hempstead Road
16 39 Drumm Street Ottawa Hills, OH 43606
San Francisco, CA 94111 Tel: 310-279-6025
17 Tel: 415-621-2493
Counsel for Plaintiff Coalition for Humane
18 *Counsel for Stop/Arrest Plaintiffs* *Immigrant Rights*
19 BRISA VELAZQUEZ OATIS ALVARO M. HUERTA (SBN 274787)
(SBN 339132) *ahuerta@immdef.org*
20 *bvoatis@aclu-sdic.org* BRYNNA BOLT (SBN 339378)
ACLU FOUNDATION OF *bbolt@immdef.org*
21 SAN DIEGO & IMPERIAL COUNTIES ALISON STEFFEL (SBN 346370)
P.O. Box 87131 *asteffel@immdef.org*
22 San Diego, CA 92138-7131 IMMIGRANT DEFENDERS LAW CENTER
Tel: 619-398-4199 634 S. Spring St., 10th Floor
23 Los Angeles, CA 90014
Counsel for Stop/Arrest Plaintiffs Tel: 213-634-0999
24 EDGAR AGUILASOCHO (SBN 285567) *Counsel for Plaintiff Immigrant*
25 *eaguilasocho@farmworkerlaw.com* *Defenders Law Center*
MARTÍNEZ AGUILASOCHO LAW, INC.
26 900 Truxtun Ave, Suite 300
Bakersfield, CA 93301
27 Tel: 661-859-1174
28 *Counsel for Plaintiff United Farm Workers*

* Admitted pro hac vice

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on August 13, 2026 at 10:00 am, before the Honorable Maame Ewushi-Mensah Frimpong, in Courtroom 8B, Eighth Floor, 250 West First Street, Los Angeles, CA 90012, Plaintiffs Los Angeles Worker Center Network, United Farm Workers, and Coalition for Humane Immigrant Rights (collectively, “Warrantless Arrest Plaintiffs” or “Plaintiffs”) will, and hereby do, respectfully move the court for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure and Local Civil Rule 65-1 of the U.S. District Court for the Central District of California.

Warrantless Arrest Plaintiffs respectfully request that the Court grant a preliminary injunction that enjoins Defendants from (a) enforcing their policy and practice of making warrantless civil immigration arrests in this District without a pre-arrest individualized determination by the arresting agent or officer of probable cause that the person being arrested is likely to escape before a warrant can be obtained, as required by 8 U.S.C. 1357(a)(2) and 8 C.F.R. § 287.8(c)(2); (b) relying on unlawful presence alone in determining whether an individual is likely to escape; and (c) relying on the escape risk standard or analytical approach set forth in the five-page memorandum from former Acting Director of ICE, Todd Lyons, Senior Off. Performing Duties of Dir., Re: Civil Immigration Arrest Authority: Administrative Arrest Warrants and Warrantless Arrests (Jan. 28, 2026). Plaintiffs further request that the Court impose certain documentation requirements to ensure adherence to the preliminary injunction.

Plaintiffs’ Motion is based on this Notice of Motion and Motion for Preliminary Injunction, the accompanying Memorandum of Points and Authorities, the declarations and all exhibits in support of the same, including attachments, all pleadings and other papers on file in this action, and all oral and documentary evidence that may be presented at the time of the hearing of this Motion.

DATED: June 8, 2026

By: /s/ Jacob S. Kreilkamp
Jacob S. Kreilkamp
Counsel for Stop/Arrest Plaintiffs

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15	<i>United Farm Workers v. Noem</i> ,	
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17	<i>United States v. Bautista-Ramos</i> ,	
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19	<i>United States v. Khan</i> ,	
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4	8 U.S.C. § 1357(a)(2)	13
5	Pub. L. No. 79-613, 60 Stat. 865 (1946)	13
6	OTHER AUTHORITIES	
7	Camilo Montoya-Galvez, <i>ICE head says agents will arrest anyone found in the</i>	
8	<i>U.S. illegally, crack down on employers of unauthorized workers</i> , CBS News	
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18	Rachel Poser et al., <i>The View From Inside Trump's D.H.S.</i> , New York Times (Apr.	
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20	Stuart Anderson, <i>Stephen Miller's Order Likely Sparked Immigration Arrests and</i>	
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22	<i>noncriminals</i> , Stateline (Apr. 30, 2026)	3
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28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Federal immigration agents are waging a campaign of illegal stops and warrantless arrests
4 throughout this District, targeting Latino individuals who live in working class neighborhoods and
5 work low-wage jobs, in an effort to increase arrest numbers at any cost. As part of this campaign,
6 Defendants rely on non-targeted, warrantless arrests, ignoring the deep roots that individuals,
7 including organizational Plaintiffs' members, have in their communities. But Congress authorized
8 immigration officers to make civil immigration arrests without a warrant *only* where they have
9 probable cause to believe that the person is both unlawfully present *and* likely to escape before a
10 warrant can be obtained. 8 U.S.C. § 1357(a). Defendants are disregarding the second requirement
11 as part of the federal government's mass deportation campaign.

12 Plaintiff organizations seek a preliminary injunction to stop Defendants' ongoing, illegal
13 policy of conducting warrantless arrests without establishing any likelihood of escape.¹ Each day
14 that policy remains in effect, Plaintiffs' members face ongoing and irreparable harm. Many have
15 lived in the country for decades, hold long-term jobs, have children and family members who are
16 U.S. citizens or lawfully present, and are active members of their communities. Nevertheless, they
17 are being dragged from their workplaces or ambushed while going about their daily lives—and
18 then detained, without justification, in overcrowded facilities. They live in ongoing fear of being
19 taken simply because they match the demographic profiles Defendants' policy targets.

20 At least four other federal courts already have granted preliminary injunctions to stop
21 Defendants' warrantless arrest policy. *See M-J-M-A- v. Hermosillo*, 2026 WL 562063 (D. Or.
22 Feb. 27, 2026); *Ramirez Ovando v. Noem*, 810 F. Supp. 3d 1209 (D. Colo. 2025); *Escobar Molina*
23 *v. U.S. Dep't of Homeland Sec.*, 811 F. Supp. 3d 1 (D.D.C. 2025); *United Farm Workers v. Noem*,
24 785 F. Supp. 3d 672, 735 (E.D. Cal. 2025). Defendants nevertheless continue to flout the law and
25 double down on their policy. Indeed, Defendants recently issued a policy memorandum codifying
26 their view that 8 U.S.C. § 1357(a) does not meaningfully restrain their authority to carry out

27
28 ¹ Although related to their suspicionless stops policy, Defendants' warrantless arrest policy is a
distinct policy that independently violates Defendants' statutory and regulatory obligations.

1 warrantless arrests, and publicly announced that more “mass deportations are coming.”²

2 Plaintiffs’ proposed preliminary injunction is necessary to prevent further irreparable harm while
3 this lawsuit is pending.

4 **II. FACTUAL BACKGROUND**

5 **A. Defendants are conducting non-targeted mass immigration arrests.**

6 Since last year, federal immigration agents have swarmed the Central District, conducting
7 indiscriminate stops and warrantless arrests of Latino individuals. These individuals, referred to
8 by Defendants as “collaterals” because they often are not identified as targets in advance of an
9 enforcement operation, are arrested without any warrant. Ex. 2, [SDDO C.C. Dep.] at 133:13–
10 134:12.³ The arrests are a predictable result of Defendants’ push to increase immigration arrest
11 numbers. In early 2025, “Border Czar” Tom Homan told ABC News that more “collateral arrests”
12 were coming⁴ and anyone in the country unlawfully is “on the table.”⁵ Todd Lyons, ICE’s former
13 director, confirmed this change in policy.⁶ In May 2025, officials re-emphasized the push for
14 mass arrests. Stephen Miller, the White House Deputy Chief of Staff for Policy, announced a goal
15 of at least 3,000 arrests each day.⁷ And field offices were instructed to “turn the creativity knob
16 up to 11” for collateral arrests; as leadership put it: “If it involves handcuffs on wrists, [it’s]

17
18 ² Ximena Bustillo, *Border czar promises ‘mass deportations are coming’ to fulfill Trump’s*
19 *promises*, NPR (May 7, 2026), [https://www.mainepublic.org/npr-news/2026-05-07/border-czar-](https://www.mainepublic.org/npr-news/2026-05-07/border-czar-promises-mass-deportations-are-coming-to-fulfill-trumps-promises)
[promises-mass-deportations-are-coming-to-fulfill-trumps-promises](https://www.mainepublic.org/npr-news/2026-05-07/border-czar-promises-mass-deportations-are-coming-to-fulfill-trumps-promises).

20 ³ See also Ex. 3 [agents text chain] at GOV-7606–07 (stating they “don’t have an I200” warrant
for basically “all” of their street encounters).

21 ⁴ Mike Levine & Meghan Mistry, *Trump’s border czar: ‘If you’re in the country illegally, you got*
22 *a problem’*, ABC News (Jan. 26, 2025), [https://abcnews.com/Politics/trumps-border-czar-youre-](https://abcnews.com/Politics/trumps-border-czar-youre-country-illegally-problem/story?id=118085728)
[country-illegally-problem/story?id=118085728](https://abcnews.com/Politics/trumps-border-czar-youre-country-illegally-problem/story?id=118085728).

23 ⁵ *Id.*

24 ⁶ Camilo Montoya-Galvez, *ICE head says agents will arrest anyone found in the U.S. illegally,*
25 *crack down on employers of unauthorized workers*, CBS News (Jul. 21, 2025),
[https://www.cbsnews.com/news/ice-head-todd-lyons-agents-will-arrest-anyone-found-illegally-](https://www.cbsnews.com/news/ice-head-todd-lyons-agents-will-arrest-anyone-found-illegally-crack-down-on-employers/)
[crack-down-on-employers/](https://www.cbsnews.com/news/ice-head-todd-lyons-agents-will-arrest-anyone-found-illegally-crack-down-on-employers/).

26 ⁷ Stuart Anderson, *Stephen Miller’s Order Likely Sparked Immigration Arrests and Protests,*
27 *Forbes* (Jun. 9, 2025), **Error! Hyperlink reference not valid.**; Elizabeth Findell, et al., *The White*
28 *House Marching Orders That Sparked the L.A. Migrant Crackdown*, *The Wall Street Journal*
(June 9, 2025), <https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877>.

1 probably something worth pursuing.” Ex. 4, [e-mail chain] at GOV-24101. ICE’s 30(b)(6)
2 witness and Los Angeles’ Field Office Director summarized the agency’s stance: “[I]f there’s
3 field collaterals out there, question everybody, make an arrest.” Ex. 5, [ICE 30(b)(6) Dep.] at
4 147:11–148:11.

5 Defendants’ policy statements have informed officers’ actions in the field. As one officer
6 stated: “the agency wants everyone who is not a USC to be arrested.” Ex. 6, [ICE text chain] at
7 GOV-4220; Ex. 7, [DO C.C. Dep.] 7, [DO C.C. Dep.] at 152:4–153:18, 170:7–17 (officer who
8 encountered Plaintiff Vasquez Perdomo testifying about the policy change). Although
9 Defendants’ methods for “collateral” encounters have varied, the result has been the same:
10 Defendants consistently arrest Latino individuals without a warrant or a legally-compliant pre-
11 arrest analysis of their likelihood of escape. Unsurprisingly, given the “incredible amount of
12 pressure for numbers,”⁸ these “collateral” arrests now make up at least one quarter of all civil
13 immigration arrests.⁹

14 One way Defendants make “collateral” arrests is through so-called “targeted” operations
15 that are often pretexts for stopping whomever they choose around a known individual’s home or
16 workplace. *See* Ex. 2, [SDDO C.C. Dep.] at 245:3–246:11; Ex. 8, [E.O. Dep.] at 196:17–198:6.
17 This is how Defendants encountered Plaintiffs Vasquez Perdomo, Villegas Molina, and Osorto at
18 the Pasadena bus stop where they were waiting to be picked up for work. Ex. 2, [SDDO C.C.
19 Dep.] at 130:4–132:19. None of the three was the claimed target of Defendants’ operation, but
20 they were ambushed by ICE officers, handcuffed, and taken away. Ex. 9, [Second Vasquez
21 Perdomo Decl.] ¶¶ 4–8; Ex. 10, [Second Villegas Molina Decl.] ¶¶ 4–8; Ex. 11, [Osorto Decl.]
22 ¶¶ 4–8. And despite being warrantless arrests, officers did not ask the men any questions about
23 their jobs, community ties, or anything else to evaluate escape risk prior to arresting them. Ex. 7,
24

25 ⁸ Rachel Poser et al., *The View From Inside Trump’s D.H.S.*, New York Times (Apr. 14, 2026),
26 <https://www.nytimes.com/interactive/2026/04/14/magazine/trump-dhs-ice-officers-immigration-deportations.html>.

27 ⁹ *See also* Tim Henderson, *Immigration street sweeps led to more ‘collateral’ arrests of*
28 *noncriminals*, Stateline (Apr. 30, 2026), <https://stateline.org/2026/04/30/immigration-street-sweeps-led-to-more-collateral-arrests-of-noncriminals/>.

1 [D.O. C.C. Dep.] at 273:19–274:10. Doing so would have confirmed that none was an escape
2 risk. Ex. 9, [Second Vasquez Perdomo Decl.] ¶¶ 3, 7–8 (describing arrest without such
3 questioning, despite deep roots in Los Angeles area); Ex. 10, [Second Villegas Molina Decl.]
4 ¶¶ 2–3, 6 (same); Ex. 11, [Osorto Decl.] ¶¶ 3, 6, 8 (same); *see also* Ex. 7, [D.O. C.C. Dep.] at
5 274:11–275:16 (acknowledging Villegas Molina did not run and provided officers with his ID).¹⁰

6 Another type of alleged “targeted” operation, seemingly adopted by Defendants after this
7 Court entered a temporary restraining order (“TRO”) on Plaintiffs’ suspicionless stops claim, is
8 what Defendants call “targeted area” operations. Ex. 12, [CBP 30(b)(6) Dep.] at 212:3–213:8.
9 These involve going to a “public access” area, such as a Home Depot or car wash, predicated on
10 alleged intelligence about a small number of individuals suspected to be unlawfully present and
11 previously present at that location. Ex. 12, [CBP 30(b)(6) Dep.] at 213:17–214:9, 270:4–277:9,
12 293:16–295:25; Ex. 13, [Defendants’ Response to Interrogatory No. 3] (identifying agencies
13 involved). According to Defendants, that “intelligence” gives agents license to descend upon a
14 location and stop anyone present who fits the profile of a Latino-appearing day laborer or car wash
15 worker. *See* Ex. 14, [SBPA I.F. Dep.] at 262:3–21. Agents then stop and arrest numerous
16 individuals who are not the identified targets. Indeed, that appears to be exactly the point: At the
17 August 6, 2025 Westlake Home Depot raid, for example, agents were briefed that 150+
18 individuals in the area fit the profile of a day laborer and they should make as many “Title 8”
19 arrests as possible. Ex. 15, [Briefing PPT] at GOV-363; Ex. 16, [SBPA V.S. Dep.] at 258:11–
20 262:14; 287:2–291:8. Agents did not ask arrestees any questions to evaluate escape risk before
21 arresting them. *See* Ex. 17, [Tijerino Garmendia Decl.] ¶ 8.

22 Defendants also conduct “roving patrols,” involving no alleged target. Defendants roam
23 communities populated with Latino individuals, arbitrarily stopping and arresting individuals
24 without any warrant. Ex. 12, [CBP 30(b)(6) Dep.] at 152:6–153:21, 169:20–175:1, 242:6–245:18,
25 317:14–318:10. These roving patrols have resulted in arrests without any individualized escape
26

27 ¹⁰ Both ICE and CBP participate in these operations. Ex. 8, [E.O. Dep.] at 111:17–19 (ICE
28 Enforcement and Removal Operations (ERO) team lead referring to conducting operations with
ICE Homeland Security Investigations and CBP Office of Field Operations).

1 risk evaluation. Ex. 18, [M.D.L. I-213] (warrantless arrest in January 2026 roving patrol based
2 solely on unlawful presence); Ex. 19, [M.F.R. I-213] (same); Ex. 20, [M.D.L. Decl.] ¶¶ 2–8; Ex.
3 21, [M.F.R. Decl.] ¶¶ 2–8. *See also* Ex. 22, [Chapman Decl.] ¶¶ 2–8 (CBP arrest on April 3,
4 2026); Ex. 72, [video depicting arrest].

5 **B. Defendants are conducting warrantless arrests without any meaningful escape**
6 **risk assessment.**

7 The Acting Associate Director of ICE told field offices that “[a]nyone who is found
8 amenable to removal needs to be arrested.” Ex. 4, [e-mail chain] at GOV-24101. That’s exactly
9 what the record here shows. Indeed, an ICE team lead recently admitted there is not a single
10 “collateral” he failed to arrest since he started field operations in 2025. Ex. 8, [DO E.O. Dep.] at
11 323:25–324:13.

12 In arrest after arrest, personnel forego *any* determination of likelihood of escape. Agents
13 and officers are required to document any evaluation of likelihood of escape in the Record of
14 Deportable/Inadmissible Alien, or I-213, for an arrest. Ex. 23, [ICE Fourth Amendment Refresher
15 Training] at GOV-23819; Ex. 24, [CBP Legal Refresher Training] at GOV-3347. Numerous
16 narratives for “collateral” arrests, however, including those produced to date in this case, contain
17 no such analysis. *See, e.g.*, Ex. 25, [F.H.S. EARM encounter report] at C-GOV-548–50 (no
18 escape risk analysis); Ex. 8, [E.O. Dep.] at 217:5–219:19 (clarifying F.H.S. arrest was not
19 targeted); Ex. 26, [Vaquez Perdomo I-213] at 2–3; Ex. 27, [Villegas Molina EARM encounter
20 report] at 1–2; Ex. 28, [Osorto I-213] at 2; Ex. 29, [J.D.S. I-213] at 2; Ex. 30, [E.C.P. I-213] at
21 GOV-5299; Ex. 31, [G.V.C. I-213] at GOV-5589-92; Ex. 32, [W.C. I-213] at 1–4, Ex. 33, [H.S.H.
22 I-213] at 1–3; Ex. 34, [J.C. I-213] at 1–5; Ex. 35, [G.N.L. I-213] at 1–3; Ex. 36, [E.C.H. I-213] at
23 1–3.

24 When confronted about these incidents in depositions, ICE officers insisted that nothing is
25 missing from the documentation. Ex. 7, [DO C.C. Dep.] at 313:24–314:19; Ex. 2, [SDDO C.C.
26 Dep.] at 181:22–182:11, 186:9–187:3, 247:21–248:9; Ex. 8, [DO E.O. Dep.] at 161:23–162:6,
27 219:20–220:6, 229:16–230:11, 252:22–255:1 (testifying that he did not obtain further information
28 about G.N.L. apart from status because he had decided to “place him under arrest”). According to

1 the supervisor who oversaw the arrests of Plaintiffs Vasquez Perdomo, Villegas Molina, and
2 Osorto, “the self-admission of alienage [i]s sufficient to justify [a warrantless] arrest.” Ex. 2,
3 [SDDO C.C. Dep.] at 254:5–10.

4 A review of arrest narratives Defendants produced shows that at least 89 of 113 arrests—
5 nearly 80 percent—contain either no escape risk assessment whatsoever (41 arrests), or generally
6 follow an escape risk template narrative (48 arrests).¹¹ Perry Stone Decl., ¶¶ 16, 20–27. For the
7 narratives that contain some discussion of “flight risk”, it is largely boilerplate. 48 of 72 arrests
8 had narratives that generally followed template language: “I determined that XXX was likely to
9 escape before a warrant could be obtained for [his/her] arrest based on [his/her] flight from law
10 enforcement, the fact that [he/she] ignored agent commands, [his/her] illegal presence in the
11 United States, and the facts outlined above.” Perry Stone Decl., ¶ 26. Indeed, Border Patrol
12 circulated a template narrative to agents containing this very language. Ex. 37, [template
13 narrative] at GOV-20020.¹²

14 When agents document escape risk, they frequently expressly equate escape risk entirely
15 with undocumented status. For example, arrest narratives for the August 5, 2025 Magnolia Car
16 Wash raid contain the following language: “Due to XXX’s unlawful presence, unlawful status,
17 and admission to having resided in the U.S. illegally, XXX was deemed a flight risk and not
18 eligible for release.” Ex. 39, [L.A.V.H. narrative] at GOV-00004029; Ex. 40, [I.Z.G. narrative] at
19 GOV-00014609; *see also* Ex. 41, [E.K.Z.L. narrative] at C-GOV-00000332; Ex. 42, [M.A.H.Z.
20 narrative] at GOV-00004026.

21 Even where narratives claim that somebody took flight, available body camera video often
22 indicates otherwise. *Compare* Ex. 43, [E.G.G. narrative] at GOV 4124-27 (describing two arrests
23 at Handy J Car Wash, claiming E.G.G. was “nervously looking around as if he was looking for an
24

25 ¹¹ Only CBP narratives had any such (albeit improper) escape risk analysis. ICE did not include
26 *any* escape risk analysis at all based on a review of produced documents. Perry Stone Decl. ¶ 29.

27 ¹² The boilerplate nature of these narratives is also illustrated by the use of inconsistent pronouns
28 or wrong names. *See, e.g.*, Ex. 38, [E.M.L.H. narrative] at GOV-00004553.

1 avenue of escape” and both individuals fled from law enforcement) *with* Ex. 73, [GOV-P17-051]
2 (video showing no such thing); *compare* Ex. 44, [F.S. narrative] at GOV-4184 (claiming F.S.
3 encountered at Pomona Contractors Warehouse raid was “running in the opposite direction” of
4 agents) *with* Ex. 74, [GOV-P17-072] (video showing F.S. was recovering from surgery that
5 limited his mobility); *compare* Ex. 45, [M.W. narrative] at GOV-4068 (Westlake Home Depot
6 raid narrative claiming M.W. was “running away”) *with* Ex. 75, [GOV-P16-035] (video showing
7 M.W. walking toward agent and texting when encountered); *see also* Ex. 46, [Tijerino-Garmendia
8 narrative] at GOV-20807 (claiming Tijerino-Garmendia stated he had no identification with his
9 identity or address) *compared with* Ex. 76, [GOV-P19-063] (video showing no questioning on this
10 topic).

11 Community members’ experiences confirm what the government’s arrest documentation
12 already makes plain. Numerous individuals, including those referenced above, reported being
13 arrested with no inquiry into community ties or escape risk. *See* Ex. 47, [F.H.S. Decl.] ¶¶ 2, 7, 13
14 (describing arrest without any such questioning, despite ties including three dependent children,
15 one of whom is autistic), Ex. 48, [E.C.P. Decl.] ¶¶ 2, 5; Ex. 49, [G.V.C. Decl.] ¶¶ 2, 5; Ex. 50,
16 [W.C. Decl.] ¶¶ 2, 12–13; Ex. 51, [H.S.H. Decl.] ¶¶ 1–3, 8; Ex. 52, [J.C. Decl.] ¶¶ 1, 10–11; Ex.
17 53, [G.N.L. Decl.] ¶¶ 2, 6; Ex. 54, [E.C.H. Decl.] ¶¶ 2, 8; *see also* Ex. 55, [E.M.M. Decl.] ¶¶ 2, 8,
18 18; Ex. 56, [A.G. Decl.] ¶¶ 2, 5; Ex. 57, [R.N.G. Decl.] ¶¶ 2, 8; Ex. 58, [L.C.C. Decl.] ¶¶ 2, 12;
19 Ex. 59, [V.M.B. Decl.] ¶¶ 2, 4; Ex. 60, [H.S.P. Decl.] ¶¶ 2, 8, 9.

20 Even those already in removal proceedings, who are ordered released on bond presumably
21 due to *lack of flight risk* and are complying with court dates, are not immune from Defendants’
22 policy. Ex. 12, [CBP 30(b)(6) Dep.] at 282:12–283:22; Ex. 77 [GOV-P19-057] (video capturing
23 discussion of individual already in proceedings); Ex. 61, [Third Villegas Molina Decl.] ¶¶ 2, 29
24 (describing recent re-arrest). The same is true for individuals who voluntarily applied for and
25 received legal status. Ex. 62, [J.D.S. Decl.] ¶¶ 2–3, 6–8 (describing arrest without escape risk
26 questioning, despite ties and DACA status); Ex. 63, [Marion Donovan-Kaloust Decl.] ¶¶ 2–10; Ex.
27 64, [M.L.S. Decl.] ¶¶ 2–8; Ex. 65, [Form I-44] at GOV-4131–32 (arrest of legal resident at Handy
28 J Car Wash raid); Ex. 78, [GOV-P17-061] (video depicting the arrest).

1 **C. Defendants’ unlawful policy is ongoing and officially sanctioned.**

2 Leadership has sanctioned Defendants’ illegal warrantless arrest policy. When asked about
3 warrantless arrests lacking an escape risk analysis, ICE leadership confirmed that such arrests
4 were “absolutely” consistent with agency policy. Ex. 5, [ICE 30(b)(6) Dep.] at 162:20–166:25.
5 Likewise, CBP leadership has approved narratives that contain an escape risk analysis based solely
6 on suspected unlawful status. Ex. 16, [SBPA V.S. Dep.] at 102:18–104:22, 230:20–231:17; Ex.
7 66, [email regarding Magnolia Car Wash raid narratives] at GOV-940. Indeed, Defendants’ policy
8 is baked into the structure of their operations, which they describe as “smash and grab” operations,
9 Ex. 3, [text thread] at GOV-7601-02, or as former Commander Gregory Bovino referred to them,
10 “turn and burn” operations,¹³ leaving little or no time for questioning or analysis.

11 The policy also is ongoing. Officers continue to pursue collateral arrests in the field. Ex.
12 2, [SDDO C.C. Dep.] at 45:7–51:9, 85:4–11 (team has doubled in size in last six months and is
13 making 10–15 arrests per week, of which about 4 are collateral); Ex. 8, [DO E.O. Dep.] at 47:5–
14 21; 145:7–146:3. And community members continue to report collateral arrests by ICE and CBP
15 without any individualized assessment of escape risk. *See supra* at 5, 7 (H.S.H., J.C., G.N.L.,
16 E.C.H., and Chapman discussing post-January 2026 incidents).

17 Defendants’ public statements make clear they have no intention of ceasing this policy.
18 Last month, after speaking with DHS Secretary Markwayne Mullin, Homan announced the
19 government’s plans to execute *more* mass deportations, stating that “no one’s off the table,”¹⁴ and
20 confirming that Defendants intend to continue their arrest campaign: “[W]e’re going to flood the
21 zone.’ . . . ‘You’re going to see more ICE agents [than] you ever seen before” and “[y]ou will see
22 collateral arrests increase.”¹⁵

23
24 ¹³ Catherine E. Sholchet, *How Gregory Bovino became the face of Trump’s immigration*
25 *crackdown*, CNN (Jan. 25, 2026), [https://www.cnn.com/2026/01/25/politics/gregory-bovino-](https://www.cnn.com/2026/01/25/politics/gregory-bovino-minneapolis-immigration-crackdown)
[minneapolis-immigration-crackdown](https://www.cnn.com/2026/01/25/politics/gregory-bovino-minneapolis-immigration-crackdown).

26 ¹⁴ Ximena Bustillo, *Border czar promises ‘mass deportations are coming’ to fulfill Trump’s*
27 *promises*, NPR (May 7, 2026), [https://www.mainepublic.org/npr-news/2026-05-07/border-czar-](https://www.mainepublic.org/npr-news/2026-05-07/border-czar-promises-mass-deportations-are-coming-to-fulfill-trumps-promises)
[promises-mass-deportations-are-coming-to-fulfill-trumps-promises](https://www.mainepublic.org/npr-news/2026-05-07/border-czar-promises-mass-deportations-are-coming-to-fulfill-trumps-promises).

28 ¹⁵ *Id.*; Nick Reisman, *Tom Homan’s ICE surge threat isn’t stopping sanctuary bills in New York*,
Politico (May 6, 2026), <https://www.politico.com/news/2026/05/06/tom-homans-new-york-ice->

1 Defendants also recently confirmed their view that 8 U.S.C. § 1357(a) does not
2 meaningfully restrain their authority to carry out warrantless arrests. In a January 28, 2026
3 memorandum, Acting ICE Director Todd Lyons rescinded long-held guidance on warrantless
4 arrests and redefined the agency’s statutory obligation to conduct a “likelihood of escape”
5 analysis, essentially nullifying the requirement. *See* Todd M. Lyons, *Civil Immigration Arrest*
6 *Authority: Administrative Arrest Warrants and Warrantless Arrests* (Jan. 28, 2026) (the “Lyons
7 Memo”).

8 **D. Organizational Plaintiffs’ members are suffering ongoing irreparable harm.**

9 Plaintiffs face ongoing irreparable harm as a result of Defendants’ unlawful policy.
10 Plaintiffs challenging Defendants’ warrantless arrest policy include three organizations—
11 LAWCN, CHIRLA, and UFW—that have tens of thousands of members across the District. Ex
12 67, [Sixth Salas Decl.] ¶ 4 (CHIRLA has over 49,000 members of mixed immigration status in the
13 District); Ex. 68, [Fourth Melendrez Decl.] ¶ 1 (one of LAWCN’s member organizations,
14 CLEAN, is a carwash worker center whose membership includes over 2,000 predominantly Latine
15 carwash workers across Southern California, many of whom are immigrants); Ex. 69, [Second
16 Gudino Decl.] ¶¶ 2,13–14; Ex. 70, [Third Strater Decl.] ¶¶ 5–6 (UFW has approximately 10,000
17 members, many of whom reside in the District and are Latino).

18 Organizational Plaintiffs’ members already have been harmed by Defendants’ unlawful
19 policy. For example, on January 23, 2026, Defendants arrested Gildardo, a member of CLEAN, at
20 Fullerton Car Wash without a warrant and without an escape risk assessment. Ex. 68, [Fourth
21 Melendrez Decl.] ¶ 14; Ex. 71, [Gildardo I-213]; Ex. 68, [Fourth Melendrez Decl.] ¶ 7 (“I am
22 aware of dozens of CLEAN’s members that have been stopped and arrested by federal agents . . .
23 seemingly without a warrant.”) Similarly, Defendants arrested a CHIRLA member without a
24

25
26 _____
27 surge-threat-isnt-stopping-sanctuary-bills-00908594; *see also* Madeline Ngo, *Facing Pressure,*
28 *Trump Officials Reject Claims They’re Softening on Immigration*, New York Times (May 8,
2026), <https://www.nytimes.com/2026/05/08/us/politics/markwayne-mullin-immigration-dhs.html>
(DHS spokeswoman stating “ICE is NOT slowing down”).

1 warrant while she was selling tamales in the parking lot of a strip mall. Ex. 67, [Sixth Salas Decl.]
2 ¶ 20. Prior to her arrest, federal agents asked her only whether she had papers—nothing else. *Id.*

3 Organizational Plaintiffs’ members, documented and undocumented, also face an
4 imminent risk of arrest or re-arrest. These members have deep-rooted community ties. Ex. 67,
5 [Sixth Salas Decl.] ¶¶ 16, 21, 25; Ex. 68, [Fourth Melendrez Decl.] ¶¶ 14–15, 20–21; Ex. 70,
6 [Third Strater Decl.] ¶ 19. For example, CHIRLA member M.G., who is visibly Latino and works
7 in construction, fears being subject to a warrantless arrest and tries to avoid leaving his house for
8 non-work purposes. Ex. 67, [Sixth Salas Decl.] ¶¶ 21–23; *see also id.*, ¶¶ 24–30 (describing
9 numerous CHIRLA members who face imminent risk of arrest, including DACA recipients).
10 Similarly, UFW members have rearranged their lives, avoiding doctors’ appointments and church,
11 out of fear they will be arrested where they live, work, and commute. Ex. 70, [Third Strater Decl.]
12 ¶ 23. For example, UFW member “Belinda”, a long-time Ventura County resident, fears arrest
13 since her husband “Andy,” was arrested while walking to work. *Id.*, ¶¶ 35–38. Many UFW
14 members—including “Luz”, a single parent to three U.S. citizen children—are terrified of being
15 arrested and separated from their children. Ex. 70, [Third Strater Decl.] ¶ 39–42. LAWCN
16 members, including CLEAN carwash workers, also fear arrest at or while commuting to work.
17 Ex. 68, [Fourth Melendrez Decl.] ¶¶ 4–6, 17–20.

18 **III. LEGAL STANDARD**

19 Plaintiffs are entitled to a preliminary injunction if they can show that (1) they are likely to
20 succeed on the merits of their claims; (2) they are likely to suffer irreparable harm absent
21 preliminary relief; (3) the balance of equities tips in their favor; and (4) an injunction is in the
22 public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). A stronger showing
23 on one element may offset a weaker showing on another. *See Pimentel v. Dreyfus*, 670 F.3d 1096,
24 1105 (9th Cir. 2012). Where a moving party would suffer irreparable harm absent relief and
25 demonstrates that an injunction would be in the public interest, “serious questions going to the
26 merits and a hardship balance that tips sharply toward the plaintiff can support issuance of an
27 injunction.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011) (internal
28 quotation marks omitted). The same standard applies to a motion to stay agency action under the

Administrative Procedure Act (“APA”), 5 U.S.C. § 705. *Immigrant Defs. L. Ctr. v. Noem*, 145 F.4th 972, 983 (9th Cir. 2025).

IV. ARGUMENT

A. Plaintiffs have standing for their warrantless arrest claims.

Plaintiffs LAWCN, CHIRLA, and UFW have standing. For an association to have standing, it must show that (1) its members would otherwise have standing to sue in their own right; (2) the interests it seeks to protect are germane to its purpose; and (3) neither the claim asserted nor the relief requested requires the individual members’ participation. *Hunt v. Wash. St. Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977). At the preliminary injunction stage, plaintiffs need only demonstrate a substantial likelihood of standing. *Los Angeles Press Club v. Noem*, 171 F.4th 1179, 1187 (9th Cir. 2026). Multiple federal courts already have found that individuals and organizations suffering near-identical harms have standing to challenge Defendants’ warrantless arrest policy. *See, e.g., Escobar Molina*, 811 F. Supp. 3d at 32–37; *M-J-M-A-*, 2026 WL 562063, at *15–16; *Ramirez Ovando*, 810 F.Supp.3d at 1226–27.

The first *Hunt* factor is met because the associations’ members have (1) suffered an injury in fact, (2) that is fairly traceable to Defendants’ challenged conduct, and (3) likely to be redressed by a favorable judicial decision. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). To establish injury in fact, each organization need only show that “at least one identified member” has suffered an invasion of a legally protected interest that is (a) concrete and particularized and (b) actual or imminent. *Summers v. Earth Island Inst.*, 555 U.S. 488, 498 (2009); *see also Lujan*, 504 U.S. at 560. For forward-looking relief, organizational members must show that they “continue to suffer ongoing, concrete harm,” *Los Angeles Press Club*, 171 F.4th at 1187, or face a realistic threat of future injury. *See City of Los Angeles v. Lyons*, 461 U.S. 95, 101–02 (1983); *TransUnion LLC v. Ramirez*, 594 U.S. 413, 424 (2021).

Here, Plaintiffs’ members have suffered a direct injury as a result of Defendants’ policy: Defendants have already arrested multiple members without a warrant and without the requisite escape risk analysis. *See supra* at 9–10. Members also face a substantial risk of being arrested or re-arrested without such analysis. *Id.* The Ninth Circuit previously held that UFW, CHIRLA, and

1 LAWCN’s “individual members can establish standing to seek injunctive relief based on a real
2 and immediate threat of future injury” relating to their Fourth Amendment stops claim. *Vasquez*
3 *Perdomo v. Noem*, 148 F.4th 656, 676 (9th Cir. 2025). The same reasoning applies to Plaintiffs’
4 warrantless arrest claims.

5 First, members face a substantial risk of being arrested because Defendants have a
6 systemic policy and practice of making warrantless arrests without individualized escape risk
7 determinations. *See supra* at 2–8. Courts in this Circuit have held that “[e]xposure to [an
8 officially-sanctioned] policy . . . constitutes ‘ongoing harm and evidence that there is “sufficient
9 likelihood” that the Plaintiffs’ rights will be violated again.’” *Melendres v. Arpaio*, 695 F.3d 990,
10 998 (9th Cir. 2012); *Armstrong v. Davis*, 275 F.3d 849, 861 (9th Cir. 2001); *see also Does I*
11 *Through III v. D.C.*, 216 F.R.D. 5, 11 (D.D.C. 2003).

12 Second, Plaintiffs’ members—largely comprising Latino low-wage workers within the
13 District of diverse immigration statuses—are the targets of Defendants’ policy. *See supra* at 2–4,
14 9. The scale of Plaintiffs’ membership in the District also “increases the threat of future harm to
15 [the organizations’] members.” *California Rest. Ass’n v. City of Berkeley*, 89 F.4th 1094, 1100
16 (9th Cir. 2024) (quoting *Nat. Res. Def. Council v. U.S. E.P.A.*, 735 F.3d 873, 878 (9th Cir. 2013)
17 (alteration in original)).

18 Third, Plaintiffs cannot avoid exposure to the unlawful policy by avoiding illegal conduct.
19 *See Arizona v. United States*, 567 U.S. 387, 413 (2012) (unlawful presence not a crime).
20 Plaintiffs’ members continue to be arrested without an escape risk analysis and based on unlawful
21 presence alone while “going about [their] daily life,” including at, or in transit to, work.
22 *Melendres*, 695 F.3d at 998; *see supra* at 9–10. The indiscriminate nature of Defendants’ arrest
23 policy means that even individuals who have already been arrested are at risk of re-arrest,
24 including Plaintiff Villegas Molina, who was *re*-arrested and detained in April 2026. *See supra* at
25 7. Members also face ongoing harms either because they remain in detention or are currently
26 suffering injuries as a direct result of their unlawful arrest. *See, e.g.*, Ex. 68, [Fourth Melendrez
27 Decl.] ¶ 16 (discussing M.D.L. who remains detained); *see Ramirez Ovando*, 810 F. Supp. 3d at
28

1 1227 (injuries are ongoing because plaintiffs are currently unlawfully detained or suffering injuries
2 resulting from unlawful detention); *Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 51 (1991).

3 The second *Hunt* prong is met because safeguarding LAWCN, UFW, and CHIRLA
4 members' liberty interests is germane to the organizations' purposes. *See Garcia v. City of Los*
5 *Angeles*, 611 F. Supp. 3d 941, 952 (C.D. Cal. 2020) (protecting homeless individuals' belongings
6 from seizure sufficiently germane to homeless aid organization's mission). Ex. 69, [Second
7 Gudino Decl.] ¶ 7; Ex. 68, [Fourth Melendrez Decl.] ¶ 3; Ex. 70, [Third Strater Decl.] ¶¶ 11, 17;
8 Ex. 67, [Sixth Salas Decl.] ¶ 2.

9 Finally, the third *Hunt* factor is met: Individual members' participation is not required
10 because the organizations seek only preliminary injunctive relief. *See Columbia Basin Apartment*
11 *Ass'n v. City of Pasco*, 268 F.3d 791, 799 (9th Cir. 2001).

12 **B. Plaintiffs are likely to succeed on the merits of their warrantless arrest claims.**

- 13 1. 8 U.S.C. § 1357(a) requires Defendants to make an individualized
14 determination of likelihood to escape before effecting a warrantless arrest.

15 Defendants' policy of effecting warrantless arrests without an individualized determination
16 of escape risk violates 8 U.S.C. § 1357(a)(2) and its implementing regulation, 8 C.F.R.
17 § 287.8(c)(2)(ii), as well as the APA, 5 U.S.C. § 706(2)(A). For 80 years,¹⁶ Section 1357(a) has
18 limited federal agents' authority to conduct warrantless arrests to only the narrow circumstance
19 where the agent has "reason to believe" that the person being arrested (a) "is in the United States
20 in violation of any such [immigration] law or regulation" and (b) "is likely to escape before a
21 warrant can be obtained for his arrest." 8 U.S.C. § 1357(a); *see also* 8 C.F.R. § 287.8(c)(2)(ii).
22 This reflects Congress's intent to limit federal officers' authority to conduct warrantless
23 immigration arrests. *See Arizona*, 567 U.S. at 408.

24 The "reason to believe" requirement is equivalent to "the constitutional requirement of
25 probable cause." *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980); *see also Au Yi Lau v.*
26 *U.S. Immigr. & Naturalization Serv.*, 445 F.2d 217, 222 (D.C. Cir. 1971) (Section 1357(a)(2)

27
28 ¹⁶ Pub. L. No. 79-613, 60 Stat. 865 (1946).

1 “must be read in light of constitutional standards, so that ‘reason to believe’ must be considered
2 the equivalent of probable cause.”). Probable cause “must be particularized with respect to the
3 person to be searched or seized.” *Crowe v. Cnty. of San Diego*, 608 F.3d 406, 438 (9th Cir. 2010).
4 Thus, federal agents must have probable cause that the arrested individual poses a risk of escaping
5 before a warrant can be obtained. *See Ybarra v. Ill.*, 444 U.S. 85, 91 (1979). In other words, “an
6 immigration officer can know for certain that someone is present in violation of immigration laws,
7 and still does not have authority to arrest them without a warrant or an individualized probable
8 cause determination that the individual is ‘likely to escape before a warrant can be obtained.’” *M-*
9 *J-M-A-*, 2026 WL 562063, at *14 (citation omitted).

10 Courts have consistently interpreted the “likely to escape” requirement to “unambiguously
11 mean[] ‘likely to evade immigration officers’” before a warrant could be issued. *Moreno v.*
12 *Napolitano*, 213 F. Supp. 3d 999, 1008 (N.D. Ill. 2016); *Araujo v. United States*, 301 F. Supp. 2d
13 1095, 1102 (N.D. Cal. 2004); *Hussen v. Noem*, No. 26-CV-324 (ECT/ECW), 2026 WL 657936, at
14 *32 (D. Minn. Mar. 9, 2026). The inquiry does *not* assess whether the individual is likely to
15 escape the immediate scene; rather, to determine whether an individual intends to evade
16 apprehension, courts consider traditional flight risk factors “including whether the officer can
17 determine the individual’s identity, previous escape attempts, and community ties such as family,
18 a home, or a job.” *M-J-M-A-*, 2026 WL 562063, at *1. Only if there is a particularized
19 determination that an individual is likely to flee the community, precluding apprehension
20 following procurement of a warrant, is Section 1357(a) satisfied.

21 For example, in *Mountain High Knitting, Inc. v. Reno*, 51 F.3d 216, 218 (9th Cir. 1995),
22 the Ninth Circuit held that individuals who were arrested at their factory jobs were not likely to
23 abscond before a warrant could be obtained. Multiple other cases are in accord. *See also United*
24 *States v. Khan*, 324 F. Supp. 2d 1177, 1186–87 (D. Colo. 2004) (individual not likely to escape
25 because he worked two jobs in the city, owned a vehicle, and paid rent); *United States v. Pacheco-*
26 *Alvarez*, 227 F. Supp. 3d 863, 890 (S.D. Ohio 2016) (individual not likely to escape because
27 arrested near his home, no criminal history, had a stable job, lived with his fiancé, and helped raise
28 her two kids); *United States v. Bautista-Ramos*, No. 18-CR-4066-LTS, 2018 WL 5726236, at *7

1 (N.D. Iowa Oct. 15, 2018), *report and recommendation adopted*, 2018 WL 5723948 (individual
2 not likely to escape present in the state for over 10 years, employed, and had U.S. citizen wife and
3 daughters).

4 2. Defendants have a policy of effecting warrantless arrests without probable
5 cause of likelihood of escape.

6 Defendants are violating Section 1357(a) and Section 287.8(c)(2)(ii) in their immigration
7 enforcement operations. As explained above, Defendants’ common practice is to conduct
8 warrantless “collateral” arrests in the District. *See supra* at 2–5. In such circumstances,
9 Defendants must have probable cause that the individual is likely to escape before they can obtain
10 a warrant. But Defendants do not conduct this analysis as a matter of course. *See supra* at 5–7.
11 Indeed, agents and officers regularly conduct warrantless arrests without asking *any* questions that
12 might inform an escape risk assessment. *See supra* at 5–7. Instead, Defendants routinely rely on
13 suspected unlawful presence as sufficient in itself to justify warrantless arrests. *See supra* at 5–6.
14 Defendants’ command staff and 30(b)(6) witnesses have testified that unlawful status alone is
15 sufficient for a warrantless arrest. *See supra* at 8. But the law is clear that unlawful presence
16 alone cannot be the basis of an escape risk finding. *See Escobar Molina*, 811 F. Supp. 3d at 31
17 (collecting cases).

18 Defendants’ documentation of arrests—or lack thereof—reinforces this testimony. ICE
19 arrest narratives contain *no* likelihood of escape analysis. *See supra* at 6. The CBP narratives
20 Defendants produced that contain any escape risk discussion generally show no individualized
21 assessment and use boilerplate language across multiple narratives. *See supra*. at 6. Such “copy
22 and paste language may give rise to an inference that an individualized assessment was not made”
23 and “boilerplate [language] may not be used to describe the particulars of each detention and
24 arrest.” *United Farm Workers v. Noem*, 2026 WL 892070, at *38 (E.D. Cal. Apr. 1, 2026).

25 As a matter of practice, Defendants fail to investigate the community ties that make an
26 individual unlikely to escape before a warrant is obtained. *See supra* at 7. A legally-sufficient
27 escape risk analysis would show that many of the individuals Defendants have arrested have
28 strong community ties—including extended residence in the United States, long-term

1 employment, primary caregiving responsibilities, and U.S. citizen minor children and immediate
2 family members—that weigh heavily against a likelihood of escape. *See supra* at 7; *see also*
3 *Pacheco-Alvarez*, 227 F. Supp. 3d at 890 (caregiving responsibilities weigh against escape risk);
4 *Pearl Meadows Mushroom Farm, Inc. v. Nelson*, 723 F. Supp. 432, 449 (N.D. Cal. 1989) (same
5 where individual is encountered at regular place of employment).

6 Defendants’ brazen warrantless arrest practices are not limited to this District; they are part
7 of a nationwide campaign. Courts throughout the country have enjoined DHS from continuing
8 those unlawful practices. *See, e.g., M-J-M-A-*, 2026 WL 562063, at *1 (preliminarily enjoining
9 this policy); *Ramirez Ovando*, 810 F. Supp. 3d at 1216 (same); *Escobar Molina*, 811 F. Supp. 3d
10 at 13 (same); *United Farm Workers v. Noem*, 785 F. Supp. 3d at 735 (same). Yet Defendants
11 continue to flout these court orders. Indeed, two courts recently granted plaintiffs’ motions to
12 enforce, holding that DHS’s unlawful warrantless arrest policy continued *even after* issuance of
13 the preliminary injunctions. *Escobar Molina v. U.S. Dep’t of Homeland Sec.*, No. 25-3417
14 (BAH), 2026 WL 1256234, at *3 (D.D.C. May 7, 2026); Order Enforcing Preliminary Injunction
15 at 30–31, *Ramirez Ovando v. Noem*, No. 25-03183 (D. Colo. May 12, 2026), Dkt. No. 112 .

16 3. Defendants continue to sanction their warrantless arrest practice.

17 As noted, top officials have sanctioned Defendants’ warrantless arrest policy. *See supra*
18 8–9. Recently, Defendants have only reaffirmed their commitment to this policy, including
19 through the Lyons Memo. *See supra* 9.

20 The Lyons Memo’s unprecedented interpretation of “likelihood of escape” is so broad that
21 it renders Section 1357(a)’s second requirement—whether the individual is likely to escape—
22 superfluous. It permits warrantless arrests of anyone unlawfully present simply because they are
23 in public, in transit, or unlikely to stand idle while officers obtain a warrant. As another court
24 recently explained, “by considering only whether the noncitizen will remain at the scene of the
25 encounter, the Lyons Memo redefines ‘likelihood of escape’ into a nullity.” Order Enforcing
26 Preliminary Injunction at 38, *Ramirez Ovando*, No. 25-03183 ; *see also Moreno*, 213 F. Supp. 3d
27 at 1007 (N.D. Ill. 2016).

1 The Lyons Memo also instructs federal agents *not* to consider long-relied-on factors such
2 as “whether an [individual] is likely to attend future immigration court hearings, appear before
3 ERO as directed, surrender for removal, and comply with other immigration obligations.” Lyons
4 Memo at 4. As a former ICE senior advisor explained, the new definition is “an extremely broad
5 interpretation of the term ‘escape’” that “would cover essentially anyone they want to arrest
6 without a warrant, making the general premise of ever getting a warrant pointless.”¹⁷ Indeed, two
7 federal courts have already found that the Lyons Memo’s analytical approach violates Defendants’
8 statutory obligations. Order Enforcing Preliminary Injunction at 38, *Ramirez Ovando*, No. 25-
9 03183 (memo’s framing of the escape risk inquiry “swallow[s] [the] whole standard”); *Escobar*
10 *Molina*, 2026 WL 1256234, at *3–5.

11 **C. Without preliminary relief, Plaintiffs will suffer irreparable harm.**

12 Absent judicial intervention, Defendants’ policy will continue to cause Plaintiffs
13 irreparable harm. Plaintiffs need only demonstrate “a real possibility” that they are likely to suffer
14 irreparable harm absent preliminary relief. *Melendres*, 695 F.3d at 1002.

15 “Deprivation of physical liberty by detention constitutes irreparable harm.” *Arevalo v.*
16 *Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018); *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir.
17 2013) (irreparable harm exists where “preliminary injunction is necessary to ensure that
18 individuals . . . are not needlessly detained”). Plaintiffs’ members face irreparable harm because
19 they face “a real possibility” that they will “be . . . detained and subjected to unlawful detention.”
20 *Melendres*, 695 F.3d at 1002. They are fearful of leaving their homes, going to work or the
21 doctor, attending religious services, and running basic errands. *See supra* at 10. And members
22 with children are terrified of being separated from their families. *See supra* at 10; *see also*
23 *Washington v. Trump*, 847 F.3d 1151, 1169 (9th Cir. 2017) (identifying family separation as
24 irreparable harm).

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26
27 ¹⁷ Hamed Aleaziz, et al., *ICE Expands Power of Agents to Arrest People Without Warrants*, N.Y.
28 Times (Jan. 30, 2026), <https://www.nytimes.com/2026/01/30/us/politics/ice-expands-power-agents-warrants.html>.

Members continue to suffer deprivations of their liberty as a result of unlawful arrests and subsequent detentions. Plaintiffs have been detained for days, weeks, and even months, often enduring inhumane conditions, including having to “sleep on the floor” “in a room with 52 other people,” being “shackled [] at [their] waist, feet and hands,” and being “give[n] very little food.” Ex. 9, [Second Vasquez Perdomo Decl.] ¶ 7–10; *see also Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1037 (N.D. Cal. 2025) (recognizing “irreparable harms imposed on anyone subject to immigration detention” (citation omitted)). Following release from detention, individuals still experience harms flowing from their arrests and detention. “The time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness.” *Barker v. Wingo*, 407 U.S. 514, 532 (1972). For example, Plaintiff Villegas Molina lost his job while he was detained, risked losing his housing, and still has to attend check-ins and wear an ankle monitor. *See* Ex. 61, [Third Villegas Molina Decl.] ¶¶ 10, 31–32. Detention causes “potentially irreparable harm every day [one] remains in custody.” *Rodriguez v. Bostock*, 779 F.Supp.3d 1239, 1262 (W.D. Wash. 2025) (citation and internal quotation marks omitted).

Defendants’ unlawful policy shows no sign of slowing. Defendants have stated that they plan to expand their mass deportation agenda, *see supra* at 8–9, and DHS continues to conduct unlawful warrantless arrests, *see supra* at 5, 7–9. *See also* Ex. 8, [DO E.O. Dep.] at 175:2–176:21 (testifying that while operation names may change, practices remain the same). Indeed, ICE field teams have approximately doubled in size, *see supra* at 8, and publicly available data shows enforcement is “about four times higher than during the last year of the Biden administration.”¹⁸

D. The balance of the equities tips in Plaintiffs’ favor and an injunction is in the public interest.

When the federal government is a party, the balance of the equities and public interest factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073 (9th Cir. 2014). When the

¹⁸ Ngo, *supra* note 15.

1 government's alleged action violates federal law, the public interest factor generally weighs in
2 favor of the plaintiffs. *See Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013).

3 Here, the balance of equities tips sharply in Plaintiffs' favor because the "public interest
4 benefits" when "individuals are not deprived of their liberty" by unlawful processes and
5 "preventable human suffering" is avoided. *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir.
6 2017) (citation modified). Absent an injunction, Plaintiffs' members will continue to face
7 irreparable harm.

8 In contrast, Defendants cannot show they are likely to suffer harm by complying with their
9 statutory and regulatory obligations. As this Court has already acknowledged, "[c]omplying with
10 the law does not impose harm." ECF 87 at 47 (quoting *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir.
11 1983)); *see also Rodriguez*, 715 F.3d at 1145. Plaintiffs' requested relief does not prevent any
12 immigration agent from enforcing federal immigration laws. Indeed, injunctive relief is standard
13 where there are widespread legal violations. *See, e.g., LaDuke v. Nelson*, 762 F.2d 1318, 1333
14 (9th Cir. 1985) (upholding permanent injunction against warrantless searches of workplace
15 housing); *Melendres*, 695 F.3d at 1002 (upholding injunction against practice of detaining people
16 for civil immigration offenses).

17 **V. CONCLUSION**

18 All four preliminary injunction factors weigh in Plaintiffs' favor. And no security is
19 necessary here: "[C]ourt[s] may dispense with the filing of a bond when ... there is no realistic
20 likelihood of harm to the defendant from enjoining his or her conduct." *Jorgensen v. Cassidy*,
21 320 F.3d 906, 919 (9th Cir. 2003). Accordingly, the Court should grant Plaintiffs' motion for
22 preliminary injunction and enter the proposed order for District-wide relief, or, in the alternative,
23 issue a stay of Defendants' policy under 5 U.S.C. § 705. *See, e.g., Ramirez Ovando*, 810 F. Supp.
24 3d at 1241–42 (issuing preliminary injunction order with documentation requirements); *Escobar*
25 *Molina*, 811 F. Supp. 3d at 65–66 (same); *see Vasquez Perdomo*, 148 F.4th at 688 (District-wide
26 relief necessary for complete relief).

1 DATED: June 8, 2026

ACLU OF SOUTHERN CALIFORNIA

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By: /s/ Stephanie Padilla
STEPHANIE PADILLA
Counsel for Stop/Arrest Plaintiffs

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7 DATED: June 8, 2026

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SOLIDARITY CLINIC

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By: /s/ Anne Lai
ANNE LAI
Counsel for Stop/Arrest Plaintiffs

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14 DATED: June 8, 2026

MUNGER, TOLLES & OLSON LLP

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By: /s/ Jacob S. Kreilkamp
JACOB S. KREILKAMP
Counsel for Stop/Arrest Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2026, I electronically filed the foregoing with the Clerk of the U.S. District Court for the Central District of California using the CM/ECF system, which provided notification of such filing to all registered CM/ECF users, including all adverse parties. L.R. 65-1.

DATED: June 8, 2026

MUNGER, TOLLES & OLSON LLP

By: /s/ Jacob S. Kreilkamp
JACOB S. KREILKAMP
Counsel for Stop/Arrest Plaintiffs

CERTIFICATE OF COMPLIANCE

The undersigned counsel of record for Stop/Arrest Plaintiffs certifies that this brief
contains 6,980 words, which complies with the word limit of L.R. 11-6.1

DATED: June 8, 2026

MUNGER, TOLLES & OLSON LLP

By: /s/ Jacob S. Kreilkamp
JACOB S. KREILKAMP
Counsel for Stop/Arrest Plaintiffs