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

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

23 Plaintiffs,

24 v.

25 Markwayne MULLIN, in his official capacity  
26 as Secretary, Department of Homeland  
Security; David VENTURELLA, in his  
27 official capacity as Acting Director, U.S.  
Immigration and Customs Enforcement;  
28 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

1 Commissioner, U.S. Customs and Border  
2 Patrol; Michael W. BANKS, in his official  
3 capacity as Chief of U.S. Border Patrol; Kash  
4 PATEL, in his official capacity as Director,  
5 Federal Bureau of Investigation; Todd  
6 BLANCHE, in his official capacity as Acting  
7 U.S. Attorney General; Thomas GILES, in his  
8 official capacity as Acting Field Office  
9 Director for Los Angeles, U.S. Immigration  
10 and Customs Enforcement; Dean T.  
11 SORENSON, Special Agent in Charge for Los  
12 Angeles, Homeland Security Investigations,  
13 U.S. Immigration and Customs Enforcement;  
14 Daniel PARRA, in his official capacity as  
15 Acting Chief Patrol Agent for El Centro Sector  
16 of the U.S. Border Patrol; Justin DE LA  
17 TORRE, in his official capacity as Acting  
18 Chief Patrol Agent, San Diego Sector of the  
19 U.S. Border Patrol; Akil DAVIS, in his official  
20 capacity as Assistant Director in Charge, Los  
21 Angeles Office, Federal Bureau of  
22 Investigation; Bilal A. ESSAYLI, in his  
23 official capacity as First Assistant U.S.  
24 Attorney for the Central District of California,

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\* Admitted pro hac vice

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

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

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

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

25  
26 DATED: June 8, 2026

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

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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.<sup>1</sup> 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 <sup>1</sup> 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.”<sup>2</sup>  
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.<sup>3</sup> 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 coming<sup>4</sup> and anyone in the country unlawfully is “on the table.”<sup>5</sup> Todd Lyons, ICE’s former  
13 director, confirmed this change in policy.<sup>6</sup> 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.<sup>7</sup> 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 <sup>2</sup> 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)  
20 [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).

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

23 <sup>4</sup> Mike Levine & Meghan Mistry, *Trump’s border czar: ‘If you’re in the country illegally, you got*  
24 *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)  
25 [country-illegally-problem/story?id=118085728](https://abcnews.com/Politics/trumps-border-czar-youre-country-illegally-problem/story?id=118085728).

26 <sup>5</sup> *Id.*

27 <sup>6</sup> Camilo Montoya-Galvez, *ICE head says agents will arrest anyone found in the U.S. illegally,*  
28 *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/).

<sup>7</sup> Stuart Anderson, *Stephen Miller’s Order Likely Sparked Immigration Arrests and Protests*,  
Forbes (Jun. 9, 2025), **Error! Hyperlink reference not valid.**; Elizabeth Findell, et al., *The White*  
*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,”<sup>8</sup> these “collateral” arrests now make up at least one quarter of all civil  
13 immigration arrests.<sup>9</sup>

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 <sup>8</sup> 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 <sup>9</sup> *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).<sup>10</sup>

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 <sup>10</sup> 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).<sup>11</sup> 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.<sup>12</sup>

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 <sup>11</sup> 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 <sup>12</sup> 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,<sup>13</sup> 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,”<sup>14</sup> 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.”<sup>15</sup>

23 \_\_\_\_\_  
24 <sup>13</sup> 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 <sup>14</sup> 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 <sup>15</sup> *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

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

3 **IV. ARGUMENT**

4 **A. Plaintiffs have standing for their warrantless arrest claims.**

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

15 The first *Hunt* factor is met because the associations’ members have (1) suffered an  
16 injury in fact, (2) that is fairly traceable to Defendants’ challenged conduct, and (3) likely to be  
17 redressed by a favorable judicial decision. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61  
18 (1992). To establish injury in fact, each organization need only show that “at least one identified  
19 member” has suffered an invasion of a legally protected interest that is (a) concrete and  
20 particularized and (b) actual or imminent. *Summers v. Earth Island Inst.*, 555 U.S. 488, 498  
21 (2009); *see also Lujan*, 504 U.S. at 560. For forward-looking relief, organizational members must  
22 show that they “continue to suffer ongoing, concrete harm,” *Los Angeles Press Club*, 171 F.4th at  
23 1187, or face a realistic threat of future injury. *See City of Los Angeles v. Lyons*, 461 U.S. 95,  
24 101–02 (1983); *TransUnion LLC v. Ramirez*, 594 U.S. 413, 424 (2021).

25 Here, Plaintiffs’ members have suffered a direct injury as a result of Defendants’ policy:  
26 Defendants have already arrested multiple members without a warrant and without the requisite  
27 escape risk analysis. *See supra* at 9–10. Members also face a substantial risk of being arrested or  
28 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,<sup>16</sup> 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 <sup>16</sup> 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).

28

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.”<sup>17</sup> 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).

25  
26  
27 <sup>17</sup> 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>.

1 Members continue to suffer deprivations of their liberty as a result of unlawful arrests and  
2 subsequent detentions. Plaintiffs have been detained for days, weeks, and even months, often  
3 enduring inhumane conditions, including having to “sleep on the floor” “in a room with 52 other  
4 people,” being “shackled [] at [their] waist, feet and hands,” and being “give[n] very little food.”  
5 Ex. 9, [Second Vasquez Perdomo Decl.] ¶ 7–10; *see also Pinchi v. Noem*, 792 F. Supp. 3d 1025,  
6 1037 (N.D. Cal. 2025) (recognizing “irreparable harms imposed on anyone subject to immigration  
7 detention” (citation omitted)). Following release from detention, individuals still experience  
8 harms flowing from their arrests and detention. “The time spent in jail awaiting trial has a  
9 detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it  
10 enforces idleness.” *Barker v. Wingo*, 407 U.S. 514, 532 (1972). For example, Plaintiff Villegas  
11 Molina lost his job while he was detained, risked losing his housing, and still has to attend check-  
12 ins and wear an ankle monitor. *See* Ex. 61, [Third Villegas Molina Decl.] ¶¶ 10, 31–32.  
13 Detention causes “potentially irreparable harm every day [one] remains in custody.” *Rodriguez v.*  
14 *Bostock*, 779 F.Supp.3d 1239, 1262 (W.D. Wash. 2025) (citation and internal quotation marks  
15 omitted).

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

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

24 When the federal government is a party, the balance of the equities and public interest  
25 factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073 (9th Cir. 2014). When the  
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27 <sup>18</sup> Ngo, *supra* note 15.

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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).

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1 DATED: June 8, 2026

ACLU OF SOUTHERN CALIFORNIA

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7 DATED: June 8, 2026

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14 DATED: June 8, 2026

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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

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**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

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