

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 DAE KEUN KWON (SBN 313155)
12 *akwon@aclusocal.org*
13 STEPHANIE PADILLA (SBN 321568)
14 *spadilla@aclusocal.org*
15 ALYSSA MORONES (SBN 343358)
16 *amorones@aclusocal.org*
17 ACLU FOUNDATION OF
18 SOUTHERN CALIFORNIA
19 P.O. Box 811370
20 Los Angeles, CA 90081-0007
21 Tel: 213-977-9500; Fax: 213-915-0219

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

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Pedro VASQUEZ PERDOMO, et al.,

Plaintiffs,

v.

Markwayne MULLIN, in his official capacity
as Secretary, Department of Homeland
Security, et al.,

Defendants.

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

**NOTICE OF MOTION AND MOTION
FOR PRELIMINARY INJUNCTION RE:
SUSPICIONLESS STOPS AND
VIOLATION OF EQUAL PROTECTION;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**

Hon. Maame Ewusi-Mensah Frimpong

Date: September 24, 2026

Time: 10:00 a.m.

Place: Courtroom 8B

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

* Admitted pro hac vice

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on September 24, 2026 at 10:00 a.m., before the Honorable Maame Ewusi-Mensah Frimpong, in Courtroom 8B, Eighth Floor, 250 West First Street, Los Angeles, CA 90012, Plaintiffs Pedro Vasquez Perdomo, Carlos Alexander Osorto, Isaac Villegas Molina, Jorge Hernandez Viramontes, Jason Brian Gavidia, Los Angeles Worker Center Network, United Farm Workers, and Coalition for Humane Immigrant Rights (collectively, “Stop/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 on Counts One and Eight of their Second Amended Complaint (“SAC”).¹

Plaintiffs respectfully request that the Court grant a preliminary injunction enjoining Defendants from continuing their policy and practice of conducting detentive stops in this District without a pre-stop individualized, particularized assessment of reasonable suspicion that the person to be stopped is present within the United States in violation of U.S. immigration law, and instead relying on the individual’s apparent status as low-income or working-class and Latino. Plaintiffs also request that the Court enjoin Defendants from relying on a person’s perceived Latino ethnicity to conduct detentive stops, except in connection with a known target description (provided there is a reasonable basis to believe that the individual is the person Defendants identified as their “target”). Plaintiffs further request that the Court impose certain documentation requirements to ensure adherence to the preliminary injunction.

Plaintiffs previously proposed that the Court hold time on its calendar for an evidentiary hearing on this Motion. In light of the current record, as augmented by expedited discovery since the Court issued a TRO in 2025, Plaintiffs do not believe an evidentiary hearing is necessary.

¹ Plaintiffs previously moved for a preliminary injunction on Count One last year, but the Court took the motion off calendar and granted Plaintiffs’ request for expedited discovery to more fully develop the record. Plaintiffs subsequently amended their complaint to add, inter alia, Count Eight, and now move for a preliminary injunction on this new claim as well. Plaintiffs allege two equal protection theories in their SAC: that Defendants expressly classify individuals based on Latino race, color, and/or ethnicity, ECF 485, ¶ 70, and alternatively, that Defendants’ policies and practices are motivated by discriminatory intent and have a discriminatory effect, *id.*, ¶ 71. Plaintiffs are moving for preliminary relief on their express classification theory.

1 Even without an evidentiary hearing, the Court can make credibility determinations. *See Int'l*
2 *Molders' & Allied Workers' Loc. Union No. 164 v. Nelson*, 799 F.2d 547, 555 (9th Cir. 1986);
3 *Atlas Ins. Agency, Inc. v. Ulmann*, No. CV 24-00391 JAO-KJM, 2024 WL 5344432, at *3, *7 (D.
4 Haw. Nov. 25, 2024).

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

10
11 DATED: July 27, 2026

UC IRVINE IMMIGRANT AND RACIAL
JUSTICE SOLIDARITY CLINIC

12
13 By /s/ Anne Lai

ANNE LAI

Counsel for Stop/Arrest Plaintiffs

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I. INTRODUCTION

Plaintiffs request a preliminary injunction to halt Defendants’ ongoing campaign of suspicionless and discriminatory detentive stops in violation of the Constitution. To this day, Defendants roam the District, armed and masked, seizing citizens and non-citizens alike, based on a demographic profile Defendants deem “suspicious”: people who appear Latino and low-income or working-class. Although Defendants have responded to court orders and public backlash with claims of changes, the record shows that Defendants have remained steadfastly committed to immigration enforcement based on racial stereotype, not investigation. This ongoing manner of enforcement originated with and is endorsed by agency leadership, which has encouraged profile-based stops in service of getting more “handcuffs on wrists.” It poses an ever-present, imminent threat to the individual Plaintiffs and the members of the organizational Plaintiffs, who fit the precise profile that Defendants target.

That the Supreme Court stayed this Court’s temporary restraining order (TRO) last year does not bar the relief Plaintiffs seek. As this Court has explained, it is impossible to know on what basis the majority granted its stay. *See, e.g.*, ECF 419 n.7. And the record presented with this Motion—which follows expedited discovery and is (with the exception of named Plaintiffs’ declarations) all evidence that was not part of the TRO record—flatly disproves the representations Defendants made about their operations in pursuit of the stay, and the assumptions in the concurring opinion of one Justice.² The post-TRO record now shows that Plaintiffs indisputably are threatened by future application of Defendants’ policy and practice, that race is the predominant characteristic driving Defendants’ stops, and that Defendants’ ongoing stops—including of U.S. citizens—are neither brief nor unintrusive. Absent intervention from this Court, Plaintiffs will continue to face serious irreparable harm in the form of violations of their Fourth Amendment rights and the guarantee of equal protection under the Fifth Amendment.

² By engaging with Justice Kavanaugh’s concurrence in this Motion, Plaintiffs do not suggest that the concurrence is binding authority or that it can be attributed to the Court at large. It is not and cannot. *Id.* Plaintiffs instead show how assumptions in the concurrence have failed to withstand the adversarial process and test of time.

1 Plaintiffs also no longer seek the four-factor TRO that the Supreme Court stayed. Rather,
2 Plaintiffs seek an injunction tailored to the particular race-based policy, substantiated by the
3 current record, that Defendants are applying in the District. For all the reasons below, Plaintiffs
4 respectfully ask the Court to grant their requested relief.

5 **II. FACTUAL BACKGROUND**

6 **A. Defendants' campaign of non-targeted immigration raids**

7 “Yeah, just plug us in wherever you see some tonks³ and we’ll jump out.” Ex. 78 [GOV-
8 P16-001]. That sentiment sums up Defendants’ field enforcement operations over the past
9 fourteen months. For decades, immigration enforcement in the District proceeded based largely
10 on target folders relating to individualized investigations of specific persons. *See* Ex. 2 [SDDO
11 C.C. Dep.] at 69:10-72:11 (describing target folder); *see also* Ex. 3 [Kerlikowske Decl.], ¶ 27. At
12 the direction of administration officials, this changed last year. An email from ICE headquarters
13 in late May 2025 told field offices to begin arresting what Defendants call “collaterals,” or non-
14 targets, en masse. ECF 539-2 [e-mail chain]. In early June 2025, President Trump directed the
15 entire federal law enforcement apparatus “to take all such action necessary to liberate Los Angeles
16 from the Migrant Invasion.”⁴ Defendants subsequently embarked on a coordinated campaign of
17 suspicionless stops based on demographic profiling.

18 Since last year, Defendants have referred to their operations by different names and the
19 personnel involved have varied, but Defendants’ policy and practice has remained constant. As
20 one ICE officer put it: “We’re [still] doing the same thing [as “Operation at Large”] just with a
21 different name.” ECF 539-3 [DO E.O. Dep.] at 175:2-176:21.⁵

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23
24 ³ *See* Matthew Cantor, *The Anti-Immigrant Slur Border Patrol Tried to Ban*, The Guardian (March
25 4, 2024), <https://www.theguardian.com/us-news/2024/mar/04/border-patrol-slur-immigration>;
United States v. Sipe, 388 F.3d 471, 484 n. 33 (5th Cir. 2004) (agent stating that “tonk” is “the
sound heard when a ‘wetback’ is hit over the head with a flashlight”).

26 ⁴ Donald J. Trump, @realDonaldTrump, Truth Social (June 8, 2025, 2:06 PM),
27 <https://truthsocial.com/@realDonaldTrump/posts/114649780431129598%5C>.

28 ⁵ Citations to Plaintiffs’ Motion for Preliminary Injunction Re: Warrantless Arrests and associated
exhibits are to the subsequently filed errata versions, where applicable.

Operations in Southern California initially were led by El Centro Sector Border Patrol Chief Gregory Bovino, who had commanded controversial roving patrol operations in Kern County in early 2025 that were quickly enjoined on Fourth Amendment grounds by a federal court in the Eastern District of California.⁶ Undeterred by the injunction, Defendants moved to this District. Defendants installed agents, led by Chief Bovino, to conduct sustained, militarized patrols. *See* Ex. 4 [CBP 30(b)(6) Dep.] at 54:2-57:21. At the same time, ICE ramped up non-targeted enforcement, including with CBP and other federal partners. *See* ECF 539-8 at 4 n.10; *id.* at 2-3; *see also* Ex. 2 [SDDO C.C. Dep.] at 180:12-181:1. Thanks in part to recruitment ads employing white nationalist messaging,⁷ ICE doubled the ranks of its field teams. ECF 539-8 at 8; Ex. 5 [DO E.O. Dep.] at 55:24-56:23. While some CBP personnel have left the District, both ICE and CBP continue to conduct suspicionless stops in the District. *See infra* at 4, 6-7.

1. Roving patrols

One way that Defendants execute their policy of race-based profiling is through “roving patrols.” ECF 539-8 at 4-5. Defendants make no claim in such operations that agents have any enforcement “target.” Ex. 4 [CBP 30(b)(6) Dep.] at 147:20-148:10, 167:21-171:4. Rather, agents sweep through communities looking for “possibles” whom they deem suspicious. Ex. 6 [agents text chain] at GOV 6643-55, 6755 (discussing “soft counts” of “possibles” based on location drive-bys); ECF 539-2 [agents text chain] at GOV 7608, 7610 (discussing “snatch & grabs” and “roaming DT area”); *see also* Ex. 7 [D.V.V. Decl.], ¶¶ 3-8; Ex. 8 [D.V.V. I-213]; ECF 529-66 [H.S.P. Decl.], ¶¶ 3-8 (stopped while walking to bus stop wearing work attire); Ex. 9 [H.S.P. I-

⁶ Orlando Mayorquín and Jesus Jiménez, *Before Urban Raids, Border Patrol Tested Tactics in California Farm Country*, N.Y. Times (Jan. 26, 2026), <https://www.nytimes.com/2026/01/19/us/border-patrol-tactics-rural-california.html>. Defendants viewed those operations as “proof of concept” for operations elsewhere. Brittny Mejia and Rachel Uranga, *Fears of racial profiling rise as Border Patrol conducts ‘roving patrols,’ detains U.S. citizens*, L.A. Times (June 15, 2025), <https://www.latimes.com/california/story/2025-06-15/latinos-targeted-in-raids-u-s-citizens-detained-indiscriminate-sweeps-home-depot-lots-targeted>.

⁷ *See* Gustavo Solis, *Experts concerned about white nationalist imagery in ICE recruitment materials*, KPBS (Sept. 22, 2025), <https://www.kpbs.org/news/borderimmigration/2025/09/22/experts-concerned-about-white-nationalist-imagery-in-icerecruitment-materials>; Colorado Information Analysis Center, *Situational Awareness Bulletin*, Department of Public Safety (March 10, 2026), <https://www.documentcloud.org/documents/28132538-colorado-information-analysis-center-2026-0000860/>.

213]; Ex. 10 [J.L.M. Decl.], ¶¶ 4-10; Ex. 11 [J.L.M. I-213]. This is how agents ended up at Yank
Towing in Montebello, where they ordered Plaintiff Gavidia, a Latino U.S.-born citizen, to “stop
right there,” slammed him against a fence, and demanded the name of the L.A. hospital where he
was born. Ex. 12 [SBPA V.S. Dep.] at 85:8-90:4, 144:7-148:5; Ex. 13 [Gavidia Decl.], ¶¶ 6-11.
Discovery has confirmed that this is also how agents descended upon the car wash in Whittier—
after Googling nearby car washes—and ultimately took away Plaintiff Hernandez Viramontes, a
Latino U.S. citizen, to “verif[y]” his citizenship. Ex. 14 [Hernandez Viramontes Decl.], ¶¶ 8-13;
Ex. 15 [BPA J.M. Dep.] at 217:16-219:22.

Roving patrols continue this year. For example, a member of Plaintiff LAWCN’S CLEAN
Carwash Worker Center was detained during a roving patrol in late January. Ex. 16 [Reyes Romo
Decl.], ¶¶ 6-10; Ex. 17 [GOV-25776] (noting “roving patrol” at address where Reyes Romo works
and listing 14 other roving patrol operations that day); *see also* ECF 529-27 [M.F.R. Decl.], ¶¶ 2-8
(January 2026 stop by masked men who dragged him away); ECF 529-25 [M.F.R. I-213]; Ex. 18
[I.U.V. Decl.], ¶¶ 5-9 (tamale vendor describing January 2026 stop); Ex. 19 [I.U.V. report]; ECF
529-26 [M.D.L. Decl.], ¶¶ 2-8 (January 2026 stop); ECF 529-24 [M.D.L. I-213]. And although
Defendants have not yet produced arrest documentation in discovery for operations after January,
Plaintiffs’ own investigation has confirmed that Border Patrol conducted a roving patrol in this
District in April. ECF 529-28 [Chapman Decl.], ¶¶ 2-8; ECF 529-78 [video].

2. “Targeted area” operations

After this Court entered the TRO, Defendants commenced what they called “targeted area”
operations. ECF 539-8 at 4. Defendants represented to this Court and the Supreme Court that
these operations were based on “intelligence.” ECF 178 at 5, 7; *see* Reply Brief for Defendants
 (“Stay Reply”) at 19, *Noem v. Vasquez Perdomo*, No. 25A169 (U.S. Aug. 13, 2025). But
discovery revealed that Defendants’ paltry “intelligence” was manufactured to justify operations at
public access locations Defendants were already intent on raiding. As one veteran HSI agent who
was assigned to participate on the operations forthrightly testified under oath, the operations were
not “designed in good faith” to arrest the identified “targets.” Ex. 20 [HSI SA G.A. Dep.] at
195:5-196:11, 199:6-213:4; *see also* Ex. 3 [Kerlikowske Decl.], ¶ 26.

1 In so-called “target area” operations, Defendants sent intelligence-gathering teams to
2 Home Depots and car washes. Once there, they ran checks until they identified an arbitrary
3 number—typically a small number—of possibly unlawfully present individuals. ECF 529-18
4 [CBP 30(b)(6) Dep.] at 213:17-214:9, 270:4-277:9, 293:16-295:25; Ex. 21 [Westlake and
5 Paramount HD ROI] at GOV 341-44; Ex. 22 [Magnolia ROI] at GOV 321. Defendants then
6 selected a day to raid the location, without regard to whether the previously identified “targets”
7 were present. Ex. 4 [CBP 30(b)(6)] at 280:10-282:10, ECF 529-52 [Tijerino-Garmendia Westlake
8 HD narrative]; Ex. 23 [SBPA I.F. Dep.] at 281:3-21; *see also* Ex. 24 [BPA J.C. Dep.] at 100:22-
9 101:15. Sometimes the agents did not even bother to bring “target” information with them. *See*,
10 *e.g.*, Ex. 23 [SBPA I.F. Dep.] at 280:13-281:2; Ex. 12 [SBPA V.S. Dep.] at 114:1-116:9, 292:14-
11 293:10; *see also id.* at 234:11-237:1 (unaware E.K.Z.L. was a “target” and had not asked his name
12 before agents restrained E.K.Z.L.); ECF 529-47 [E.K.Z.L. narrative]. Unsurprisingly, Defendants
13 frequently did not arrest their supposed “targets,” even as they arrested numerous others. *See, e.g.*,
14 Ex. 25 [SBPA J.E. Dep.] at 184:10-12; Ex. 12 [SBPA V.S. Dep.] at 272:16-19; ECF 539-8 at 4
15 (objective is to make as many “Title 8” arrests as possible); *see also* ECF 529-84 [GOV-P17-061]
16 (agent says “get out and start grabbing people” right before detaining legal resident A.T.); Ex. 26
17 [agents text chain] at GOV 10543 (“I think [the Border Patrol agents] only know one way to
18 operate. See bodies, chase bodies.”). Apart from documentation changes, a supervisory Border
19 Patrol agent testified that he could not identify any difference in operations before and after the
20 TRO. Ex. 12 [SBPA V.S. Dep.] at 194:10-196:4; Ex. 20 [HSI SA G.A. Dep.] at 206:8-18
21 (received no guidance whatsoever from DHS about TRO).

22 **3. So-called “targeted” operations**

23 Another way that Defendants execute their policy is through so-called “targeted”
24 operations where officers have a single “target,” but the “target” is used as pretext for stopping
25 other Latino individuals near the “target’s” claimed location. ECF 539-8 at 3-4.

26 This is how officers encountered named Plaintiffs Vasquez Perdomo, Villegas Molina, and
27 Osorto in Pasadena in June 2025. *Id.* Defendants asserted that ICE was trying to locate a “target”
28 when they ambushed Plaintiffs, who were at a bus stop blocks away, to question them about the

1 “target’s” whereabouts. Ex. 27 [DO C.C. Dep.] at 218:8-226:13, 315:24-317:17; *see also* Ex. 2
2 [SDDO C.C. Dep.] at 118:15-122:2, 156:4-24; Ex. 28 [J.C.B. Field Operations Worksheet
3 (“FOW”)] (listing address). But discovery proved that false: the officers’ express intention that
4 day always was to arrest “collaterals.” *See* Ex. 29 [officers’ text chain] (lead officer telling
5 colleague to “bring extra cuffs”). *See also* ECF 529-16 [Villegas Molina Decl.], ¶¶ 5-6
6 (describing how “men [were] . . . running out” of vehicles, armed, masked, not identifying
7 themselves, and shouting “don’t run!” even though he was standing still); ECF 529-15, [Vasquez
8 Perdomo Decl.], ¶¶ 6-7; ECF 529-17 [Osorto Decl.], ¶¶ 5-6. Officers did not ask Plaintiffs about
9 the officers’ “target” and never went back to the location to look for the “target.” Ex. 27 [DO C.C.
10 Dep.] at 257:25-258:14.

11 Defendants continue to use pretextual operations to make “collateral” stops. For example,
12 the officer (currently a “team lead”) who stopped F.H.S. in San Bernardino in June 2025 as she
13 rode as a passenger in a pickup truck with other fruit vendors, allegedly because the driver
14 resembled someone the officer was targeting at an address over a mile away, recently employed
15 the same tactic when he stopped H.S.H. in February 2026. ECF 539-3 [DO E.O. Dep.] at 49:5-11,
16 196:17-198:6; ECF 529-53 [F.H.S. Decl.], ¶¶ 3-8; Lai Decl., ¶ 32. H.S.H. was driving his son to
17 soccer when an unmarked ICE vehicle, upon seeing him, made a U-turn and pulled him over.
18 ECF 529-57 [H.S.H. Decl.], ¶¶ 3-4. The officer wrote that he was looking for a “target”. Ex. 30
19 [H.S.H. I-213]. But he does not allege that H.S.H. was near the “target’s” home or driving a
20 vehicle associated with the “target.” *Id.* The officer told H.S.H. he pulled H.S.H. over because he
21 looked like a “paisa.” ECF 529-57 [H.S.H. Decl.], ¶¶ 9-12.⁸

22 These stops fit a disturbing pattern. In February 2026, J.C. was riding his e-bike to work
23 when officers initiated a stop by colliding into him, claiming they were looking for someone else.
24 *See* ECF 529-58 [J.C. Decl.], ¶¶ 2-6, 12; ECF 529-40 [J.C. I-213] (claiming J.C. was observed
25 “departing the residence” of “target” but revealing J.C. lived at an entirely different address); Ex. 5
26 [DO E.O. Dep.] at 293:10-312:4. In April 2026, officers stopped passenger R.M.D. in a vehicle
27

28 ⁸ “Paisa” is a derogatory term for a person from a rural part of Mexico. *Id.*, ¶ 12.

1 just outside a mobile home community predominantly inhabited by farmworkers with close to 100
2 lots. Ex. 31 [R.M.D. Decl.], ¶¶ 4-13. Officers claimed they were looking for a “target” more than
3 20 years younger than R.M.D. and listed the address of the “target” as the whole park. Ex. 32
4 [R.M.D. I-213]. In May 2026, officers boxed in E.C.H. as he was on his way to church. ECF
5 529-60 [E.C.H. Decl.], ¶¶ 3-5; ECF 529-42 [E.C.H. I-213] (“target’s” address on a different
6 street); Ex. 5 [DO E.O. Dep.] at 256:3-257:19, 264:5-270:5, 275:1-15. And in June 2026, officers
7 blocked A.S.L.’s path soon after he left home on his bike. Ex. 33 [A.S.L. Decl.], ¶¶ 2-8; Ex. 34
8 [A.S.L. I-213] (“target’s” address almost a half mile away). *See also* Ex. 5 [DO E.O. Dep.] at
9 245:23-255:15; ECF 539-3 [DO E.O. Dep.] at 145:7-146:3 (officer stating he routinely stops
10 persons who are not his “target”); ECF 529-41 [G.N.L. I-213]; ECF 529-59 [G.N.L. Decl.], ¶¶ 3-5
11 (April 2026 stop in which officers boxed G.N.L. in while in his work truck); ¶ 8 (reporting that *in*
12 *the time G.N.L. was being processed*, three other Latino men were brought in who were stopped in
13 an identical manner).

14 Defendants conduct these types of stops across the District. *See, e.g.*, ECF 529-55 [G.V.C.
15 Decl.], ¶¶ 3-5 (July 2025 stop outside donut shop in Ontario); Ex. 35 [G.V.C. I-213]; Ex. 2
16 [SDDO C.C. Dep.] at 208:12-216:15, 228:3-229:21, 271:3-19 (June 2025 downtown L.A. incident
17 in which team chased street vendor that an officer claimed could be a “target”); *id.* at 230:13-
18 248:12 (January 2026 stop of W.C. outside a Pasadena courthouse); ECF 529-56 [W.C. Decl.], ¶¶
19 3-11. Recent stops of U.S. citizens also confirm the pattern. In March 2026, ICE officers trapped
20 a Latino U.S. citizen in a McDonald’s parking lot in San Bernardino with vehicles and
21 interrogated him with his two-year-old in the backseat. Ex. 36 [J.A.P. Decl.], ¶¶ 3-6; Ex. 77
22 [video depicting stop]. And in May 2026 in Inglewood, officers surrounded Latino U.S. citizen
23 D.O.A. and two family members as they were on a sidewalk preparing to perform landscaping
24 work. Ex. 37 [D.O.A. Decl.], ¶¶ 3-8. Officers claim they approached D.O.A. and the others in an
25 attempt to locate a “target”—in a different part of the neighborhood. Ex. 38 [J.A.S. I-213]. The
26 officers were from the same team that arrested Plaintiffs Vasquez Perdomo, Villegas Molina, and
27 Osorto. *See also* Ex. 2 [SDDO C.C. Dep.] at 95:25-96:13 (estimating that about 25-40% of arrests
28 his team currently makes are of non-targets).

1 Defendants testified that they target “day laborers” for enforcement. *See* Ex. 4 [CBP
2 30(b)(6) Dep.] at 155:11-161:5 (teams targeted places that they believed were “standard practice
3 for day laborers”), 242:5-245:18. But the evidence shows that “day laborer”—as they use the
4 term—is simply shorthand for a low-income or working-class Latino.

5 *First*, when asked to articulate what a “day laborer” is, Defendants’ descriptions were
6 amorphous and incoherent. In response to a question posed in English, ICE’s 30(b)(6) witness
7 testified in Spanglish that a “day laborer” is “[s]omeone that is out there -- like . . . ‘pico y pala’”
8 or who “work[s] in the fields.” Ex. 40 [ICE 30(b)(6) Dep.] at 156:20-157:18. Meanwhile, CBP’s
9 30(b)(6) witness testified that “day laborer types of occupations” are “[c]onstruction, agricultural,
10 yard work of [sic] the like.” Ex. 4 [CBP 30(b)(6) Dep.] at 159:3-161:5. And although “day
11 laborers and car wash employees are two different [things],” Ex. 12 [SBPA V.S. Dep.] at 217:24-
12 218:14; Ex. 23 [SBPA I.F. Dep.] at 279:13-280:9 (had *no* information about whether car washes to
13 be raided paid workers in cash or hired day laborers), Border Patrol materials repeatedly lump
14 them together, along with many other types of workers deemed inherently “suspicious.” *See, e.g.*,
15 ECF 529-24 [M.D.L. I-213]; Ex. 4 [CBP 30(b)(6) Dep.] at 298:5-300:2; Ex. 41 [Magnolia PPT
16 Briefing] at GOV 000313.⁹

17 *Second*, despite organizing operations around the ability of agents to “spot” “day laborers,”
18 when agents attempted to explain what a “day laborer” looked like, they admitted it came down to
19 race. When lead officer C.C. from the Pasadena bus stop operation leading to the arrest of
20 Plaintiffs was asked about the appearance of individuals he looks for—the men “hanging around”
21 that he deems suspicious—he answered bluntly, “Older Hispanic males.” Ex. 27 [DO C.C.] Dep.
22 at 158:3-162:17. The officer in fact stated “I don’t call them ‘day laborers.’ I call them ‘illegal
23 aliens.’” Ex. 27 [DO C.C.] at 158:3-162:17, 247:2-249:8. Other explanations likewise revealed it
24 was really race animating Defendants’ actions. All one agent in a “roving patrol” could muster

25 _____
26 ⁹ Defendants had no actual statistics about the locations they were going to nor the proportion of
27 “day laborers,” however Defendants define them, who are not lawfully present in the Los Angeles
28 area. Ex. 25 [SBPA J.E. Dep.] at 84:7-13; Ex. 23 [SBPA I.F. Dep.] at 197:3-198:11; Ex. 12
[SBPA V.S. Dep.] at 121:5-124:23; Ex. 4 [CBP 30(b)(6) Dep.] at 161:7-165:17 (agency does not
have this information); Ex. 40 [ICE 30(b)(6) Dep.] at 158:8-13 (same); *see also* Ex. 42 [Zuniga
Decl.] ¶ 4.

1 when writing down why he approached M.D.L. was that M.D.L. was “dressed in attire consistent
2 with day laborers [he] ha[d] apprehended in the past.” ECF 529-24 [M.D.L. I-213]. But as M.D.L.
3 explains, he was dressed in black pants, orange sweater, and Sketcher shoes, with a backpack—
4 and was getting off the bus to get breakfast. ECF 529-26 [M.D.L. Decl.], ¶ 5; *see also* Ex. 25
5 [SBPA J.E. Dep.] at 154:10-161:2.

6 *Third*, the record now shows that Defendants frequently ignore white-appearing
7 individuals *working alongside* Latino workers they stop, even as they stop Latino *customers* of
8 businesses. Officers stopped CLEAN member Angel Santiago Tafolla, a Latino U.S. citizen,
9 while his light-skinned co-workers who ran from officers were left alone. Ex. 43 [Santiago
10 Tafolla Decl.], ¶¶ 2, 4-17; *accord* Ex. 44 [A.V. Decl.], ¶¶ 3-7 (Latino U.S. citizen worker stopped
11 while light-skinned coworker not approached). *See also* ECF 529-61 [E.M.M. Decl.], ¶¶ 3-10
12 (Latino shopper thrown to the ground while white-appearing persons in HD parking lot were left
13 alone); ECF 529-62 [A.G. Decl.], ¶¶ 3-7 (Latino car wash client surrounded by agents and
14 interrogated); ECF 529-65 [V.M.B. Decl.], ¶¶ 3-6 (Latino gas station client accosted before agents
15 knew his name); Ex. 14 [Hernandez Viramontes Decl.], ¶ 7 (customers at car wash questioned).

16 In sum, the record plainly establishes that Defendants are really looking for Latinos.
17 Indeed, if officers were not simply looking for Latinos and instead trying to locate their “target” in
18 Pasadena last June, they could have approached anyone in the shopping plaza to ask about their
19 “target’s” whereabouts. They didn’t. They stopped Plaintiffs, whom they knew nothing about
20 other than their skin color and that they were dressed in work clothes. ECF 529-15 [Vasquez
21 Perdomo Decl.], ¶¶ 4-7, 14; ECF 529-16 [Villegas Molina Decl.], ¶¶ 4-6, 11; ECF 529-17 [Osorto
22 Decl.], ¶¶ 4-6, 13. Other putative class members’ experiences are in accord.¹⁰

23 ¹⁰ *See* ECF 529-68 [J.D.S. Decl.], ¶¶ 4-9; ECF 529-54 [E.C.P. Decl.], ¶¶ 3-6; Ex. 45 [N.B. Decl.],
24 ¶¶ 3-6; Ex. 46 [Gutierrez Reyes Decl.], ¶¶ 3-6; ECF 529-23 [Tijerino Garmendia Decl.], ¶¶ 4-8;
25 Ex. 47 [Ayala Decl.], ¶¶ 3-8; Ex. 48 [J.G.S.C. Decl.], ¶¶ 5-8; Ex. 49 [F.F.L. Decl.], ¶¶ 4-9; ECF
26 529-63 [R.C.N.G. Decl.], ¶¶ 3-10; ECF 529-64 [L.C.C. Decl.], ¶¶ 3-12; Ex. 50 [Luna Decl.], ¶¶ 3-
27 10; Ex. 10 [J.L.M. Decl.], ¶¶ 4-10; Ex. 51 [M.G. Decl.], ¶¶ 5-8; Ex. 52 [Castillo Decl.], ¶¶ 6-13;
28 Ex. 53 [M.A.R.C. Decl.], ¶¶ 3-7; ECF 529-66 [H.S.P. Decl.]; Ex. 7 [D.V.V. Decl.], ¶¶ 3-8; Ex. 54
[E.L.L. Decl.], ¶¶ 3-17; Ex. 18 [I.U.V. Decl.], ¶¶ 5-10; ECF 529-27, [M.F.R. Decl.], ¶¶ 3-8; ECF
529-26 [M.D.L. Decl.], ¶¶ 4-7; Ex. 42 [Zuniga Decl.], ¶¶ 5-6; Ex. 16 [Reyes Romo Decl.], ¶¶ 6-12
(CLEAN member); ECF 529-28 [Chapman Decl.], ¶¶ 3-8; Ex. 83 [GOV-P17-048] (detention of
Latino man remaining silent at San Bernardino HD operation).

1 **III. LEGAL STANDARD**

2 Plaintiffs are entitled to a preliminary injunction if (1) they are likely to succeed on the
3 merits of their claims; (2) they are likely to suffer irreparable harm absent preliminary relief; (3)
4 the balance of equities tips in their favor; and (4) an injunction is in the public interest. *See Winter*
5 *v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int’l Sales Co., Inc. v. John D.*
6 *Brush & Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). Where a moving party would suffer
7 irreparable harm and demonstrates that an injunction would be in the public interest, “serious
8 questions going to the merits and a hardship balance that tips sharply toward the plaintiff can
9 support issuance of an injunction.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th
10 Cir. 2011) (internal quotation marks omitted).

11 **IV. ARGUMENT**

12 **A. Plaintiffs have standing to obtain injunctive relief**

13 **1. *Both individual and organizational Plaintiffs have standing***

14 A plaintiff has standing for injunctive relief if they are “realistically threatened” by future
15 injury. *City of Los Angeles v. Lyons*, 461 U.S. 95, 109 (1983); *In re Zappos.com, Inc.*, 888 F.3d
16 1020, 1024 (9th Cir. 2018). One way Plaintiffs can make that showing is to establish that they are
17 the “target[s]” of a government “policy” or “pattern of officially sanctioned behavior.” *Melendres*
18 *v. Arpaio*, 695 F.3d 990, 998 (9th Cir. 2012) (citation modified); *see also Armstrong v. Davis*, 275
19 F.3d 849, 861 (9th Cir. 2001); *LaDuke v. Nelson*, 762 F.2d 1318, 1323 (9th Cir. 1985). The record
20 since this Court issued its TRO last year now establishes precisely that.

21 The record shows that Defendants maintain a policy and practice of making detentive stops
22 in the District based on broad demographic profiling. Defendants admit to relying on Latino
23 ethnicity, *see* Ex. 12 [SBPA V.S. Dep.] at 125:2-137:3; *see also* Ex. 23 [SBPA I.F. Dep.] at
24 137:10-139:1, *supra* at 8, and to targeting “day laborers,” whom they equate with Latino low-
25 wage workers, *see* Ex. 27 [DO C.C.] Dep. at 158:3-162:18, *supra* at 8-10.

26 Defendants’ policy and practice is “officially sanctioned.” *Melendres*, 695 F.3d at 998.
27 Defendants’ CBP 30(b)(6) witness confirmed that the agency endorses the manner in which agents
28 have conducted operations in the District. *See, e.g.*, Ex. 4 [CBP 30(b)(6)] at 230:5-234:7 & Ex. 55

1 [CBP 30(b)(6) Dep. Ex. 150] (approving agent’s reliance on ethnicity), *id.* at 167:21-172:17,
2 241:19-243:16, 224:5-229:2, 217:15-219:18. And ICE’s 30(b)(6) witness echoed that
3 endorsement as to ICE officers’ conduct. Ex. 40 [ICE 30(b)(6) Dep.] at 159:13-161:1, 183:13-
4 184:7. Defendants’ policy and practice originated following a direction from ICE headquarters for
5 field offices to “turn the creativity knob up to 11” for arrests of “collaterals,” ECF 539-2 [e-mail
6 chain], which law enforcement expert and former CBP Commissioner Gil Kerlikowske explains
7 would have been interpreted as an order to deviate from standard practice and protocols to get
8 more “handcuffs on wrists.” Ex. 3 [Kerlikowske Decl.] ¶¶ 38-39; *see also id.* ¶¶ 23-25, 35-38.
9 DHS personnel in the District have followed that order by engaging in widespread detentive stops
10 of Latinos without real investigative work. That was not a rogue method of operationalizing
11 agency orders; it was precisely what agency leadership demanded.¹¹

12 The only remaining question is whether Plaintiffs are targets of the policy and practice they
13 challenge. *See Melendres*, 695 F.3d at 998. They are. The individual Plaintiffs have already been
14 stopped pursuant to the policy and practice, *see supra* at 4 (discussing stops of Plaintiffs Gavidia
15 and Hernandez Viramontes) and 6 (discussing stops of Plaintiffs Vasquez Perdomo, Villegas
16 Molina, and Osorto), and they match the precise demographic profile that Defendants are
17 targeting.¹² *See Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 164 (2014) (“[P]ast
18 enforcement against the same conduct is good evidence that the threat of enforcement is not
19 ‘chimerical.’”) (citation omitted); *Armstrong*, 275 F.3d at 861 (similar). There is no avoiding
20 Defendants’ dragnet because it targets Plaintiffs in the places where they work and live. *See*
21 *Hodgers-Durkin v. de la Vina*, 199 F.3d 1037, 1041 (9th Cir. 1999). And there is no reason to
22 believe that the prior stops of the individual Plaintiffs make a future stop less likely. To the

23
24 ¹¹ Additional factors showing this was the intended outcome include the decision to deploy Border
25 Patrol to the interior, the dramatic drop in the ratio of ICE supervisors to field officers, the
26 decision not to track field contacts that lead to release, and the lack of any internal accountability
structure. Ex. 3 [Kerlikowske Decl.], ¶¶ 23-25, 36, 41-45; *see also* Ex. 2 [SDDO C.C. Dep.] at
82:18-85:15; Ex. 5 [DO E.O. Dep.] at 51:11-25; Ex. 4 [CBP 30(b)(6) Dep.] at 319:12-320:2; Ex.
40 [ICE 30(b)(6) Dep.] at 179:11-184:7.

27 ¹² Ex. 13 [Gavidia Decl.], ¶¶ 12-13; Ex. 14 [Hernandez Viramontes Decl.], ¶ 15; ECF 529-15,
28 [Vasquez Perdomo Decl.], ¶14; ECF 529-16 [Villegas Molina Decl.], ¶ 13; ECF 529-17 [Osorto
Decl.], ¶ 13.

1 contrary, multiple individuals have been stopped more than once, *see infra* at 14, 16, and
2 Defendants have gone to numerous locations more than once, *see, e.g.*, Ex. 14 [Hernandez
3 Viramontes Decl.], ¶¶ 6-8, 14; Ex. 56, [Anderson Decl.], ¶¶ 5, 9; ECF 529-74 [Melendrez Decl.],
4 ¶¶ 4, 8-10; Ex. 42 [Zuniga Decl.], ¶ 4. Defendants acknowledge that they have no system for
5 tracking stops that led to release¹³ or for tracking the places agents have previously gone¹⁴ to avoid
6 recurrence.

7 Members of the organizational Plaintiffs are similarly threatened.¹⁵ LAWCN, UFW, and
8 CHIRLA collectively have tens of thousands of members across the District who fit the profile
9 Defendants are targeting. ECF 529-73 [Salas Decl.], ¶ 4; ECF 529-76 [Strater Decl.], ¶¶ 5-6;
10 *supra* at 9 (including agricultural workers in Defendants’ understanding of “day laborers”); ECF
11 529-75 [Gudino Decl.], ¶¶ 2, 13-14; ECF 529-74 [Melendrez Decl.], ¶ 1. It is thus unsurprising
12 that Defendants’ policy has already resulted in multiple suspicionless stops of the organizational
13 Plaintiffs’ members, including stops of Latino U.S. citizens. ECF 529-74 [Melendrez Decl.], ¶¶ 7-
14 10, 12-15 (members stopped while at work, operating mobile car wash, or using public
15 transportation); Ex. 43 [Santiago Tafolla Decl.], ¶¶ 2, 4-16; ECF 529-76 [Strater Decl.], ¶¶ 29-31
16 (member stopped while walking in Ventura County); ECF 529-73 [Salas Decl.], ¶¶ 18-21
17 (members stopped while selling food or driving). And there is every reason to think those stops
18
19

20 ¹³ Ex. 4 [CBP 30(b)(6) Dep.] at 208:6-209:5, 235:5-241:9; Ex. 40 [ICE 30(b)(6) Dep.] at 167:3-
172:25.

21 ¹⁴ *See* Ex. 4 [CBP 30(b)(6) Dep.] at 172:18-175:14, 178:14-17; Ex. 40 [ICE 30(b)(6) Dep.] at
22 169:13-170:15; Ex. 5 [DO E.O. Dep.] at 134:2-23.

23 ¹⁵ “[A]n association has standing to bring suit on behalf of its members when: (a) its members
24 would otherwise have standing to sue; (b) the interests it seeks to protect are germane to the
25 organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the
26 participation of individual members.” *Coal. on Homelessness v. City & Cnty. of San Francisco*,
758 F. Supp. 3d 1102, 1122 (N.D. Cal. 2024) (quoting *Hunt v. Wash. State Apple Advert.*
27 *Comm’n*, 432 U.S. 333, 343 (1977)). Defendants do not contest that the organizational Plaintiffs
28 here meet the second and third prongs. Safeguarding LAWCN’s, UFW’s, and CHIRLA members’
liberty interests is clearly germane to the respective organizations’ missions. *See Garcia v. City of*
Los Angeles, 611 F. Supp. 3d 941, 952 (C.D. Cal. 2020). ECF 529-75 [Gudino Decl.], ¶ 7; ECF
529-74 [Melendrez Decl.], ¶ 3; ECF 529-76 [Strater Decl.], ¶¶ 11, 17; ECF 529-73 [Salas Decl.],
¶ 2. And the participation of individual members is not required as Plaintiffs seek injunctive
relief. *See Columbia Basin Apartment Ass’n v. City of Pasco*, 268 F.3d 791, 799 (9th Cir. 2001).

1 will continue; in fact, some organizational Plaintiff members have already been stopped multiple
2 times. *See* ECF 529-74 [Melendrez Decl.], ¶¶ 8-9, 13 (CLEAN members stopped twice).

3 **2. Defendants’ standing arguments at the TRO stage cannot succeed on the**
4 **current record**

5 Defendants previously argued at the Supreme Court that future injury is speculative.
6 Application for Stay (“Stay App.”) at 17-18, *Noem v. Vasquez Perdomo*, No. 25A169 (U.S. Aug.
7 7, 2025). But as noted above, the record now conclusively establishes the very thing that
8 Defendants have acknowledged would suffice for standing, *see* Stay Reply at 6—evidence that
9 Plaintiffs are “realistically threatened” by unlawful detentive stops pursuant to Defendants’ race-
10 based policy and practice. *See supra* at 11-14; *Lyons*, 461 U.S. at 109. Unlike in *Lyons*, where the
11 plaintiff could not establish that he would “illegally resist arrest or detention” and thus fall subject
12 to the city’s alleged policy of using chokeholds in response to “resistance or other provocation,”
13 *Lyons*, 461 U.S. at 106, 110, here Plaintiffs need do nothing more than go about their daily lives to
14 be threatened by Defendants’ policy and practice.

15 The record further refutes Defendants’ prior conclusory assertions about the likelihood of
16 future stops against Plaintiffs. Contrary to Defendants’ assertion that it was speculative to believe
17 that Plaintiffs Gavidia and Hernandez Viramontes would be stopped again, the record shows
18 similarly situated U.S. citizens throughout the District regularly being subjected to the very same
19 type of harm. Indeed, the record shows *multiple stops* of the *same* U.S. citizens. *See* Ex. 56
20 [Anderson Decl.], ¶¶ 4-13 (describing stop of U.S. citizens at Euclid Car Wash); Ex. 84 (video
21 taken by Anderson); Ex. 57 [H.A. Decl.], ¶¶ 5-18 (U.S. citizen stopped twice). And Defendants
22 recently detained Latino U.S. citizen J.A.P., not believing his claim of citizenship even after he
23 showed his passport, and U.S. citizen D.O.A., demanding his ID after officers ordered him to put
24 his hands up. Ex. 36 [J.A.P. Decl.], ¶¶ 3-6; Ex. 37 [D.O.A. Decl.], ¶¶ 3-8. Defendants also
25 detained Latino U.S. citizen Santiago Tafolla, pointing a gun at him. Ex. 43 [Santiago Tafolla
26 Decl.], ¶¶ 2, 4-17. *See also* Ex. 85 [GOV-P17-76] (body camera video showing stop of a Latino
27 U.S. citizen). The record underscores why the risk of future stops of U.S. citizens is so
28 substantial: Defendants frequently do not even allow Latino individuals to retrieve proof of

1 citizenship before detaining them. *See* Ex. 58 [V.M.C. Decl.], ¶¶ 7-14 (U.S. citizen not allowed to
2 retrieve birth certificate); Ex. 44 [A.V. Decl.], ¶¶ 3-7 (U.S. citizen told Real ID was “fake” and not
3 allowed to retrieve passport); Ex. 43 [Santiago Tafolla Decl.] ¶ 11 (agents refused to review
4 documentation).

5 The record shows similar risks for other Latinos such as Plaintiffs Vasquez Perdomo,
6 Villegas Molina, and Osorto. Although Defendants at the TRO stage tried to portray these stops
7 as a one-off incident “in connection with ‘a targeted enforcement action,’” Stay App. 29 (citation
8 omitted), discovery has shown that Plaintiffs were in fact seized as part of ICE’s bid to make
9 arrests of non-targets through race-based profiling. *See* Ex. 29 [officers’ text chain] (C.C. saying
10 “bring extra cuffs”); Ex. 27 [DO C.C.] Dep. at 158:3-162:18. These Plaintiffs thus face a
11 continued threat of future stops arising from the very same policy and practice—a threat that in no
12 way abates because they are in removal proceedings, *see* ECF 539-8 at 7; ECF 529-74 [Melendrez
13 Decl.], ¶¶ 8-9; Ex. 54 [E.L.L.], ¶¶ 3-17. *Contra* Stay App. at 22 (claiming that Plaintiffs had not
14 shown a “sufficient likelihood that [they] will again be wronged *in a similar way*” (quoting *Lyons*,
15 461 U.S. at 111)).

16 Defendants likewise previously dismissed the “risk of future harm for the organizations’
17 members” as “speculative.” Stay App. at 18; *see also Noem*, 146 S. Ct. at 3-4 (Kavanaugh, J.,
18 concurring) (not addressing members of organizational Plaintiffs). But the record shows the
19 opposite. Organizational Plaintiff members include individuals of varying immigration status,
20 including those who have permission to live in the United States. As with Latino U.S. citizens,
21 Defendants have a disturbing track record of seizing Latino noncitizens who are lawfully present.
22 *See, e.g.*, Ex. 86 [GOV-P16-006] (stop of legal resident at Home Depot); Ex. 59 [Ortiz Decl.],
23 ¶¶ 2-5, 8; ECF 529-71 [A.T. I-44]; Ex. 60 [Zapata Santiago Decl.], ¶¶ 3-10; ECF 529-68 [J.D.S.
24 Decl.], ¶¶ 4-9; ECF 529-70 [M.L.S. Decl.], ¶¶ 4-7; Ex. 61 [Johnson Decl.], ¶¶ 5-16. The record
25 also shows Defendants stopping the *same* Latino noncitizens *multiple times*. For example,
26 CLEAN member “Manuel,” who has deferred action and work authorization, was stopped in
27 October and December 2025. *See* ECF 529-74 [Melendrez Decl.], ¶ 13). *See also* Ex. 54
28 [E.L.L.], ¶¶ 3-17 (stopped at a Home Depot and second outside apartment building); ECF 529-64

1 [L.C.C. Decl.], ¶¶ 3-12; *contra* Stay Reply 6 (discussing limited evidence of individuals being
2 stopped twice). This makes sense, as Defendants’ practice is to seize Latinos first and ask
3 questions later, making it impossible for individuals to invoke their lawful status or the fact that
4 they have been stopped before to avoid a detentive stop. *See, e.g.*, Ex. 87 [GOV-P19-060] (stating
5 “[c]uff him up” as to legal resident J.A.); ECF 529-79 [GOV-P17-051] (stating, with respect to
6 individual with work authorization, “[w]e’ll take him to ORP, and if he’s good, we’ll release him.”);
7 Ex. 6 [agents text chain] at GOV 6763-66 (similar).

8 Finally, Plaintiffs have standing to seek the injunction being requested for an additional
9 reason related to their new Equal Protection claim. As the Supreme Court has recognized,
10 “discrimination itself, by perpetuating ‘archaic and stereotypic notions’ or by stigmatizing
11 members of the disfavored group as ‘innately inferior’ and therefore as less worthy participants in
12 the political community, can cause serious non-economic injuries to those . . . in a disfavored
13 group.” *Heckler v. Mathews*, 465 U.S. 728, 739-40 (1984) (citation modified). As the targets of
14 Defendants’ race-based policy, Plaintiffs “are unquestionably affected in a personal and individual
15 way” by this discriminatory classification. *Hassan v. City of New York*, 804 F.3d 277, 291 (3d
16 Cir. 2015) (citation modified). They are unable to move freely—including to engage in
17 constitutionally-protected activities such as going to church—without the specter of unlawful
18 seizure on account of their Latino ethnicity. That harm warrants injunctive relief.

19 **B. Plaintiffs are likely to succeed on the merits**

20 ***1. Plaintiffs’ Fourth Amendment Claim***

21 ***(a) Defendants’ policy and practice of demographic profiling violates***
22 ***the Fourth Amendment***

23 The Fourth Amendment guarantees the right of the people against unreasonable seizures.
24 U.S. Const. amend. IV. “Except at the border and its functional equivalents,” immigration agents
25 may seize individuals, even briefly, only based on “specific articulable facts, together with rational
26 inferences from those facts, that reasonably warrant suspicion” that the persons to be stopped are
27 not lawfully present. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). Defendants’
28 policy and practice violates that protection.

1 The record demonstrates that Defendants are effecting seizures. “A seizure occurs when a
2 law enforcement officer . . . in some way restricts the liberty of a person.” *United States v.*
3 *Washington*, 387 F.3d 1060, 1068 (9th Cir. 2004) (citation and internal quotation marks omitted).
4 Defendants’ typical practice is to ambush individuals, surrounding them and yelling verbal
5 commands, or physically grab them. *See, e.g., supra* at 6 (discussing stops of Plaintiffs Vasquez
6 Perdomo, Villegas Molina, and Osorto). This is on top of the significant show of force by armed,
7 masked agents typical of Defendants’ operations. *See* Ex. 3 [Kerlikowske Decl.], ¶ 33; Ex. 88
8 [sUAS footage] (showing agents blocking egress at car wash). Far from resembling a voluntary
9 encounter, Defendants’ stops plainly qualify as involuntary seizures. *United States v. Washington*,
10 490 F. 3d 765, 771-72 (9th Cir. 2007) (relevant factors include number of officers, display of a
11 weapon, physical touching, and use of language and tone); *see also Orhorhaghe v. I.N.S.*, 38 F.3d
12 488, 494-96 (9th Cir. 1994). Those stops are lawful only if they are supported by reasonable
13 suspicion.

14 The record shows that they are not. The law is clear that reasonable suspicion cannot be
15 based on a “demographic profile.” *Kansas v. Glover*, 589 U.S. 376, 385 & n. 1 (2020) (citing
16 *Brignoni-Ponce*, 422 U.S. at 876). Yet that is precisely what Defendants are relying on when they
17 stop individuals throughout the District based on perceived ethnicity and socioeconomic status.
18 Defendants’ reliance on that profile runs headlong into the bedrock Fourth Amendment principle
19 that officers, including immigration officers, cannot “rely solely on generalizations” that cast
20 suspicion on “large segments of the lawabiding population” to make a detentive stop. *United*
21 *States v. Manzo-Jurado*, 457 F.3d 928, 935 (9th Cir. 2006); *Reid v. Georgia*, 448 U.S. 438, 441
22 (1980) (stops cannot be based on circumstances that “describe a very large category of presumably
23 innocent” people); *see also United States v. Rodriguez*, 976 F.2d 592, 595-96 (9th Cir. 1992) (a
24 “prefabricated or recycled profile of suspicious behavior very likely to sweep many ordinary
25 citizens” will not suffice).

26 **(b) The post-TRO record refutes Defendants’ TRO-stage arguments**

27 Defendants have sought to defend their conduct by invoking the “totality of the
28 circumstances” standard: They argued that agents here use that standard when determining whom

1 to stop, and that race is but one of many (purportedly) relevant or “salient” factors that inform
2 their assessment of reasonable suspicion. Stay App. at 7-8; *Noem*, 146 S. Ct. at 3 (Kavanaugh, J.
3 concurring). But the record confirms that Defendants in fact have abandoned any “totality”
4 analysis by embracing the unlawful “shortcut” of racial profiling. Ex. 3 [Kerlikowske Decl.],
5 ¶ 21.

6 Even if race were simply one basis for stops, that would be unlawful. *United States v.*
7 *Montero-Camargo*, 208 F.3d 1122, 1134-35 (9th Cir. 2000). But the record establishes that race is
8 not only one basis for stops, but the predominant and essential one motivating Defendants’ stops.
9 Agents routinely use a person’s Latino appearance as the sole basis for finding that person
10 suspicious. *See, e.g., supra* at 3 (text chains about looking for “possibles” based on appearance);
11 *supra* at 8 (body camera footage discussing identifying individuals as “tonks” or “wet” based on
12 appearance); ECF 529-57 [H.S.H. Decl.] ¶¶ 9-12 (officer pulling over individual because he looks
13 like a “paisa”). Further, multiple supervisory agents have acknowledged that agents look for
14 individuals with “Hispanic ethnicity.” Ex. 12 [SBPA V.S. Dep.] at 125:2-137:3; Ex. 23 [SBPA
15 I.F. Dep.] at 137:10-139:1. They do so *in disregard of* the demographics of the District, where a
16 high percentage of Latinos are legally present or U.S. citizens. *See* Ex. 12 [SBPA V.S. Dep.] at
17 135:10-137:3. Even under a standard that would allow race as *one* consideration among other
18 distinct factors, the post-TRO record shows that Defendants’ policy and practice is unlawful. *See*
19 *Noem*, 146 S. Ct. at 3 (Kavanaugh, J. concurring).

20 Some of Defendants’ witnesses have tried to avoid the impression that they are making
21 stops solely based on race by insisting that they instead are targeting “day laborers.” *See, e.g.,*
22 Ex. 4 [CBP 30(b)(6) Dep.] at 155:11-161:5. Even accepting that proposition, it does not establish
23 they are complying with the Fourth Amendment; moreover, the record shows that Defendants use
24 “day laborer” as shorthand for low-income or working-class *Latino*. *See supra* at 8-10.
25 Defendants’ witnesses did not have information about whether the workers they stopped were paid
26 in cash, Ex. 23 [SBPA I.F. Dep.] at 201:25-202:3, 279:13-280:9, Ex. 12 [SBPA V.S. Dep.] at
27 122:19-21, 224:9-15, consistently lumped in “day laborer” occupations with those that do not
28 frequently offer daily work, *see supra* at 9, and agents routinely stopped individuals—including

1 when they were not even at work or trying to obtain work—based on their purported *appearance*
2 as a “day laborer,” *see supra* at 10, an appearance that one officer testified meant “[o]lder
3 Hispanic male[],” Ex. 27 [DO C.C.] Dep. at 158:3-162:18. Defendants’ enforcement practices at
4 purported “day laborer” locations leave no doubt that race is driving their decisions about whom to
5 stop: The record shows agents seizing Latino *customers* while leaving non-Latino *workers* alone.
6 *See supra* at 10. If race was not driving Defendants’ enforcement policy, that would not happen.

7 Defendants’ reliance on race as the basis for their detentive stops is dispositive of the
8 Fourth Amendment analysis. Even Defendants have acknowledged that race alone is not a
9 sufficient basis for reasonable suspicion. *See* Stay App. at 29-30. As the Supreme Court has
10 explained, being or appearing Latino has limited probative value where “[l]arge numbers of
11 native-born and naturalized citizens have the physical characteristics identified with [Latino
12 ethnicity].” *Brignoni-Ponce*, 422 U.S. at 886; *see also Montero-Camargo*, 208 F.3d at 1134-35.
13 The population of this District is nearly half Latino, *see* Lai Decl., ¶¶ 110-111, making it
14 nonsensical to rely on apparent Latino ethnicity to try to infer immigration status.

15 Any other would-be “salient” factors on which Defendants claim to rely do not bridge the
16 gap to reasonable suspicion. Contrary to Defendants’ suggestions at the TRO stage, the record
17 now shows that Defendants (at most) use language or location as a basis for demographic
18 profiling, not as part of the individualized totality-of-the-circumstances analysis that the law
19 requires. *See United States v. Cortez*, 449 U.S. 411, 417-18 (1981). To the extent Defendants are
20 relying on the language a person speaks, they are not doing so to assess whether an individual *can*
21 speak English. *See, e.g.*, Ex. 43 [Santiago Tafolla Decl.], ¶ 12 (U.S. citizen who spoke to agents
22 in Spanish because that’s how agents initiated encounter); Ex. 58 [V.M.C. Decl.], ¶ 9; Ex. 36
23 [J.A.P. Decl.], ¶ 4.¹⁶ Under such circumstances, speaking Spanish is a mere proxy for Latino
24 ethnicity. And one’s location in relation to other individuals who may lack status—e.g.,
25 frequenting the same shopping plaza or living in the same neighborhood—can hardly be the basis
26 for reasonable suspicion. It is well established that officers cannot seize an individual because of
27

28 ¹⁶ More than a third of the population of Los Angeles speaks Spanish at home. Lai Decl., ¶ 114.

1 the individual's "mere propinquity to others." *Ybarra v. Illinois*, 444 U.S. 85, 91, 94 (1979);
2 *Montero-Camargo*, 208 F.3d at 1138-39 (warning that reliance on presence in a "high crime area"
3 can likewise easily become "a proxy for race or ethnicity").¹⁷ These demographic characteristics,
4 i.e., speaking a language millions of people in the District speak and spending time in
5 neighborhoods where hundreds of people live or work, do little to "winnow[]the broad profile into
6 an objective and particularized suspicion of the person to be stopped." *Manzo-Jurado*, 457 F.3d at
7 936-40 (apparent ethnicity, location, not understanding English, and appearing to be part of a work
8 crew insufficient); *Rodriguez*, 976 F.2d at 595-96 (a "prefabricated or recycled profile of
9 suspicious behavior very likely to sweep many ordinary citizens" won't suffice).

10 Defendants' demographic profiling is perhaps shown most clearly by their pattern of
11 stopping non-targets in allegedly "targeted" operations. The record shows that when Defendants
12 conduct such operations, they routinely stop individuals who are not at the last known address of
13 their "target," not driving the vehicle associated with their "target," and do not resemble their
14 "target." *See supra* at 6-8.^{18, 19} As expert Kerlikowske explains, this is inconsistent with how
15 officers would behave if they were actually attempting to apprehend a "target." *See* Ex. 3
16 [Kerlikowske Decl.], ¶¶ 29-31; *see also* Ex. 5 [DO E.O. Dep.] at 162:7-163:2, 197:4-198:1,
17

18 ¹⁷ Stopping a worker merely because another worker at the car wash may not have status is
19 likewise unreasonable. *See* Ex. 23 [SBPA I.F. Dep.] at 244:11-20, 262:3-263:7 (discussing stop of
20 Latino legal resident Zapata Santiago); Ex. 89 [I.F. body camera video]; Ex. 4 [CBP 30(b)(6)
21 Dep.] at 246:13-249:25, 296:7-317:7 & Ex. 62 [CBP 30(b)(6) Dep. Ex. 160]; *Perez Cruz v. Barr*,
22 926 F.3d 1128, 1138 (9th Cir. 2019).

23 ¹⁸ The circumstances surrounding the stop of F.H.S. are particularly troubling. Defendants
24 claimed in a declaration prior to discovery that ICE "followed [a] target from their residence."
25 ECF 170-3 [Quinones Decl.], ¶ 11. But the officer conceded in a deposition that he did not
26 encounter F.H.S. while following a "target." ECF 539-3 [DO E.O. Dep.] at 196:17-198:6. And
27 ICE could not reasonably have believed that F.H.S. was associated with the "target," because the
28 "target" drove a Mercedes-Benz SL500, while F.H.S. was riding in a truck. *See* Ex. 5 [DO E.O.
Dep.] at 192:5-7, 231:23-233:11; Ex. 63 [FOW] (showing vehicle of "target"). Officers have
made no attempts to locate their supposed "target" since F.H.S.'s arrest. Ex. 5 [DO E.O. Dep.] at
231:5-15.

¹⁹ Defendants allege that G.V.C. was approached because he "resembl[ed]" someone ICE was
looking for at the same shopping center. ECF 529-37 [G.V.C. I-213]. But apart from sharing the
same ethnicity, G.V.C. does not resemble the "target" C.G.C. at all. *Compare id.* (depicting photo
of G.V.C.) with Ex. 64 [officers' text chain] at GOV 7884-85 (showing C.G.C. "baseball card"
with photo); Ex. 5 [DO E.O. Dep.] at 93:7-103:15, 119:4-129:25 (discussing current use of
"baseball cards" generated from Elite).

1 204:13-205:15, 248:12-250:7, 265:7-19, 292:6-293:3 (testifying he did not run license plates prior
2 to initiating stops). Defendants acknowledge in these instances that they are using ethnicity to
3 determine whom to stop. *See, e.g.*, Ex. 2 [SDDO C.C. Dep.] at 240:13-241:3 (admitting reliance
4 on ethnicity); Ex. 5 [DO E.O. Dep.] at 267:2-24, 300:8-13 (same).

5 Defendants’ practice in allegedly “targeted” operations contravenes the Fourth
6 Amendment. That is true even where a person fits the same broad demographic characteristics of
7 a suspect. In *Lomeli v. County of San Diego*, 637 F. Supp. 3d 1046 (S.D. Cal. 2022), a court held
8 that officers would not have reasonable suspicion to stop a vehicle approximately 1.4 miles from a
9 reported robbery even though the officers believed the occupants of the vehicle “matched the race
10 and sex of the suspects.” *Id.* at 1059-62. Reliance on those characteristics “cast [] too wide a net
11 to play any part in a particularized reasonable suspicion determination.” *Id.* at 1061 (citing
12 *Montero-Camargo*, 208 F.3d at 1133-34); *see also Sharp v. Cnty. of Orange*, 871 F.3d 901, 911
13 (9th Cir. 2017) (discussing *United States v. Delgadillo-Velasquez*, 856 F.2d 1292 (9th Cir. 1988));
14 *Rios v. Cnty. of Los Angeles*, No. 2:24-CV-04782-MEMF-MBK, 2025 WL 2841145, at *7 (C.D.
15 Cal. Oct. 7, 2025) (officers’ misidentification less reasonable because they actually knew what
16 suspect looked like). Unlike in *Lomeli*, Defendants’ stops are not even limited in time to a
17 reported incident. Anyone who shares general characteristics of Defendants’ “targets” may be
18 stopped by virtue of living in, spending time in, or passing through an area. *Cf. Washington v.*
19 *Lambert*, 98 F.3d 1181, 1183, 1190–91 (9th Cir. 1996) (that plaintiffs “bore a resemblance to a
20 general description of two African-American suspects” was “an insufficient basis for such an
21 intrusive stop” as that could cover “a significant percentage of African-American males walking,
22 eating, going to work or to a movie, ball game or concert”). To be sure, law-enforcement officers
23 may validly use any number of factors as part of a particularized, totality-of-the-circumstances
24 analysis regarding a specific person. But the record shows that Defendants’ current policy of
25 sweeping up individuals based on broad demographic profiling is not that.

26 Defendants urged the Court to look past the myriad issues with their detentive-stop policy
27 at the TRO stage by portraying their stops as mere “brief” encounters. Stay App. at 27; *see also*
28 *Noem*, 146 S. Ct. at 5 (Kavanaugh, J. concurring). But the record is now clear that Defendants’

1 portrayal was grossly inaccurate and misleading. The record shows a practice of detaining
2 individuals without allowing them to show documentation of citizenship or lawful presence.
3 *See supra* at 15 (U.S. citizens detained without being allowed to retrieve documentation or where
4 agents refused to review documentation). U.S. citizen V.M.C. was prohibited from retrieving his
5 birth certificate and was taken downtown and detained for hours. Ex. 58 [V.M.C. Decl.], ¶¶ 7-14.
6 Still others have been subject to prolonged detention despite their lawful presence, or to harsh
7 treatment despite being citizens. ECF 529-74 [Melendrez Decl.], ¶ 13 (CLEAN member with
8 lawful presence taken away from car wash before being released); Ex. 90 [GOV-VID_001];
9 Ex. 91 [GOV-P17-006] (videos showing agents slamming Plaintiff Gavidia against a fence even
10 as he protested that he was born in L.A.). That is consistent with how agents have approached
11 their job since June 2025. *See supra* at 17 (evidence showing Defendants’ practice of seizing first
12 and asking questions later); Ex. 92 [GOV-P17-045] (agent stating crudely in response to question
13 about individual described as “not wet” whom Defendants had taken from a car wash, “[i]f he’s a
14 citizen . . . we’ll let him go, easy as that”).

15 The record also shows that Defendants’ claims of allegedly *consensual* encounters are
16 wrong. Defendants last year characterized their contact with Plaintiff Viramontes as “consensual.”
17 *See* ECF 170 at 3-4. But the agent who stopped Viramontes has now admitted that his interaction
18 with Viramontes was “a detention.” Ex. 15 [BPA J.M. Dep.] at 261:14-25; *see also* Ex. 14
19 [Hernandez Viramontes Decl.], ¶¶ 8-10 (explaining he was surrounded by agents and interrogated,
20 then escorted to SUV); Ex. 65 [Third Hernandez Viramontes Decl.], ¶¶ 3-6; Ex. 93 [video]
21 (corroborating Viramontes’ account). Defendants also claimed that Plaintiff Gavidia’s contact
22 with agents was “self-initiated.” ECF 170 at 8-9. But the body camera video flatly disproved that
23 claim. Ex. 90 [GOV-VID_001]; Ex. 91 [GOV-P17-006]; *see also* ECF 492; Ex. 13 [Gavidia
24 Decl.], ¶¶ 7-8.²⁰

25
26 ²⁰ Arrest narratives where Defendants had asserted encounters were voluntary were also proven
27 wrong. *See* ECF 529-47 [E.K.Z.L. narrative] (suggesting E.K.Z.L. freely admitted he was not
28 lawfully present); Ex. 12 [SBPA V.S. Dep.] at 233:22-234:4 (acknowledging he had “hands on”
E.K.Z.L. before questioning began); Ex. 94 [body camera video]. *See also* ECF 529-36 [E.C.P. I-
213] (claiming encounter was consensual); Ex. 66 [E.C.P. narrative] (contradicting I-213 and
conceding E.C.P. was detained, allegedly because she ran); Ex. 67 [Second E.C.P. Decl.]

1 Finally, the record shows a regular practice of agents extending vehicle stops even after
2 they have *resolved* any prior, purported basis for reasonable suspicion. In these circumstances,
3 Defendants prolong stops without providing any indication that the person is free to leave. *See*,
4 *e.g., supra* at 6-7; Ex. 3 [Kerlikowske Decl.], ¶ 34; Ex. 5 [DO E.O. Dep.] at 251:23-253:24 (did
5 not explain motorist was free to leave). That is unquestionably a seizure. *See, e.g., United States*
6 *v. Evans*, 786 F.3d 779, 785 (9th Cir. 2015) (discussing *Rodriguez v. United States*, 575 U.S. 348
7 (2015)); *United States v. Carillo Rea*, 393 F. Supp. 3d 1025, 1033 (D. Mont. 2019). Defendants
8 do not even try to justify the extension of vehicle stops with reasonable suspicion; rather, they
9 claim, incorrectly, that the subsequent questioning is “consensual.” *See*. Ex. 5 [DO E.O. Dep.] at
10 253:13-21, 281:11-284:10 (other narratives of vehicle stop “collateral” arrests follow same
11 pattern); ECF 529-41 [G.N.L. I-213]; ECF 529-42 [E.C.H. I-213].

12 Aggregating broad characteristics does not produce the individualized assessment the
13 Fourth Amendment requires. Defendants may not abandon the totality of the circumstances test in
14 favor of a demographic profile. Defendants’ policy and practice violates the Fourth
15 Amendment.²¹

16
17 (explaining that due to an injury she could not run); Ex. 68 [E.L.R. narrative] (suggesting E.L.R.
18 freely admitted he did not have documents when approached for questioning); Ex. 95 [GOV-P17-
059] (showing agent placed a hand on E.L.R.’s shoulder to question him).

19 ²¹ Defendants may argue that their stops are based on someone taking flight, but that fails too.
20 First, in numerous cases, there simply is no flight. Even where arrest narratives claim flight,
21 available body camera video often show otherwise. *See* ECF 539-8 at 6-7; *see also* compare Ex.
22 69 [J.A.V. I-44] (claiming flight) with Ex. 87 [GOV-P19-060] (body camera video showing no
23 flight). An analysis of arrest narratives produced in expedited discovery shows that identical
24 language about reasonable suspicion and flight came from a template and was repeated in nearly
25 every narrative from the Westlake HD operation, for example, further undermining the
26 trustworthiness of the narratives. *See* Lai Decl., ¶¶ 76-77; *see also* Ex. 3 [Kerlikowske Decl.], ¶ 43.
27 And the narratives sometimes contain errors indicating that they are copied and pasted from prior
28 narratives. *See, e.g.,* Lai Decl., ¶ 80 (showing that even narratives from car wash operations
contained the same language about reasonable suspicion and flight that clearly pertains to a Home
Depot operation); Ex. 70 [M.G. I-213] (listing target name as “The target alien” and indicating
repeatedly that stop took place at an incorrect Home Depot location 20 miles away); Ex. 51 [M.G.
Decl.], ¶¶ 4-5 (explaining he did not run); Ex. 52 [Castillo Decl.], ¶¶ 6-11. Moreover, where
Defendants are approaching individuals so aggressively, with masked, armed agents coming out of
nowhere, there can be little surprise that they sometimes provoke flight. *See, e.g.,* Ex. 57 [H.A.
Decl.] (U.S. citizen who took flight); Ex. 43 [Santiago Tafolla Decl.] (same); Ex. 96 [GOV-P16-
014] (TPS holder who fled at Westlake HD); *United States v. Brown*, 925 F.3d 1150, 1157 (9th
Cir. 2019); *United States v. Rodella*, 804 F.3d 1317, 1326 (10th Cir. 2015). Agents ignored the
minimal probative value of provoked flight. *See, e.g.,* Ex. 12 [SBPA V.S. Dep.] at 277:5-279:11;

2. ***Defendants’ policy and practice violates the guarantee of equal protection under the Fifth Amendment***

Defendants’ policy and practice of considering apparent Latino ethnicity in determining whom to stop is a clear form of race-based decision-making, where the government relies, in whole or in part, on express racial categorization to cast a group of people as presumptively suspicious. Independent of the Fourth Amendment, this contravenes the “‘core purpose’ of the Equal Protection Clause: ‘do[ing] away with all governmentally imposed discrimination based on race.’” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 206 (2023) (quoting *Palmore v. Sidoti*, 466 U.S. 429, 432 (1984)); *see also Buck v. Davis*, 580 U.S. 100, 124 (2017) (“Discrimination on the basis of race, odious in all aspects, is especially pernicious in the administration of justice.”) (citation omitted). The Supreme Court has made clear that “the Constitution prohibits selective enforcement of the law based on considerations such as race.” *Whren v. United States*, 517 U.S. 806, 813 (1996). Interior immigration enforcement is no exception. *See Trump v. Illinois*, 146 S. Ct. 432, 436 n.4 (2025) (Kavanaugh, J., concurring) (“officers must not make interior immigration stops or arrests based on race or ethnicity” (citing *Whren*, 517 U.S. at 813)).

Defendants have openly admitted, under oath, to relying on Latino ethnicity to target individuals like Plaintiffs and their members. *See, e.g.*, Ex. 12 [SBPA V.S. Dep.] at 125:2-137:3; Ex. 23 [SBPA I.F. Dep.] at 137:10-139:1; *see also supra* at 10, 21. One need look no further than the fact that Defendants have stopped so many U.S. citizens, *supra* at 14-15, and even customers of businesses, *supra* at 10. This express reliance on race is endorsed by leadership. *See, e.g.*, Ex. 4 [CBP 30(b)(6)] at 230:5-234:7; *supra* at 12.

When Defendants single out individuals to stop based on their Latino ethnicity, that constitutes a suspect racial classification. *Melendres v. Arpaio*, 989 F. Supp. 2d 822, 902 (D. Ariz. 2013), *aff’d in part, vacated in part*, 784 F.3d 1254 (9th Cir. 2015) (policies “make overt racial classifications because they permit the consideration of race as one factor among others in making

Ex. 27 [DO C.C. Dep.] at 244:23-245:22; Ex. 23 [SBPA I.F. Dep.] at 327:24-328:5; Ex. 24 [BPA J.C. Dep.] at 327:6-11.

1 law enforcement decisions”); *Floyd v. City of New York*, 959 F. Supp. 2d 540, 663 (S.D.N.Y.
2 2013) (directive to target “‘male blacks 14 to 21’ for stops” constitutes express classification). So
3 too when Defendants choose locations to target because Latinos frequent them. *See supra* at 9;
4 *Melendres*, 989 F. Supp. 2d at 850-51, 899-900 (conducting operations based on “combination of
5 race and work status” is an express classification).

6 Such racial classifications “automatically trigger strict scrutiny regardless of evidence of
7 intent,” *Gonzalez-Rivera v. I.N.S.*, 22 F.3d 1441, 1450 (9th Cir. 1994), and regardless of whether
8 “race is merely one factor that motivates action,” *Melendres*, 989 F. Supp. 2d at 901; *see also*
9 *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 201 (1995); *Wayte v. United States*, 470 U.S.
10 598, 610 n.10 (1985). Defendants’ policy and practice fails strict scrutiny analysis. *See Adarand*
11 *Constructors*, 515 U.S. at 227; *Melendres*, 989 F. Supp. 2d at 902. No court has ever recognized a
12 compelling interest in race-based decision-making in interior immigration enforcement. *See*
13 *Students for Fair Admissions, Inc.*, 600 U.S. at 207 (recounting the only two circumstances in
14 which the Court recognized a compelling government interest).

15 Reliance on Latino ancestry also is not narrowly tailored, particularly in a region so
16 heavily populated by Latinos of all statuses. *Melendres*, 989 F. Supp. 2d at 901 (“[T]he fact that a
17 person is Hispanic and is in Maricopa County is not a narrowly-tailored basis on which one could
18 conclude that the person is an unauthorized [immigrant], even if a great majority of the
19 unauthorized persons in Maricopa County are Hispanic.”). Defendants’ racial classification is
20 over-inclusive, subjecting an unprecedented number of U.S. citizens and those who are lawfully
21 present to discriminatory treatment. *See supra* at 14-16 (discussing stops of U.S. citizens and
22 those lawfully present and the stigmatizing impact of the denial of equal treatment). And it also is
23 under-inclusive if their actual goal is immigration enforcement, because it causes officers to divert
24 their attention from would-be targets based on individualized investigations. Ex. 3 [Kerlikowske
25 Decl.], ¶ 21. Defendants’ policy and practice violates the Fifth Amendment.

26 **C. Without an injunction, Plaintiffs will suffer irreparable harm**

27 Without judicial intervention, Defendants’ illegal policy and practice is likely to cause
28 Plaintiffs continued irreparable harm. Plaintiffs here need only demonstrate “a real possibility” of

1 irreparable harm. *Melendres*, 695 F.3d at 1002. “It is well established that the deprivation of
2 constitutional rights unquestionably constitutes irreparable injury.” *Warsoldier v. Woodford*, 418
3 F.3d 989, 1001-02 (9th Cir. 2005). So too does the “[d]eprivation of physical liberty.” *Arevalo v.*
4 *Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018); *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir.
5 2013).

6 As discussed above, Plaintiffs face “a real possibility” that they will “be . . . stopped or
7 detained [unlawfully].” *Melendres*, 695 F.3d at 1002; *Int’l Molders’ & Allied Workers’ Loc.*
8 *Union No. 164 v. Nelson*, 799 F.2d 547, 553 (9th Cir. 1986). Plaintiffs thus are unable to freely go
9 about their daily lives. See ECF 529-73 [Salas Decl.], ¶¶ 21-23, ECF 529-76 [Strater Decl.], ¶ 23,
10 ECF 529-75 [Gudino Decl.], ¶¶ 27-29; ECF 529-74 [Melendrez Decl.], ¶¶ 5, 17-20 (describing
11 how members have limited their activity including avoiding going to the doctor, attending
12 religious services, and running basic errands). And each day Defendants’ policy remains in effect,
13 Plaintiffs, including U.S. citizens, suffer irreparable harm by being subject to discriminatory
14 treatment on account of their race, consequently enduring a persistent threat to their liberty,
15 dignity, and sense of belonging. Community members who have experienced stops, including
16 U.S. citizens, have discussed the heavy toll they take. See Ex. 43 [Santiago Tafolla Decl.], ¶ 18
17 (“I could not sleep for a week I was so shocked by what happened to me.”); Ex. 44 [A.V. Decl.],
18 ¶ 9 (“I feel like I have no sense of security—that my citizenship means nothing.”); Ex. 13 [Gavidia
19 Decl.], ¶¶ 12-13; Ex. 65 [Third Hernandez Viramontes Decl.], ¶ 8 (now carries passport card out
20 of fear of being stopped again).

21 Defendants have shown no sign of backing away from their policy and practice. See *supra*
22 at 3 (operation names may change, but practices remain the same); *id.* (ICE field teams have
23 doubled their ranks). Community members, including U.S. citizens, continue to report
24 experiences with profiling. See *supra* at 4, 6-7.

25 In fact, leadership in Washington D.C. recently announced plans to “flood the zone” and
26 increase “collateral arrests” even more. ECF 539-8 at 8. Just weeks ago, ICE officials were told
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28

1 to double daily arrest numbers to meet the government’s “pledge of mass deportations.”²² That
2 directive resulted in a “surge” in enforcement operations, even as DHS attempted to leave a
3 “quieter” footprint.²³ The recent killings of Lorenzo Salgado Araujo and others show the
4 potentially deadly consequences of Defendants’ non-targeted profiling practices.²⁴ Defendants’
5 actions and statements remove any doubt that, absent an injunction, that harm will continue.²⁵

6 **D. The balance of hardships tips sharply in Plaintiffs’ favor, and an injunction is**
7 **in the public interest**

8 When the federal government is a party, the balance of the equities and public interest
9 factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073 (9th Cir. 2014). Here, the balance
10 of equities tips sharply in Plaintiffs’ favor because the “public interest benefits” when “individuals
11 are not deprived of their liberty” by unlawful processes and “preventable human suffering” is
12 avoided. *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017) (citation modified). The
13 interest at stake for Plaintiffs, who include U.S. citizens, is not “an interest in evading the law.”
14 *Contra Noem*, 146 S. Ct. at 5 (Kavanaugh, J., concurring). It is an interest, safeguarded by our
15 Constitution, in constraining the abuse of government power and in living free from
16 discrimination.

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19 ²² Hamed Aleaziz, *Immigrant Arrests Surge to 10,000 in 5 Days as ICE Clamps Down*, N.Y.
20 Times (July 1, 2026), <https://www.nytimes.com/2026/07/01/us/politics/ice-immigrant-arrests-surge.html>.

21 ²³ *Id.*

22 ²⁴ See Aoife Walsh, *Man fatally shot by ICE in Houston was not intended target, DHS says*, BBC
23 (July 10, 2026), <https://www.bbc.com/news/articles/cm2rm66xd17o>; Alison Durkee and Zachary
24 Folk, *Man Shot By ICE In Maine Was Not Operation’s Target*, Forbes (July 13, 2026),
25 [https://www.forbes.com/sites/alisondurkee/2026/07/13/man-shot-by-ice-in-maine-was-not-](https://www.forbes.com/sites/alisondurkee/2026/07/13/man-shot-by-ice-in-maine-was-not-operations-target-senator-says/)
26 [operations-target-senator-says/](https://www.forbes.com/sites/alisondurkee/2026/07/13/man-shot-by-ice-in-maine-was-not-operations-target-senator-says/).

27 ²⁵ For example, Defendants have conducted virtually no investigations into misconduct by DHS
28 personnel. Ex. 3 [Kerlikowske Decl.], ¶ 44. Officer E.O. has never been subject to discipline
despite appearing to regularly engage in extraordinary uses of force in this District, including
shooting a U.S. citizen who was attempting to drive away from the scene of an immigration
vehicle stop after having been ordered by E.O. to leave. Ex. 5 [DO E.O. Dep.] at 326:17-327:24,
330:22-340:22; see also Anthony Victoria, *Attorneys say Ontario ICE shooting fits ‘pattern’ of*
aggressive enforcement, KVCN (Nov. 15, 2025), [https://www.kvcnnews.org/local-news/2025-11-](https://www.kvcnnews.org/local-news/2025-11-15/attorneys-say-ontario-ice-shooting-fits-pattern-of-aggressive-enforcement)
[15/attorneys-say-ontario-ice-shooting-fits-pattern-of-aggressive-enforcement](https://www.kvcnnews.org/local-news/2025-11-15/attorneys-say-ontario-ice-shooting-fits-pattern-of-aggressive-enforcement). He is still in the
field today.

Defendants, on the other hand, cannot demonstrate they are likely to suffer harm by complying with the Constitution. “Complying with the law does not impose harm.” *Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983). In fact, the contrary is true. *See* Ex. 3 [Kerlikowske Decl.], ¶¶ 46-49 (“[t]rained and experienced agents and officers can enforce the nation’s immigration laws without resorting to profiling”).

V. CONCLUSION

Injunctive relief is the standard remedy for widespread legal violations. *See, e.g., LaDuke*, 762 F.2d at 1333; *Melendres*, 695 F.3d at 1002. Here, all four preliminary injunction factors weigh in Plaintiffs’ favor. The Court should grant the District-wide relief requested.²⁶ Further, no security is necessary. *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003).

Respectfully Submitted,

DATED: July 27, 2026

UC IRVINE IMMIGRANT AND RACIAL JUSTICE
SOLIDARITY CLINIC

By: /s/ Anne Lai

ANNE LAI

Counsel for Stop/Arrest Plaintiffs

DATED: July 27, 2026

ACLU OF SOUTHERN CALIFORNIA

By: /s/ Mayra Joachin

MAYRA JOACHIN

Counsel for Stop/Arrest Plaintiffs

DATED: July 27, 2026

NATIONAL DAY LABORER ORGANIZING
NETWORK

By: /s/ Lauren Michel Wilfong

LAUREN MICHEL WILFONG

Counsel for Stop/Arrest Plaintiffs

DATED: July 27, 2026

MUNGER, TOLLES & OLSON LLP

By: /s/ Jacob S. Kreilkamp

JACOB S. KREILKAMP

Counsel for Stop/Arrest Plaintiffs

²⁶ Plaintiffs also intend to move concurrently to certify the Suspicionless Stop Class and the first Discriminatory Treatment Class identified in the SAC, ECF 485, ¶¶ 240, 243.

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 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: July 27, 2026

UC IRVINE IMMIGRANT AND RACIAL
JUSTICE SOLIDARITY CLINIC

By /s/ Anne Lai

ANNE LAI

Counsel for Stop/Arrest Plaintiffs

CERTIFICATE OF COMPLIANCE

The undersigned counsel of record for Stop/Arrest Plaintiffs certifies that this brief contains 10,999 words, which complies with the word limit in the parties' stipulation concerning this Motion filed with the Court.

DATED: July 27, 2026

UC IRVINE IMMIGRANT AND RACIAL
JUSTICE SOLIDARITY CLINIC

By /s/ Anne Lai

ANNE LAI

Counsel for Stop/Arrest Plaintiffs