

No. 25A169

IN THE
Supreme Court of the United States

KRISTI NOEM, SECRETARY OF HOMELAND SECURITY, ET AL.,

Applicants,

v.

PEDRO VASQUEZ PERDOMO, ET AL.,

Respondents.

On Application for a Stay of the Temporary Restraining Order Issued by the United
States District Court for the Central District of California

**BRIEF OF THE CITY OF LOS ANGELES, THE COUNTY OF LOS ANGELES
AND 20 CENTRAL DISTRICT CITIES IN SUPPORT OF RESPONDENTS**

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TABLE OF CONTENTS

	Page
INTEREST OF <i>AMICI CURIAE</i>	1
INTRODUCTION AND SUMMARY OF ARGUMENT	3
ARGUMENT	5
I. The Constitution Does Not Apply Differently In The Central District.....	5
II. The Temporary Restraining Order Is Clear And Understandable	8
III. If Allowed To Resume, Applicants' Illegal Actions Will Continue To Harm The Entire Central District.....	9
CONCLUSION.....	12

TABLE OF AUTHORITIES

Page(s)

FEDERAL CASES

<i>Payton v. New York</i> , 445 U.S. 573 (1980)	6, 7
--	------

FEDERAL RULES

Supreme Court Rule 37.4	1, 4
-------------------------------	------

CONSTITUTIONAL PROVISIONS

Fourth Amendment	6, 7, 8
------------------------	---------

OTHER AUTHORITIES

Pew Research Center, <i>What we know about unauthorized immigrants living in the U.S.</i> (July 22, 2024), available at https://www.pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us/	8
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INTEREST OF *AMICI CURIAE*¹

Pursuant to Supreme Court Rule 37.4, the City of Los Angeles, the County of Los Angeles, the City of Culver City, the City of Montebello, the City of Monterey Park, the City of Pasadena, the City of Pico Rivera, the City of Santa Monica, and the City of West Hollywood (“Intervenor Amici”), and the City of Anaheim, the City of Bell Gardens, the City of Beverly Hills, the City of Carpinteria, the City of Huntington Park, the City of Long Beach, the City of Lynwood, the City of Oxnard, the City of Paramount, the City of Pomona, the City of Santa Ana, the City of Santa Barbara, and the City of South Gate (“Proposed Intervenor Amici” and collectively with Intervenor Amici, “Amici”) respectfully submit this brief amicus curiae in support of Respondents.

Amici are the City of Los Angeles, the County of Los Angeles, and twenty other cities within four counties in the Central District of California, each of which have been harmed by Applicants’ unconstitutional actions on Amici’s streets. Intervenor Amici were permitted to intervene in this matter on July 29, 2025, after issuance of the temporary restraining order that Applicants seek to stay. Although Intervenor Amici are now parties to the underlying case, they are not parties to this appeal.

¹ Pursuant to Supreme Court Rule 37.6, Amici state that, as indicated in the Statement of Interest, Intervenor Amici are parties to the underlying litigation and Proposed Intervenor Amici have been added to the Complaint in Intervention; Munger, Tolles & Olson LLP represents the Intervenor Amici and Proposed Intervenor Amici (other than the County of Los Angeles and the City of Pasadena) in the underlying litigation and participated in the authoring of this brief; and no person or entity other than Amici or its counsel made a monetary contribution intended to fund the preparation or submission of this brief.

Intervenor Amici amended their complaint to add Proposed Intervenor Amici as parties to the underlying matter on August 8, 2025.

The Application is of central concern to Amici because it seeks to permit Applicants to return to the unconstitutional actions that have sown terror in Amici's communities, undermined Amici's own law enforcement efforts, and harmed Amici and their residents in numerous irreparable ways.

INTRODUCTION AND SUMMARY OF ARGUMENT

Even before the founding, this country understood itself “as a city upon a hill” that stood for freedom and “brotherly affection” for all people. John Winthrop, *A Modell of Christian Charity* (1630). “And how stands the city . . . After 200 years, two centuries, she still stands strong and true on the granite ridge, and her glow has held steady no matter what storm. And she’s still a beacon, still a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness, toward home.” President Ronald Reagan, Farewell Address to the Nation, 2 Pub. Papers 1718, 1722 (Jan. 11, 1989).

Those are the principles on which this nation was founded, and on which it has flourished. Yet now our federal government tells this Court that *anyone* in the United States—including American citizens—can be stopped, and even detained, based on “apparent ethnicity.” Application at 27; see Application at 2 (arguing apparent ethnicity may provide reasonable suspicion “alone or in combination” with other factors).

Stripped of its formalism, what the Application means is that if any person in the Central District of California has skin that appears to evidence something other than of white European descent, they are reasonably subject to detention. The same is true for Applicants’ insistence that they must be allowed to detain individuals based solely on the fact that they may speak Spanish (or English with an accent) or happen to be in a certain location (such as a Home Depot parking lot). These criteria are more of the same: the federal government is seeking to detain individuals *solely*

because they are not white, speak Spanish, or speak accented English. That idea is anathema to everything the United States stands for, and it should be rejected.

Pursuant to Rule 37.4, Amici submit three reasons beyond those addressed by Respondents that compel denial of the request for an emergency stay.

First, Applicants’ argument that relying solely on apparent ethnicity and language is simple “common sense” within the Central District of California turns the Constitution, and reality, on its head. Approximately half of the Central District’s population is Latino; half the District speaks a language other than English at home; and almost a third were born outside of the United States. Under Applicants’ “common sense” approach, the federal government has “reasonable suspicion” to detain *more than half* of the entire Central District, including millions of American citizens and others with legal status.

Second, Applicants’ assertion that the temporary restraining order cannot be understood or followed is inconsistent with Amici’s understanding of the tenets of constitutional policing. Applicants can abide by the order’s terms because Applicants have done so historically. Federal authorities have conducted legal and constitutional immigration enforcement in Amici’s cities for decades, and Applicants can certainly do so now. Moreover, Amici and their local law enforcement agencies—which include some of the country’s largest police and sheriff’s departments—could abide by its terms if they were ordered to do so.

Third, Applicants’ unconstitutional actions harm Amici and their communities in multiple ways. Amici’s law enforcement agencies are forced to divert

scarce resources from actual policing, thus harming public safety, in order to respond to citizens' emergency calls when they see groups of masked, armed, unidentified individuals in the streets, and to deal with the impacts and aftermath of Applicants' unlawful raids. Community members have also mistaken Amici's employees—including law enforcement officers and social workers—for federal agents and have refused to cooperate with them as a result. Applicants' conduct also hurts Amici's ability to obtain convictions of those who violate the law, as victims and witnesses refuse to appear in court out of fear of being swept up by Applicants because of their appearance, or the language they speak. Amici have been forced to shift resources away from their priorities to help employees and residents navigate the current climate. And commerce throughout the District has been reduced as a direct result of the chaos and fear sown by Applicant's unlawful actions.

ARGUMENT

I. The Constitution Does Not Apply Differently In The Central District

Applicants argue that their unconstitutional reliance on ethnicity and language is merely “common sense” because, they claim, “most illegal aliens in the Central District hail from Mexico and Central America, often speak Spanish exclusively, and seek out jobs that do not require documentation.” Application at 27; see also Application at 2. Applicants' argument is factually and legally wrong, and would subject at least half the residents of the Central District to arrest at the whim of federal agents.

Applicants cite no evidence to support their sweeping argument, and submitted no supporting evidence in the district court. As a result, the Application merely *assumes* that certain groups of people have a certain legal status, speak a certain language, congregate in certain places, and prefer certain types of work. See Application at 2 (speculating that “day labor, landscaping and construction” are “most attractive to illegal aliens”). This Court should not accept the Application’s sweeping and unsupported assertions, any more than it should condone Applicants’ suspicionless stops.

There are more than 10 million residents living in Amici’s jurisdictions, and almost 20 million in the Central District. The government’s suggestion that every person who works in construction, appears Latino, and speaks Spanish is somehow reasonably suspected of being in the country illegally is breathtaking in its scope, and heartbreaking in how far it departs from the American ideal. The Court should not be persuaded by the Application’s assertions of baseless racial generalizations to justify Applicants’ unlawful use of “apparent ethnicity” in making warrantless stops.

Applicants’ argument assumes that the Constitution applies differently in any jurisdiction, like the Central District of California, that includes large swaths of individuals who speak languages beyond English, and who are demographically diverse. In those jurisdictions, Applicants tell us, it is simple “common sense” to round up people who look to be of a particular race or speak a different language than English. The Constitution draws no such distinctions. The Fourth Amendment guards against precisely those sort of indiscriminate searches. Cf. *Payton v. New*

York, 445 U.S. 573, 583 (1980) (“It is familiar history that indiscriminate searches and seizures conducted under the authority of ‘general warrants’ were the immediate evils that motivated the framing and adoption of the Fourth Amendment.”)

Applicants would have this Court rule that millions of Central District residents, including American citizens and others with legal status, can be “reasonably suspected” of being in the United States illegally.

Nearly half of Los Angeles County residents are Latino, more than fifteen percent are Asian, and nearly ten percent are black. The City of Anaheim, the most populous city in Orange County, is more than 50% Latino. In the City of Oxnard, the most populous city in Ventura County, three in four residents are Latino, while more than half of the residents of the City of Monterey Park are foreign-born and approximately 65% are Asian. Other parts of the Central District are similar. District-wide, approximately 30% of the population was born outside of the United States and approximately 50% of the population speak a language other than English at home.

As a result, under Applicants’ theory, *more than half* of the entire District—around ten million people—could be “reasonably” suspected of being in this country illegally because of their “apparent ethnicity” and the language they speak. Even accepting Applicants’ bald assertion that “10 percent” or “some 2 million” residents of the Central District “are illegally present in the United States,” Application at 28, Applicants’ notion of “reasonable suspicion” would permit them to stop and detain

approximately *eight million people living legally in the Central District*.²

Ethnicity, race, and language alone cannot constitute reasonable suspicion. If they could, then half of the entire District could be reasonably suspected of a crime. That is not “common sense.” It is un-American, and it is barred by the Fourth Amendment.

II. The Temporary Restraining Order Is Clear And Understandable

Applicants argue that the temporary restraining order is not clear, and does not provide sufficient explanation of how reasonable suspicion may be developed as long as it remains in place. Application at 5, 40. Amici are served and protected by multiple law enforcement agencies, including the country’s largest Sheriff’s Department and third-largest Police Department. In Amici’s experience, the temporary restraining order is clear, and understandable, and can be followed.

Immigration enforcement has occurred lawfully in the Central District for many decades. Applicants’ raids, in which they appear armed and masked, in force, in Amici’s streets and at places where many Central District residents shop, work, and live, are unprecedented in that long history. So, too, is Applicants’ failure to notify local law enforcement of anticipated immigration enforcement actions. The Application suggests that Applicants are merely engaged in routine immigration

² A study from the Pew Research Center based on recent census data estimates that there are not even two million undocumented residents in the entire State of California, which makes Applicant’s math even more objectionable. See Pew Research Center, *What we know about unauthorized immigrants living in the U.S.* (July 22, 2024), *available at* <https://www.pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us/>.

enforcement. That is not true. These indiscriminate and roving raids have already resulted in American citizens being stopped and detained, and are unlike anything Amici have seen across decades of federal immigration enforcement in the Central District. And because Amici have seen Applicants act lawfully in the past, including on recent non-immigration-focused joint taskforce operations, Amici have no doubt that Applicants can do so again in order to comply with the temporary restraining order.

Amici understand what the temporary restraining order requires. The order is consistent with the existing constitutional policing policies and practice of Amici's own law enforcement agencies. As such, Amici's law enforcement could abide by the temporary restraining order if they were ordered to do so. Applicants' arguments to the contrary are without merit.

III. If Allowed To Resume, Applicants' Illegal Actions Will Continue To Harm The Entire Central District

Applicants argue that the temporary restraining order forces "law enforcement officers throughout the most populous district in the country" to "labor[] under the threat of judicial contempt." Application at 39. As already explained, the temporary restraining order is clear and can be followed by law enforcement. *Ante* pp. 8–9. But just as importantly, the temporary restraining order is *necessary* to protect Amici's communities from the widespread harm Applicants' raids have caused.

Applicants' unconstitutional and roving raids, carried out by masked and armed individuals jumping out of unmarked vehicles, often with out-of-state license plates, and chasing anyone who appears Latino, directly interfere with the serious

law enforcement work carried out every day by the Los Angeles Police Department, Los Angeles County Sheriff's Department, and Amici's other local law enforcement agencies. Applicants' actions have repeatedly forced Amici's law enforcement agencies to deploy scarce resources to respond to Applicants' unlawful actions. Local law enforcement must respond to numerous calls from frightened citizens reporting suspected kidnappings from masked and armed individuals, who have accosted and apprehended residents, including American citizens and others with legal status, and it is Amici's local law enforcement and social services agencies that must handle the resulting fallout.

Applicants' actions also have encouraged criminals to engage in wrongdoing while posing as masked federal agents. For example, Amici the City of Huntington Park's police officers were faced with an individual who possessed formal border patrol documents, a list of purported illegal immigrants, and a loaded firearm and ammunition. Amici's officers eventually determined that the individual was *not* a federal agent, and arrested him.

As important, Applicants' actions have undermined the important relationship between local law enforcement and Amici's residents. Amici's law enforcement officers have been mistaken for immigration officers by confused citizens, and they have been falsely accused of supporting the unconstitutional raids. And local law enforcement is forced to respond to reports of armed and masked men without even knowing if those individuals are unidentified federal agents, or criminals engaged in violent crime.

All of these issues flow directly from Applicants' unconstitutional raids, and all increase the already significant risks faced by law enforcement. Amici respectfully submit that those life-and-death risks to Amici's law enforcement officers outweigh Applicants' supposed concern about a contempt order arising from their inability to understand the temporary restraining order.

Applicants also ignore that their actions make it harder for local law enforcement to obtain convictions. Fear that masked and armed men are grabbing residents merely because of the way they look has kept victims and witnesses from going to court, thereby undermining law enforcement's ability to convict those who have broken the law. Prosecutors who work for Amici have been forced to continue and even dismiss cases in which victims and key witnesses refused to appear in court out of fear of being swept up by Applicants' raids, some of which occur at or just outside of state courthouses. Those problems will only multiply if Applicants are permitted to return to their unconstitutional raids.

The fear instilled by Applicants has had other deleterious effects on Amici. That fear poses significant personal and public health risks, as cancellations and no-show rates across public health clinics have increased after Applicants' unconstitutional raids. As a result, low-level health problems may become severe if left untreated, with individuals, families, and their wider communities ultimately paying the price. Commerce across the District has also been significantly restricted, as residents are not only afraid to go to court; they are afraid to go out for any reason, even for necessities like groceries or doctors' appointments. That, in turn, has

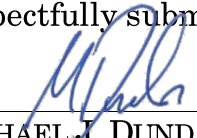
harmed local businesses, and harmed Amici, who seen a substantial drop in business and tourism, and the important taxes that flow from both.

CONCLUSION

The application for a stay should be denied.

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Respectfully submitted,



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