# CITY OF COSTA MESA

## REGULAR CITY COUNCIL AND HOUSING AUTHORITY*

## Agenda

**Tuesday, September 9, 2025** **5:00 PM** **City Council Chambers**
**77 Fair Drive**

### ADJOURNED REGULAR MEETING

The City Council meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having technical difficulties or experiencing any other critical issues, and unless required by the Brown Act, the meeting will continue in person.

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Closed Captioning is available via the Zoom option in English and Spanish.

Members of the public are welcome to speak during the meeting when the Mayor opens the floor for public comment. There is no need to register in advance or complete a comment card. When it's time to comment, line up at one of the two podiums in the room and wait for your turn. Each speaker will have up to 3 minutes (or as directed) to address the City Council.

To maintain a respectful and orderly atmosphere during the meeting, attendees shall refrain from using horns or amplified speakers. Signs and props may be brought into the Chamber, provided they do not exceed 11 inches by 18 inches in size and do not hinder the visibility of other attendees. The possession of poles, sticks, or stakes is strictly prohibited.

All attendees must remain seated while in the chamber until instructed by the Presiding Officer to approach and line up for public comment. To ensure safety and maintain order during the proceedings, standing or congregating in the aisles or foyer is strictly prohibited.

Further information regarding the City's regulations on addressing the City Council and expected conduct during meetings are available at the following links.

Title 2: Administration
§ 2-61: Conduct while addressing the council.
https://ecode360.com/42609578

Title 2: Administration
§ 2-64: Disorderliness by members of the audience.
https://ecode360.com/42609598

As a courtesy, the public may participate via the Zoom option.

Zoom Webinar: (For both 5:00 p.m. and 6:00 p.m. meetings)
Please click the link below to join the webinar:
https://us06web.zoom.us/j/87547629360?pwd=JAsXCWT4XGVh6aG2Dv8mJY8UWoi6b7.1
Or sign into Zoom.com and “Join a Meeting”
Enter Webinar ID: 875 4762 9360/ Password: 791039
• If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
• Select “Join Audio via Computer.”
• The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
• During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: (For both 5:00 p.m. and 6:00 p.m. meetings)
Call: 1 669 900 6833 Enter Webinar ID: 875 4762 9360/ Password: 791039
During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Note, if you have installed a zoom update, please restart your computer before participating in the meeting.

Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the City Clerk at cityclerk@costamesaca.gov.

Any written communications, photos, or other materials for copying and distribution to the City Council that are 10 pages or less, can be e-mailed to cityclerk@costamesaca.gov, submitted to the City Clerk's Office on a flash drive, or mailed to the City Clerk's Office. Kindly submit materials to the City Clerk AS EARLY AS POSSIBLE, BUT NO LATER THAN 12:00 p.m. on the day of the meeting.

Comments received by 12:00 p.m. on the day of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. This includes items submitted for the overhead screen during the meeting. Items submitted for the overhead screen should be 1 page and provided to the City Clerk prior to the start of the meeting. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments, for both videos and pictures. Please e-mail to the City Clerk at cityclerk@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting. If you do not receive confirmation from the city prior to the meeting, please call the City Clerks office at 714-754-5225.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing. Agendas and reports can be viewed on the City website at https://costamesa.legistar.com/Calendar.aspx. Las agendas y los informes se pueden ver en español en el sitio web de la Ciudad en https://www.costamesaca.gov/trending/current-agendas/spanish-city-council-agendas.

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En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II].

## CLOSED SESSION - 5:00 P.M.

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENTS Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Closed Session agenda.**

**CLOSED SESSION ITEMS:**

1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION – FOUR CASES
   Pursuant to California Government Code Section 54956.9 (d)(4), Potential Litigation.

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
   Pursuant to California Government Code Section 54956.9 (d)(1)
   Name of Case: RDK Group Holdings, LLC v. City of Costa Mesa,
   Orange County Superior Court Case No. 30 2025 0149581 CU WM WJC.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
   Pursuant to California Government Code Section 54956.9 (d)(1)
   Name of Case: City of Costa Mesa v. Pacific Shores Recovery, LLC, et al.,
   Orange County Superior Court Case No. 30-2019-01100581-CU-OR-NJC.

# ADJOURNED REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY

## SEPTEMBER 9, 2025 – 6:00 P.M.

**JOHN STEPHENS**
**Mayor**

**MANUEL CHAVEZ**
**Mayor Pro Tem - District 4**

**ANDREA MARR**
**Council Member - District 3**

**ARLIS REYNOLDS**
**Council Member - District 5**

**LOREN GAMEROS**
**Council Member - District 2**

**JEFF PETTIS**
**Council Member - District 6**

**MIKE BULEY**
**Council Member - District 1**

**KIMBERLY HALL BARLOW**
**City Attorney**

**CECILIA GALLARDO-DALY**
**Interim City Manager**

**CALL TO ORDER**

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**NEW BUSINESS:**

1. **UPDATE ON SUPPORT SERVICES AND ASSISTANCE FOR RESIDENTS AND TRACKING OF AT-FAULT EVICTIONS** 25-446

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file staff's update on the donation of $100,000 to two local non-profit organizations, Enough for All Fund ($50,000) and Someone Cares Soup Kitchen ($50,000) to provide assistance to impacted residents.
2. Request direction on tracking at- fault evictions.

**2.** **UPDATE ON OPTIONS FOR LEGAL ASSISTANCE FOR RESIDENTS AND POTENTIAL PARTICIPATION IN LAWSUIT CHALLENGING ROAMING IMMIGRATION ENFORCEMENT PATROLS** **25-447**

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file this update on options to provide legal defense funding to assist residents in connection with federal immigration enforcement and direct staff accordingly.
2. Consider whether and how to participate in Perdomo, et al. v. Noem, et al., United States District Court for the Central District of California, Case No. 2:25-cv-05605-MEMF-SP.

**Attachments:** 1. Order granting TRO - Perdomo
2. Court of Appeal Order Upholding TRO - Perdomo
3. Los Angeles, et al. Amicus Brief

**ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

**ADJOURNMENT**

77 Fair Drive
Costa Mesa, CA 92626

# CITY OF COSTA MESA

## Agenda Report

**File #:** 25-446 **Meeting Date:** 9/9/2025

**TITLE:**

**UPDATE ON SUPPORT SERVICES AND ASSISTANCE FOR RESIDENTS AND TRACKING OF AT -FAULT EVICTIONS**

**DEPARTMENT: CITY MANAGER'S OFFICE**

**PRESENTED BY: ALMA REYES, DEPUTY CITY MANAGER**

**JAY BARKMAN, GOVERNMENT AFFAIRS MANAGER**

**CONTACT INFORMATION: JAY BARKMAN, GOVERNMENT AFFAIRS MANAGER**
**(714) 754-5347**

## RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file staff's update on the donation of $100,000 to two local non-profit organizations, Enough for All Fund ($50,000) and Someone Cares Soup Kitchen ($50,000) to provide assistance to impacted residents.
2. Request direction on tracking at- fault evictions.

## BACKGROUND:

At the August 5, 2025 City Council Meeting, City Council provided direction to identify funding in the amount of $100,000 to donate to two local non-profits to provide aid to residents in need of support services. Additionally, the City Council directed staff to explore tracking of at-fault evictions and creation of a City rental registry.

Discussion of the above items included questions regarding the non-profits ability to receive City funds for the purpose of assisting impacted residents. Council Member Marr requested that, in the event that a non-profit is unable to accept the donations, staff return to the Council for additional direction and guidance on how to proceed with the donation of the funds.

In addition, the City Attorney was provided with direction to explore various legal organizations that may be able to assist with administering a Legal Defense Fund.

## ANALYSIS:

Donation Update

At the August 5, 2025 Council Meeting, the City Council directed staff to identify funding in the amount of $100,000 for a donation to two local non-profit organizations: Enough for All Fund ($50,000) to assist resident with rent, groceries, and other necessities; and Someone Cares Soup Kitchen ($50,000) to provide daily meals and groceries to impacted residents.

Council Members noted that the most urgent needs for impacted residents were primarily financial, particularly assistance with food, utilities, and rent. The donations are intended to address these needs.

At this time, staff have been in contact with the two identified non-profit organizations regarding the City's proposed donations. The Enough for All Fund Program has confirmed that the $50,000 donation can be accepted and is prepared to receive funding.

Someone Cares Soup Kitchen indicated that acceptance of the City's $50,000 donation will require discussion and approval by its Board of Directors.

Tenant Protections

On October 8, 2019, the Governor of California signed into law Assembly Bill 1482 (AB1482), otherwise known as the Tenant Protection Act of 2019. This law prohibits owners of residential real property from evicting a tenant without just cause when said tenant has occupied a residential unit for a minimum of 12 consecutive months. The law delineates the established conditions for an At-Fault or No-Fault eviction.

On September 30, 2023, the Governor of California signed into law Senate Bill 567 (SB567), which amends AB1482 to place additional requirements on owners of residential property when issuing no-fault just cause evictions, as well as to prescribe new enforcement mechanisms with respect to the provisions of AB1482 and SB567.

The City of Costa Mesa adopted the Tenant Protection Ordinance (Ordinance) on November 7, 2023, to further state law and support Costa Mesa renters with a few noteworthy enhancements requiring landlords:

- Notify the City within 72 hours after giving notice of a no-fault eviction
- Provide one month of Fair Market Rent to assist in relocation to a new unit

During the development of the Ordinance, staff explored mechanisms to obtain data related to at-fault evictions. After conducting research and consulting with City partners, staff determined that no mechanism or organization maintains such data. The only available information pertains to unlawful detainers, which are civil matters processed and maintained by the judicial system and not readily accessible. Since the Ordinance was adopted in November 2023, the City has received notification of 21 no-fault evictions.

At-Fault Eviction Tracking and Rental Registry

The League of California Cities issued a report in 2024 titled "A Comprehensive Update on the Evolving Landscape of Tenant Protections <https://www.calcities.org/docs/default-source/annual-conference---session-materials/comprehensive-update-on-the-evolving-landscape-of-tenant-protections.pdf>," discussing how cities in California have a long history of responding to the challenging rental market. The report describes the legislative and judicial history of landlord-tenant laws and anti-displacement policies, including the use of rental registries, and limits to at-fault just cause evictions. Registries are, generally used to monitor compliance in jurisdictions with just cause programs. The jurisdiction-specific data provided by rental registration helps to better inform further policymaking and tailor policies to local needs."

A rental registry also serves as a communications tool to share data and information on compliance with tenants and landlords. Existing registries collect information either through annual reporting requirements or upon any changes in status to require landlords to provide details on:

- Compliance with rent amount increases pursuant to state law
- Rental unit properties (square footage, number of bedrooms)
- Fees paid to homeowner's association for tenants of condominiums
- Housing vouchers used by tenants
- Changes in rent amount, or occupancy status
- Evictions or terminations, including copies of relevant notices

A common concern with the establishment of a rental registry is whether personal information will become subject to public disclosure. However, to address this concern jurisdictions can include language in their ordinance to declare certain information as received in confidence and exempt from Public Records Act requests.

At-fault evictions occur for many reasons ranging from nonpayment of rent, breaching a material term of a lease, creating a nuisance, to criminal activity. Cities that regulate at-fault evictions must maintain a program that requires significant resources, including technology systems, staffing, and funding. Most programs are designed to focus on assisting tenants and landlords with education to resolve disputes or are focused on housing standards and ensuring compliance with state rental laws. Cities with rental registry programs, may establish a "rent board" that develops regulations and hear claims or appeals from tenants and landlords. Additionally, cities with established rental registry programs rely on specific software for the tracking of rental units, disputes, compliance, and collection of fees.

As requested, staff conducted preliminary research into the creation of a rental registry, identifying examples of programs used by other cities. Cities with existing rental registries have required landlords to register for a range of reasons, from collecting data on rent amounts, enforcing rent control, tracking evictions, and investigating complaints about housing code violations.

Staff has identified the following cities with an established rental registry program that track evictions.

The table below provides information from eight cities with such programs.

| City | Summary |
|---|---|
| Berkeley* | Rent Stabilization Board maintains a rental registry, tracks eviction data, and inspects units for compliance with housing codes. |
| Concord | Residential Rent Registry Program mandates annual registration of most rental units under its Tenant Protection Program Ordinance. Property owners must report tenancy details, rent levels, and eviction notices. |
| Los Angeles* | Rent Stabilization Ordinance requires landlords register rental units annually. The City collects eviction data and requires the filing of notices. |
| San Franciso* | Landlords must file an annual Rent Board Fee and report evictions. City tracks “at fault” vs. “no fault” evictions. |
| San Jose* | Rental registry under Apartment Rent Ordinance to track ownership, unit characteristics, and rents. |
| Santa Ana* | As of 2022 landlords are required to register or claim their rental unit as exempt under the Rent Stabilization and Just Cause Eviction Ordinance. |
| Santa Monica* | Landlords required to register with Rent Control Agency whenever a unit is rented to a new tenant. |
| Pasadena* | Rental registry established under voter-initiated City Charter amendment requires landlords to register units annually, supporting tracking of rent increases, eviction reasons, and unit characteristics. |

*Charter Cities

The cities listed above require landlords to register their units in connection with enforcing their rent stabilization programs limiting annual increases to rent.

Based on the information collected from other agencies, implementing and maintaining a rental registry program requires significant resources. Program fees are common amongst cities with a rental registry program while some fees may be relatively modest other cities may enact higher fees to offset program administration costs. Fees may range from $29 to $400 per unit, with the most common fees falling in the range of $200 per unit. Further, staff found that establishing such a program requires substantial start-up expenses for the implementation of software technology and annual subscriptions. Costs are estimated at approximately $300,000 for implementation with on-going costs of approximately $85,000 for annual subscriptions. Lastly, to maintain a robust program, these cities have dedicated staff to administer the program and support a large number of rental units. A dedicated team may include up to seven staff members, which is comprised of a program manager, housing specialists, and administrative and clerical support staff. Cities have also reported significant additional impacts on departments such as Code Enforcement due to increased complaints and Finance due to payment processing.

Through this preliminary research, staff understand that a rental registry program is a complex undertaking. In order to fully comprehend the complexities of the program an in-depth analysis is required that looks at both the opportunities and challenges, and necessary resources to implement this new program.

## ALTERNATIVES:

The City Council may:

1. Receive and file the report.
2. Direct staff to further analyze and develop rental registry options and program budget and potential fees.
3. Direct staff to review and propose amendments to the City's current Tenant Protections Ordinance requiring noticing all (No-Fault and At-fault) evictions and proposal of additional resources necessary to track all evictions.

## FISCAL REVIEW:

The City's $100,000 donation will be funded through the Contingency Fund in the General Fund (Fund 101).

Should the City Council choose to establish a rental registry program, staff would have to identify available funding in the adopted FY 2025-26 budget or propose the necessary funding during the budget development process for FY 2026-27.

## LEGAL REVIEW:

The City Attorney has reviewed this report and approved it as to form.

## CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goals:

- Strengthen the Public's Safety and Improve the Quality of Life
- Diversify, stabilize, and increase housing to reflect community needs.

## CONCLUSION:

City staff have conducted preliminary research on how cities use their rental registries in connection with their rent stabilization programs and eviction tracking. At this time, staff is requesting that the City Council provide further direction prior developing detailed cost estimates or program alternatives.

**File #:** 25-447 **Meeting Date:** 9/9/2025

**TITLE:**

**UPDATE ON OPTIONS FOR LEGAL ASSISTANCE FOR RESIDENTS AND POTENTIAL PARTICIPATION IN LAWSUIT CHALLENGING ROAMING IMMIGRATION ENFORCEMENT PATROLS**

**DEPARTMENT:** **CITY ATTORNEY'S OFFICE**

**PRESENTED BY:** **KIMBERLY HALL BARLOW, CITY ATTORNEY**

**CONTACT INFORMATION:** **KIMBERLY HALL BARLOW, CITY ATTORNEY 714-754-5399**

## RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file this update on options to provide legal defense funding to assist residents in connection with federal immigration enforcement and direct staff accordingly.
2. Consider whether and how to participate in Perdomo, et al. v. Noem, et al., United States District Court for the Central District of California, Case No. 2:25-cv-05605-MEMF-SP.

## BACKGROUND:

At the August 5, 2025 City Council Meeting, City Council provided direction to identify options available to the City to provide legal defense funding to provide legal assistance to residents in connection with federal immigration enforcement. Several specific potential partners were identified to which the City could provide funding, including the Public Law Center and Legal Aid. The City Attorney was also asked to identify any limitations on providing funding for such services.

## ANALYSIS:

### Legal Defense Funding

The City may elect to provide funding for legal assistance to residents who are detained or targeted for immigration enforcement. The only legal restrictions on such expenditures are that the City may not expend federal funds for such assistance, or grant or restricted funds. There are no limitations on the City's use of its General Fund for this purpose, however, due to the possible General Fund revenue stagnation, it is recommended that funding be allocated from available General Fund reserves.

The City could elect to create its own program for such legal assistance, however, the costs of creating and staffing such an endeavor are likely to be far more than providing funding to existing groups who provide this service. Existing staff does not have the expertise or training to provide the services necessary, and the City Attorney's Office does not provide immigration related services.

However, many existing programs are available to which the City could provide funding to assist its residents with legal issues relating to immigration enforcement.

The Public Law Center provides a wide range of services and resources relating to immigration issues, including:

Deportation Defense (removal defense); Relief under the Violence Against Women Act (VAWA) (victims of domestic violence by abusers with lawful immigration status); U Visa (victims of serious crimes); T Visa (victims of trafficking); Special Immigrant Juvenile Status (for undocumented minors who have been abused, neglected or abandoned by one or both of their parents); Adjustment of status (application for legal permanent residence); Asylum (for those fleeing persecution in their home countries); Deferred Action for Childhood Arrivals (for undocumented minors who entered the United States as children and were educated in the U.S.); Naturalization Assistance (for qualified immigrants who wish to become U.S. citizens); Counseling about Immigration Consequences of Criminal Charges; Other Miscellaneous Cases. The Public Law Center has indicated a willingness to discuss contracting with the City.

Community Legal Aid SoCal also provides legal assistance in the following areas:

VAWA Self Petitions; T Visas; U Visas; Naturalization; Special Immigrant Juvenile Status; Adjustment of Status; Cancellation of Removal; Removal Defense; Asylum Applications. However, because Community Legal Aid SoCal receives federal funding, it cannot provide services to undocumented immigrants who do not fall within approved service exceptions. Community Legal Aid SoCal has indicated it is willing to partner with the City to provide services to eligible Costa Mesa residents.

Legal Aid Association of California (LAAC) - This organization provides a wide range of resources relating to immigration issues, including:

Deportation, Removal, and Detention; Permanent Residence/Green Cards; Naturalization/ Citizenship; Family Petitions; Asylum, Refugee, and Special Immigrant Juvenile (SIJ); Immigrants & Domestic Violence; Citizenship through Military Service; and Interactions with ICE. LAAC does not itself provide legal services, but it supports and refers residents to specific types of legal providers. See https://www.lawhelpca.org/issues/immigration

The Immigrant Defenders Law Center (ImmDef) provides full-scale services and resources relating to immigration issues, including:

Deportation Defense (representation and education for detained and non-detained children and adults); Children's Representation (defense services for children applying for humanitarian protections such as asylum, special immigrant juvenile status, and visas for victims of crimes or trafficking); Litigation and Advocacy (cases addressing access to counsel, detention conditions, minors' rights, and systemic due process violations); Cross-Border Initiative (representation for individuals seeking asylum due to persecution based on race, religion, nationality, social group, or political opinion); Deported Veterans (representation for veterans seeking lawful return to the United States); Post-Conviction Relief (challenges to criminal convictions affecting immigration status or removal proceedings); National Qualified Representative Program (representation for immigrants in ICE detention with serious mental disorders entitled to court-appointed counsel); Client Wellness (case management connecting clients to mental health services, housing, transportation, food,

clothing, school enrollment, and post-release planning).

The State of California Department of Social Services has awarded grants to a number of additional Orange County providers for immigration related services, some of which may involve legal assistance. They are: Access California Services; BPSOS Center for Community Advancement, Inc.; Council of American-Islamic Relations (CAIR)Gay & Lesbian Community Services Center of Orange County; Orange County Labor Federation, AFL-CIO; Solidarity- Camino Immigration Services; and World Relief Corporation. If so directed, staff can explore specifics of what these organizations provide and how they might assist Costa Mesa residents.

**Perdomo, et al. v. Noem, et al.**

This lawsuit was brought by five individual plaintiffs and three membership associations, to challenge the "roving patrols" being used to detain individuals for immigration enforcement. The essence of the litigation is that individuals were being detained without reasonable suspicion that the person to be stopped is within the United States in violation of U.S. immigration law, in contravention of the Fourth Amendment. During the course of these "roving patrols" throughout Southern California, multiple citizens and lawful residents have been detained, taken into custody and even arrested.

The federal district court judge issued a Temporary Restraining Order (TRO), finding that the Plaintiffs are "likely to succeed in showing that the seizures are based upon the four enumerated factors" or a subset of them. Those factors are (1) apparent race or ethnicity; (2) speaking Spanish or speaking English with an accent; (3) presence at a particular location; and (4) the type of work one does. The district court then concluded that "sole reliance on the four enumerated factors does not constitute reasonable suspicion" either alone or in any combination. A copy of the TRO is included as Attachment 1. On August 1, 2025, the Ninth Circuit Court of Appeals upheld the Temporary Restraining Order against federal agents from roving patrols or other efforts to detain individuals solely on the basis of one or more of these factors. A copy of the Ninth Circuit's ruling is included as Attachment 2. The Trump Administration has filed a request for an emergency stay of the TRO with the United States Supreme Court.

Shortly before the TRO was upheld, the district court considered a Motion to Intervene by numerous public entities. The Department of Justice did not oppose the Motion, and the district court granted it on the basis that each of the applicant intervenors has a "significant protectable interest" relating to the action, the disposition of which may, as a practical matter, impair or impede the applicant's ability to protect that interest, and the applicant's interest is inadequately represented by the parties to the action. In the case of this particular motion to intervene, the intervenors seek relief that is broader than requested by the original plaintiffs, as well as showing that they face a different kind of impact and harm from the challenged conduct. The intervenors added are: City of Los Angeles, County of Los Angeles, Culver City, West Hollywood, Santa Monica, Pico Rivera, Montebello, Pasadena and Monterey Park (collectively, the "Plaintiffs in Intervention").

The existing Plaintiffs in Intervention have filed a First Amended Complaint which seeks to add intervenors, 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. Along with the original intervenors, each City has alleged that the untargeted enforcement is causing harm to the City and its residents, impacting law enforcement

activities, crime enforcement and prosecution, use of public resources, reduction in tax revenue, and generalized fear in the community.

The existing and proposed Intervenors have filed an amicus brief with the Supreme Court in opposition to the Administration's emergency stay request and in support of the TRO. A copy of the amicus brief is included as Attachment 3. It seems likely that other amicus opportunities will present themselves throughout the litigation.

Recently, the City of Fullerton City Council voted to provide amicus support in the district court proceedings as it advances to a Preliminary Injunction and trial. Other Orange County cities have expressed interest, as well. Thus, Costa Mesa could partner with other cities to reduce the overall cost of supporting that effort.

## ALTERNATIVES:

The City Council may:

1. Direct staff to explore funding agreement(s) with one or more of the identified entities or alternative providers and identify the amount of any such funding.
2. Direct staff to explore creating an in-house legal assistance team, but this alternative is not recommended.
3. Take action to participate in the Perdomo litigation and direct staff as to whether to seek intervention, participate with an amicus brief effort and/or otherwise support restrictions on roaming patrols/detentions of individuals without reasonable suspicion.
4. Receive and file the report.

## FISCAL REVIEW:

The fiscal impact of Council's direction will depend on whether the City Council directs staff to move forward with implementing a legal defense program or partnership and whether and how it directs participation in the Perdomo litigation. The Fiscal Year 2025-2026 All Funds and General Fund Budget does not include any appropriations for this request.

## LEGAL REVIEW:

The City Attorney has prepared this report.

## CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goals:

- Strengthen the Public's Safety and Improve the Quality of Life

**CONCLUSION:**

Staff recommends the City Council:

1. Receive and file this update on options to provide legal defense funding to assist to assist residents in connection with federal immigration enforcement and direct staff accordingly.
2. Consider whether and how to participate in Perdomo, et al. v. Noem, et al., United States District Court for the Central District of California, Case No. 2:25-cv-05605-MEMF-SP.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Pedro Vasquez Perdomo, *et al.*,

Plaintiffs,

v.

Kristi Noem, *et al.*,

Defendants.

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

**ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATIONS FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION [ECF NOS. 38, 45]**

On June 6, 2025, federal law enforcement arrived in Los Angeles to participate in what federal officials have described as "the largest Mass Deportation Operation . . . in History."[1] The individuals and organizations who have brought this lawsuit argue that this operation had two key features, both of which were unconstitutional: "roving patrols" indiscriminately rounding up numerous individuals without reasonable suspicion and, having done so, denying these individuals access to lawyers who could help them navigate the legal process they found themselves in. On this, the federal government agrees: Roving patrols without reasonable suspicion violate the Fourth

[1] ECF No. 45-19 Att. C.

Amendment to the Constitution and denying access to lawyers violates the Fifth Amendment to the Constitution. What the federal government would have this Court believe—in the face of a mountain of evidence presented in this case—is that none of this is actually happening.

Most of the questions before this Court are fairly simple and non-controversial, and both sides in this case agree on the answers.

- May the federal government conduct immigration enforcement—even large scale immigration enforcement—in Los Angeles? Yes, it may.
- Do all individuals—regardless of immigration status—share in the rights guaranteed by the Fourth and Fifth Amendments to the Constitution? Yes, they do.
- Is it illegal to conduct roving patrols which identify people based upon race alone, aggressively question them, and then detain them without a warrant, without their consent, and without reasonable suspicion that they are without status? Yes, it is.
- Is it unlawful to prevent people from having access to lawyers who can help them in immigration court? Yes, it is.

There are really two questions in controversy that this Court must decide today.

First, are the individuals and organizations who brought this lawsuit likely to succeed in proving that the federal government is indeed conducting roving patrols without reasonable suspicion and denying access to lawyers? This Court decides—based on all the evidence presented—that they are.

And second, what should be done about it? The individuals and organizations who have brought this lawsuit have made a fairly modest request: that this Court order the federal government to stop.

For the reasons stated below, the Court grants their request.

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Before the Court are two Ex Parte Applications for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction filed by Plaintiffs. ECF Nos. 38, 45. For the reasons stated herein, the Court GRANTS the Ex Parte Applications.

## I. Background

### A. Factual Background

The Court begins by summarizing the allegations in the First Amended Complaint. ECF No. 16 ("1AC").

#### i. Plaintiffs

Petitioner-Plaintiffs Pedro Vasquez Perdomo ("Vasquez Perdomo"), Carlos Alexander Osorto ("Osorto"), and Isaac Villegas Molina ("Villegas Molina") are residents of Pasadena, California, who were arrested at a bus stop as they were waiting to be picked up for a job on June 18, 2025. 1AC ¶¶ 12–14. They filed this action while detained in the basement of a Los Angeles downtown federal building, B-18. *Id.* ¶¶ 12–14.

Plaintiff Jorge Hernandez Viramontes ("Hernandez Viramontes") is a resident of Baldwin Park, California. *Id.* ¶ 15. He works at a car wash in Orange County, California, that has been visited three times by immigration agents, most recently on June 18, 2025, when he was questioned and detained by agents despite informing them that he is a U.S. citizen. *Id.*

Plaintiff Jason Brian Gavidia ("Gavidia") is a resident of East Los Angeles, California. *Id.* ¶ 16. He was stopped and questioned by immigration agents at a tow yard in Los Angeles County on June 12, 2025, despite explaining multiple times that he is a U.S. Citizen. *Id.*

Plaintiff Los Angeles Worker Center Network ("LAWCN") is a multi-racial, multi-ethnic, and multi-industry organization comprised of worker centers and labor organizations that work together to address injustices faced by low-wage workers in the greater Los Angeles area, including immigrant and non-English-speaking workers. *Id.* ¶ 17. LAWCN has worker center members, who in turn have individual members, including noncitizens with legal status and U.S. citizens. *Id.*

Plaintiff United Farm Workers ("UFW") is a farm worker union with approximately 10,000 members, with more members in California than in any other state. *Id.* ¶ 18. UFW's members in

California work at agricultural sites as well as non-agricultural sites within the District. *Id.* UFW's members include noncitizens with legal status and U.S. citizens. *Id.*

Plaintiff Coalition for Humane Immigrant Rights ("CHIRLA") is a nonprofit organization with its principal place of business in Los Angeles, California. *Id.* ¶ 19. CHIRLA was founded in 1986 to advance the human and civil rights of immigrants and refugees. *Id.* As a membership organization, CHIRLA has approximately 50,000 members across California, including both U.S. citizens and noncitizens of varying immigration status. *Id.* CHIRLA has members in every county in the District. *Id.*

Plaintiff Immigrant Defenders Law Center ("ImmDef") is a nonprofit organization having its principal place of business in Los Angeles, California. *Id.* ¶ 20. Besides Los Angeles, ImmDef has offices in Riverside, Santa Ana, and San Diego, California, and works across the U.S.-Mexico border in Tijuana. *Id.* ImmDef was founded in 2015 to protect the due process rights of immigrants facing deportation. *Id.*

The Court will refer to the five individual plaintiffs, LAWCN, UFW, and CHIRLA as "Stop/Arrest Plaintiffs." The Court will refer to ImmDef and CHIRLA as "Access/Detention Plaintiffs."[2] The Court will address all plaintiffs as "Plaintiffs."

ii. Defendants

Defendant Kristi Noem ("Noem") is the Secretary of the Department of Homeland Security ("DHS"), which is responsible for administering and enforcing the nation's immigration laws pursuant to 8 U.S.C. § 1103(a). *Id.* ¶ 21. Noem is sued in her official capacity. *Id.*

Defendant Todd M. Lyons ("Lyons") is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"), an agency of the United States within the DHS. *Id.* ¶ 22. ICE is responsible for the stops, arrests, and custody of individuals believed to be in violation of civil immigration law. *Id.* Lyons is sued in his official capacity. *Id.*

[2] Plaintiffs refer to ImmDef and CHIRLA as "Access/*Conditions*" Plaintiffs and "Access/*Detention*" Plaintiffs in the 1AC. *Compare* 1AC at 61 (referring to "Access/Conditions Plaintiffs" under the fifth and sixth causes of action), 62 (same, under the seventh cause of action) *with* ¶ 8 (referring to "Access/Detention Plaintiffs"), Prayer for Relief ¶ 8 (same). For consistency, the Court will use the term "Access/Detention Plaintiffs" throughout this Order.

Defendant Rodney S. Scott ("Scott") is the Commissioner of U.S. Customs and Border Protection ("CBP"), the agency within the DHS that is responsible for enforcing immigration laws at or close to the U.S. border. *Id.* ¶ 23. Scott has direct authority over all CBP policies, procedures, and practices related to stops, arrests, and detention. *Id.* Scott is sued in his official capacity. *Id.*

Defendant Michael W. Banks ("Banks") is Chief of the U.S. Border Patrol. *Id.* ¶ 24. Banks has direct authority over all Border Patrol policies, procedures, and practices related to stops, arrests, and detention. *Id.* Banks is sued in his official capacity. *Id.*

Defendant Kash Patel ("Patel") is Director of the U.S. Federal Bureau of Investigation ("FBI"). *Id.* ¶ 25. In that capacity, Patel is responsible for the direction and oversight of all operations of the FBI. *Id.* Patel is sued in his official capacity. *Id.*

Defendant Pam Bondi ("Bondi") is the U.S. Attorney General. *Id.* ¶ 26. Bondi is head of the Department of Justice ("DOJ") and is responsible for the direction and oversight of all operations of the DOJ. *Id.* Bondi is sued in her official capacity. *Id.*

Defendant Ernesto Santacruz Jr. ("Santacruz Jr.") is the Acting Field Office Director for the Los Angeles Field Office of ICE. *Id.* ¶ 27. Santacruz Jr. is responsible for the supervision of personnel within ICE's Enforcement and Removal Operations ("ERO") in the geographic area covered by the Los Angeles Field Office, which comprises the seven counties in the District, and facilities within the District, including B-18. *Id.* Santacruz Jr. is sued in his official capacity. *Id.*

Defendant Eddy Wang ("Wang") is the U.S. Homeland Security Investigations Special Agent in Charge for Los Angeles. *Id.* ¶ 28. Wang is responsible for the supervision of agents within ICE's Homeland Security Investigations ("HSI") in the Los Angeles area. *Id.* Wang is sued in his official capacity. *Id.*

Defendant Gregory K. Bovino ("Bovino") is the Chief Patrol Agent for the El Centro Sector of the CBP. *Id.* ¶ 29. In that capacity, Bovino is responsible for the supervision of agents in the El Centro Sector. *Id.* Bovino is sued in his official capacity. *Id.*

Defendant D. Stalnaker ("Stalnaker") is the Acting Chief Patrol Agent for the San Diego Sector of the CBP. *Id.* ¶ 30. In that capacity, Stalnaker is responsible for the supervision of agents in the San Diego Sector. *Id.* Stalnaker is sued in his official capacity. *Id.*

Defendant Akil Davis ("Davis") is the Assistant Director of the Los Angeles Office of the FBI. *Id.* ¶ 31. In that capacity, Davis is responsible for the supervision of all agents in the Los Angeles Office. *Id.* Davis is sued in his official capacity. *Id.*

Defendant Bilal A. Essayli ("Essayli"; together with all other defendants, "Defendants") is the U.S. Attorney for the Central District of California. *Id.* ¶ 32. Essayli has authority over federal law enforcement operations within the District. *Id.* Essayli is sued in his official capacity. *Id.*

iii. Arrests and Detentions

On June 6, 2025, federal agents detained multiple day laborers outside of the Westlake Home Depot. *Id.* ¶ 38. In the following days, similar raids occurred throughout the District. *Id.* Car wash workers,[3] farm and agricultural workers, street vendors, recycling center workers, tow yard workers, and packing house workers were targeted. *Id.* ¶¶ 39, 40 ("Between Monday, June 9, 2025, and June 13, 2025, at least 43 people were detained on farms in Ventura and Santa Barbara Counties"), 42. Various places have been targeted by federal agents. *Id.* ¶ 42 (listing farmers markets, swap meet, bus stops, parks, gym, and church). In one instance, the agents approached and prevented a non-white individual from walking away but not those who appeared to be Caucasians. *Id.* ¶ 43. In another, the agents arrived in unmarked vehicles, pointed a gun, and demanded to see identification without providing a reason for the stop. *Id.* ¶ 44; *see id.* ¶ 46 (describing "a military-style raid" at a swap meet). Yet in a different context, the agents provided no reason for stopping individuals at a church. *Id.* ¶ 45. Since they began on June 6, 2025, federal immigration raids have led to the arrest of over 1,500 people. *Id.* ¶ 165.

Agents and officers approach suddenly and in large numbers in military style or SWAT clothing, heavily armed with weapons displayed, masked, and with their vest displaying a generic "POLICE" patch (if any display at all). *Id.* ¶ 51. Agents typically position themselves around individuals, aggressively engage them, and/or shout commands, making it nearly impossible for individuals to decline to answer their questions. *Id.* ¶ 52. When individuals have tried to avoid an

[3] One of LAWCN's member organizations is CLEAN Carwash Worker Center ("CLEAN"), on whose behalf LAWCN brings this suit. 1AC ¶ 169; *see id.* ¶¶ 173 ("Dozens of CLEAN's members have been detained by immigration agents while at work. At least one identifiable CLEAN member, Jesus Aristeo Cruz Utiz, has been subjected to Defendants' unlawful stop and arrest practices.").

encounter with agents and officers, they have been followed and pushed to the ground, sometimes even beaten, and then taken away. *Id.* ¶ 53. These incidents have been widely reported in the news. *Id.* ¶ 54.

Defendants have a policy and practice of effectuating warrantless arrests without making an individualized flight risk determination. *Id.* ¶ 65. Defendants also have a policy and practice of not identifying themselves or explaining the basis for an arrest upon taking someone into custody. *Id.* ¶ 71. Agents and officers often show up masked, without any visible badges or insignia indicating what agency they work for, and have refused to identify themselves when asked. *Id.*

iv. Conditions at B-18

During the ongoing raids, and as an integral part of the policy and pattern of unlawful stops and arrests, Defendants have been taking individuals who are swept up to the basement of the federal building at 300 North Los Angeles Street in Los Angeles, commonly referred to as B-18. *Id.* ¶ 74. B-18 is a facility for immigrant detainees designed to hold a limited number of individuals *temporarily* so they can be processed and released, or processed and transported to a long-term detention facility. *Id.* It does not have beds, showers, or medical facilities. *Id.* Individuals taken to B-18 are being kept in small, windowless rooms with dozens or more other detainees in cramped quarters. *Id.* ¶ 76. Some rooms are so cramped that detainees cannot sit, let alone lie down, for hours at a time. *Id.* As of June 20, 2025, over 300 individuals were being held at B-18. *Id.* ¶ 77.

Detainees are also routinely deprived of food, and some have not even been given water other than what comes out of the combined sink and toilet in the group detention room. *Id.* ¶ 79. Upon asking for food, detainees have been told repeatedly that the facility has run out. *Id.*

Detainees are denied access to necessary medical care and medications. *Id.* ¶ 80. Individuals with conditions that require consistent medications and treatment are not given any medical attention, even when that information is brought to the attention of the officers on duty. *Id.*; *see id.* ¶ 91 ("On June 19, 2025, an ImmDef attorney arrived at B-18 to meet with detainees, including one who was scheduled for a chemotherapy appointment the next day. Despite showing a doctor's note confirming the appointment and specifying that missing the appointment would be detrimental to the detainee's health, the guards repeatedly would not allow the attorney to meet with the ill detainee.").

The facility cannot provide detainees with basic hygiene; individuals who are menstruating have had to wait long periods before receiving menstrual pads, if they receive them at all. *Id.*

v. Denial of Access to Counsel

Individuals detained at B-18 have had their access to prospective or retained counsel restricted. *Id.* ¶ 81. On June 6, 2025, attorneys and legal representatives from CHIRLA and ImmDef attempted to gain access to B-18 to advise detainees of their rights and assess their eligibility for relief, but they were not permitted to enter. *Id.* ¶ 82. When they returned to B-18 the next morning, attorneys identified a handwritten notice on the door of the family and attorney entrance at B-18 indicating that B-18 would not permit any visits that day. *Id.* ¶ 83. Federal officers then deployed an unknown chemical agent against family members, attorneys, and representatives. *Id.* The chemical agent caused everyone to cough and inflicted a burning sensation in the eyes, nose, and throat. *Id.* That same morning, numerous unmarked white vans quickly departed B-18 with a group of detainees. *Id.* ¶ 84. CHIRLA and ImmDef attorneys and representatives attempted to loudly share know-your-rights information with the detainees in the vans. *Id.* Federal agents blasted their horns. *Id.*

On the rare occasions when attorneys and family members were allowed access to their clients or loved ones, they were made to wait hours at a time to see them, and the resulting visits were limited to a mere five to ten minutes. *Id.* ¶ 87. In many cases, attorneys and family members were unable to determine whether a particular individual is even detained at B-18, or whether they had been transferred to another facility. *Id.* ¶ 88. B-18 officers have refused to provide clear answers to questions about detainees' whereabouts, or refused to answer questions altogether. *Id.* ICE's online locator, which provides information about detainees' location, is not updated in a timely manner. *Id.*

vi. Officially Sanctioned Conduct

In January, the administration gave ICE field offices an arrest quota of seventy-five (75) arrests a day. *Id.* ¶ 97. The administration also shut down multiple oversight agencies. *Id.* ¶ 99. The administration set a new arrest quota of 3,000 arrests per day and reportedly threatened job consequences if officials failed to meet arrest quotas. *Id.* ¶ 101.

vii. Individual Plaintiffs' Experiences

In the early morning of June 18, 2025, in Pasadena, California, Vasquez Perdomo was waiting at a bus stop across the street from Winchell's Donuts with several co-workers to be picked up for a job. *Id.* ¶ 111. About four cars converged on his location, and about half a dozen masked agents jumped out on either side of him. *Id.* ¶ 112. They had weapons and masks, and did not identify themselves. *Id.* Vasquez Perdomo tried to leave but was surrounded, grabbed, handcuffed, and put into one of the vehicles. *Id.* ¶ 113. No warrant was shown. *Id.* ¶ 115. It was only after he was brought to a nearby CVS parking lot that agents checked Vasquez Perdomo's identification. *Id.* ¶ 114. Agents did not inform Vasquez Perdomo that they were immigration officers authorized to make an arrest or of the basis for his arrest. *Id.* ¶ 119. At the time this action was filed, Vasquez Perdomo had been transported to and was being held at B-18. *Id.* ¶ 120. There, he experienced extremely crowded and unsanitary conditions, was given little to eat or drink, and slept on the floor. *Id.*

In the early morning of June 18, 2025, in Pasadena, California, Osorto was waiting to be picked up for work with his co-worker Vasquez Perdomo. *Id.* ¶ 124. When federal agents approached, he tried to run, but one of the agents caught up to him and pointed a taser at his head and said "stop or I'll use it!" *Id.* ¶ 125. Osorto stopped immediately. *Id.* Osorto was handcuffed and put into a vehicle. *Id.* ¶ 126. It was only after he was brought to a nearby CVS parking lot that agents asked Osorto if he had papers. *Id.* ¶ 128. No warrant was shown. *Id.* ¶ 129. Agents did not inform Osorto that they were immigration officers authorized to make an arrest or of the basis for his arrest. *Id.* ¶ 132. At the time this action was filed, Osorto had been transported to and was being held at B-18. *Id.* ¶ 133. The facility was full, and when people asked for help, officers told them there was no food, no water, and no medicine. *Id.* Today, he remains in custody at the Adelanto ICE Processing Center. *Id.*

In the early morning of June 18, 2025, in Pasadena, California, Villegas Molina was waiting to be picked up for work with his co-workers Vasquez Perdomo and Osorto. *Id.* ¶ 137. When federal agents approached, an agent yelled at Villegas Molina not to run, even though he was still and calm. *Id.* ¶ 139. He was told to provide his identification, and he provided his California ID, but the agent

kept questioning him. *Id.* No warrant was shown. *Id.* ¶ 141. Agents did not inform Villegas Molina that they were immigration officers authorized to make an arrest or of the basis for his arrest. *Id.* ¶ 144. At the time this action was filed, Villegas Molina had been transported to and was being held at B-18. *Id.* ¶ 145. He slept on the floor and was given almost nothing to eat. *Id.*

On the morning of June 18, 2025, Hernandez Viramontes was working at a car wash in Orange County, where he has worked for approximately ten (10) years, when immigration agents arrived. *Id.* ¶ 148. During this visit, the agents did not identify themselves. *Id.* ¶ 149. Agents asked Hernandez Viramontes whether he was a citizen, and he replied yes and explained that he was a dual citizen of the U.S. and Mexico. *Id.* ¶ 151. They asked for an ID, which he provided. *Id.* Agents then explained that his ID was not enough and because he did not have his passport, they were taking him. *Id.* Agents placed Hernandez Viramontes in a vehicle and transported him away. *Id.* ¶ 152. During this time, Hernandez Viramontes did not know whether they were going to take him to a detention center. *Id.* Agents verified his citizenship and, about twenty minutes later, brought him back to the car wash. *Id.* ¶ 153. When agents brought Hernandez Viramontes back to the car wash, they did not apologize. *Id.* ¶ 154. Shortly after agents returned Hernandez Viramontes to the car wash, yet another group of agents raided the carwash again. *Id.* ¶ 155.

In the afternoon of June 12, 2025, Gavidia, a U.S. citizen, was at a tow yard in Los Angeles County that was visited by immigration agents conducting a roving patrol. *Id.* ¶ 157. Around 4:30 p.m., upon hearing someone say that immigration agents may be at the premises, Gavidia went outside to confirm this. *Id.* ¶ 158. At the time, his clothes were dirty from working on his car. *Id.* On the sidewalk outside the gate, Gavidia saw a federal agent between two cars step forward. *Id.* ¶ 159. Soon after, Gavidia saw several other agents wearing similar vests with the words "Border Patrol Federal Agent." *Id.* He also noticed that the agents were carrying handguns and at least two of the agents had a military-style rifle. *Id.* When Gavidia attempted to head back inside the tow yard premises, a masked agent said, "Stop right there." *Id.* ¶ 160. While the agent approached Gavidia, another unmasked agent ran toward him and asked if he was American. *Id.* ¶ 161. Gavidia told the agent that he is American multiple times. *Id.* The agent responded by asking, "What hospital were you born in?" *Id.* Gavidia calmly replied that he did not know. *Id.* The agent repeated the same

question two more times, and each time Gavidia provided the same answer. *Id.* At that point, the agents pushed Gavidia up against the metal gated fence, put his hands behind his back, and twisted his arm. *Id.* Gavidia had been on his phone, and the masked agent also took his phone from his hand at that point. *Id.* Gavidia explained that the agents were hurting him and that he was American. Id. ¶ 162. The unmasked agent asked a final time, "What hospital were you born in?" *Id.* Gavidia responded again that he did not know and said East L.A. *Id.* Gavidia then told the agents that he could show them his Real ID. *Id.* The agents had not asked to see Gavidia's identification. *Id.* When Gavidia showed his Real ID to the agents, one of them took it from him. *Id.* ¶ 163. It ultimately took about twenty minutes for Gavidia to get his phone back, but the agents never returned his Real ID. *Id.*

viii. Harm to Organizational Plaintiffs and/or Their Members

LAWCN is a regional organization made up of eight worker centers and labor organizations that work together to build power and develop worker leadership organizing with Black, immigrant, and refugee workers and other workers of color in the Los Angeles region. *Id.* ¶ 167. At least one of LAWCN's member organizations, CLEAN, has been harmed by the ongoing raids in Southern California. *Id.* ¶¶ 169, 172 ("Carwashes have been a consistent and ongoing target of immigration agents during the course of the raids—at least two dozen have been raided so far.").

UFW's members have been harmed by the ongoing immigration raids in Southern California and fear being subjected to unlawful stops, arrests, and detention practices in the future. *Id.* ¶ 179. At least one UFW member has been subjected to Defendants' stop and arrest practices. *Id.*

As a result of Defendants' actions, CHIRLA's mission to serve the immigrant community, including through the provision of legal advice and services, is being frustrated. *Id.* ¶ 190. Throughout the month of June 2025, CHIRLA's attorneys and representatives have attempted to communicate with individuals at B-18 but were denied access and thwarted in their efforts to offer legal advice to even those detainees they saw at a distance. *Id.* CHIRLA also coordinates the Los Angeles Rapid Response Network ("LARRN") and educates its membership as well as the broader community through know-your-rights programming, workshops, social media, and educational literature about a variety of social services and benefits, including immigration law, financial

literacy, workers' rights, and civic engagement. *Id.* ¶ 188. Defendants' actions are also thwarting CHIRLA's work to coordinate the LARRN, as other attorneys and representatives summoned by CHIRLA to B-18 have been similarly denied access. *Id.* ¶ 190.

ImmDef's Rapid Response team is also part of LARRN, with CHIRLA, and monitors a hotline and responds to notifications about individuals detained in ICE immigration enforcement actions. *Id.* ¶ 193. As a result of Defendants' actions, ImmDef's mission to serve the immigrant community, including through the provision of legal advice and services, is being fundamentally frustrated. *Id.* ¶ 194.

**B. Procedural History**

On June 20, 2025, Petitioner-Plaintiffs filed a Petition for Writ of Habeas Corpus. ECF No. 1 ("Petition" or "Pet."). The Petition alleged five causes of action: (1) Warrantless Arrests Without Probable Cause of Flight Risk in violation of 8 U.S.C. § 1357(a)(2); (2) Warrantless Arrests Without Probable Cause of Flight Risk in violation of 8 C.F.R. § 287.8(c)(2)(ii); (3) Arrests Without Probable Cause in violation of the Fourth Amendment; (4) Failure to Identify Officers and Basis for Arrest in violation of 8 C.F.R. § 287.8(c)(2)(iii);[4] and (5) Violation of Due Process. *See generally id.*

On June 20, 2025, Petitioner-Plaintiffs filed an ex parte application and requested the Court grant their request for a temporary restraining order and enjoin Defendants Noem, Bondi, ICE, and Lyons from transferring Petitioner-Plaintiffs outside of this judicial district. *See generally* ECF No. 4. The same day, the parties stipulated to withdraw the ex parte application. ECF No. 9. The Court granted the stipulation on June 23, 2025. ECF No. 11.

Following the Magistrate Judge's July 1, 2025 Order Vacating Status Conference (ECF No. 15), the parties filed a Joint Notice Following Order Vacating Status Conference (ECF No. 36), through which they informed the Court that the Petitioner-Plaintiffs' bond hearings were set for July 3, July 7, and July 8, 2025. On July 8, 2025, the parties filed another Joint Notice Following Order Vacating Status Conference, informing the Court that Vasquez Perdomo was granted bond on July 3, 2025, and that Villegas Molina was granted bond on July 7, 2025. ECF No. 62.

[4] The Court finds that the Petition erroneously cites to 8 C.F.R. § 287.8(c)(3). Reading the regulation, it appears to the Court that 8 C.F.R. § 287.8(c)(2)(iii) is the correct citation.

On July 2, 2025, Plaintiffs filed the operative First Amended Complaint. 1AC. The 1AC adds as plaintiffs Viramontes, Gavidia, LAWCN, UFW, CHIRLA, and ImmDef. *Id.* ¶¶ 15–20. The 1AC also adds as defendants Scott, Bank, Patel, Santacruz Jr., Wang, Bovino, Stalnaker, Davis, and Essayli. *Id.* ¶¶ 23–32. Moreover, the 1AC contains class action allegations, *id.* ¶¶ 199–214, seeking to represent a class under Federal Rule of Civil Procedure 23(b)(2) consisting of three classes, *id.* ¶¶ 199 ("Suspicionless Stop Class"),[5] 202 ("Warrantless Arrest Class"),[6] 205 ("Failure to Identify Class").[7] Plaintiffs allege the following causes of action:

| Count | Cause of Action | On Behalf of: | Against Defendants: |
|---|---|---|---|
| One | Violation of Fourth Amendment, Unreasonable Seizures | Stop/Arrest Plaintiffs and the Suspicionless Stop Class | All Defendants |
| Two | Violation of 8 U.S.C. § 1357(a)(2), Warrantless Arrests Without Probable Cause of Flight Risk | LAWCN, UFW, CHIRLA, and the Warrantless Arrest Class | All Defendants |
| Three | Violation of 8 C.F.R. § 287.8(c)(2)(ii), Standards for Stops and Warrantless Arrests | LAWCN, UFW, CHIRLA, and the Warrantless Arrest Class | All Defendants |
| Four | Violation of 8 C.F.R. § 287.8(c)(2)(iii), Failure to Identify Authority and Reason for Arrest | LAWCN, UFW, CHIRLA | All Defendants |
| Five | Violation of the Fifth Amendment, Access to Counsel | Access/Detention Plaintiffs | Noem, Lyons, and Santacruz Jr. |
| Six | Violation of 8 U.S.C. § 1362, Access to Counsel | Access/ Detention Plaintiffs | Noem, Lyons, and Santacruz Jr. |
| Seven | Violation of the Fifth Amendment, | Access/ Detention Plaintiffs | Noem, Lyons, and Santacruz Jr. |

[5] The Suspicionless Stop Class is defined as "[a]ll persons who, since June 6, 2025, have been or will be subjected to detentive stop by federal agents in this District without a pre-stop, individualized assessment of reasonable suspicion concerning whether the person (1) is engaged in an offense against the United States or (2) is a noncitizen unlawfully in the United States." 1AC ¶ 199.

[6] The Warrantless Arrest Class is defined as "[a]ll persons, since June 6, 2025, who have been arrested or will be arrested in this District by federal agents without a warrant and without a pre-arrest, individualized assessment of probable cause that the person poses a flight risk." 1AC ¶ 202.

[7] The Failure to Identify Class is defined as "[a]ll persons who, since June 6, 2025, have been arrested or will be arrested in this District by federal agents, where agents (1) fail to identify as an immigration officer who is authorized to execute an arrest, and/or (2) fail to state that person is under arrest and the reason for arrest, after it is practical and safe to do so." 1AC ¶ 205.

| | | | |
|---|---|---|---|
| | Conditions of Confinement | | |
| Eight | Violation of Fifth Amendment, Due Process | Petitioner-Plaintiffs | Noem, Lyons, and Santacruz Jr. |

On July 2, 2025, the Access/Detention Plaintiffs filed an Ex Parte Application for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction. ECF No. 38 ("Access/Detention TRO").[8] The same day, the Court ordered the parties to fully brief the Access/Detention TRO by July 9, 2025. ECF No. 42. After the Court's Order, Plaintiffs filed another Ex Parte Application for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction. ECF No. 45 ("Stop/Arrest TRO"). On July 7, 2025, the Court ordered the parties to follow the same briefing schedule outlined in its July 2, 2025 Order. ECF No. 51. Defendants filed their Oppositions on July 8, 2025. ECF Nos. 70 (Opposition to the Access/Detention TRO), 71 (Opposition to the Stop/Arrest TRO). On July 9, 2025, Plaintiffs filed their Replies. ECF Nos. 81 (Reply to the Stop/Arrest TRO), 82 (Reply to the Access/Detention TRO).

On July 7, 2025, States of Arizona, Colorado, Connecticut, Hawai'i, Illinois, Maryland, Maine, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Vermont, Washington, and the Commonwealth of Massachusetts ("Amici States") filed a Motion for Leave to File Brief of Amici Curiae. ECF No. 49. The Court granted the motion on the same day. ECF No. 52; *see* ECF No. 49-1 ("Amici Curieae Brief").

On July 8, 2025, 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 ("Plaintiffs-Intervenors") filed an Unopposed Ex Parte Application to Participate in July 10 TRO Hearing. ECF No. 63. The Court granted the ex parte application the same day. ECF No. 69.

On July 8, 2025, the Plaintiffs-Intervenors filed a Motion to Intervene, which remains pending. ECF No. 61. On July 10, 2025, the Court held a hearing on both TROs.

[8] The Access/Detention TRO is filed against Defendants Noem, Lyons, Santacruz Jr. *See* Access/Detention TRO at 1 n.1.

## II. Applicable Law

The preliminary injunction and temporary restraining order standards are "substantially identical." *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). Accordingly, the Court will outline the governing law for granting a preliminary injunction. A preliminary injunction is an extraordinary remedy never awarded as of right. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). "A plaintiff seeking a preliminary injunction must establish that [it] is likely to succeed on the merits, that [it] is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [its] favor, and that an injunction is in the public interest." *Id.* at 20 ("*Winter* Test").

The Ninth Circuit also recognizes a "serious questions" variation of the *Winter* Test. *See All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). Under this variation, "a preliminary injunction is proper if there are serious questions going to the merits; there is a likelihood of irreparable injury to the plaintiff; the balance of the hardships tips sharply in favor of plaintiff; and injunction is in the public interest." *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012).

A preliminary injunction is "an extraordinary and drastic remedy" and "should not be granted unless the movant, *by clear showing*, carries the burden of persuasion." *Id.* at 1072 (emphasis in original) (quotations omitted). At this stage, the Court is only determining whether Plaintiffs have met their burden for a preliminary injunction. *See Los Angeles Mem'l Coliseum Comm'n v. Nat'l Football League*, 634 F.2d 1197, 1200 (9th Cir. 1980). **Accordingly, this Order is not a final decision on the merits of any claim, nor is it a decision on the merits of the factual assertions either party made in support of any claim.**

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## EX PARTE APPLICATIONS

### I. Applicable Law

"[C]ircumstances justifying the issuance of an ex parte order are extremely limited." *Reno Air Racing Ass'n., Inc. v. McCord*, 452 F.3d 1126, 1131 (quoting *Granny Goose Foods, Inc. v. Teamsters*, 415 U.S. 423, 438–39 (1974)). "Consistent with [the Supreme Court's] overriding concern, courts have recognized very few circumstances justifying the issuance of an ex parte TRO." *Id.* (discussing parties' failure to provide notice under Fed. R. Civ. P. 65(b)).

In this District, ex parte applications are solely for extraordinary relief and are rarely justified. *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 490 (C.D. Cal. 1995). A party filing an ex parte application must support its request for emergency relief with "evidence . . . that the moving party's case will be irreparably prejudiced if the underlying motion is heard according to regularly noticed motion procedures," and a showing "that the moving party is without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a result of excusable neglect." *Id.* at 492. "Ex Parte applications are not intended to save the day for parties who have failed to present requests when they should have." *Id.* at 493 (internal quotation marks omitted).

This Court's operative Civil Standing Order states: "Counsel are reminded that ex parte applications are solely for extraordinary relief. Applications that do not meet the requirements set forth in Local Rule 7-19 will not be considered. Sanctions may be imposed for misuse of ex parte applications." Civil Standing Order § XII.

### II. Discussion

Defendants argue that Plaintiffs cannot establish that they are entitled to seek the instant TRO on an ex parte basis because (1) they delayed filing the 1AC and the two TROs that are before this Court by over a month, and (2) they elected not to file a new case but instead joined a "largely mooted" small habeas petition. ECF No. 70 at 6–7. Defendants further argue that Plaintiffs have not

satisfied the *Mission Power* standard.[9] *See id.* at 6; ECF No. 71 at 6 ("[Plaintiffs'] application does not even mention [the *Mission Power*] threshold legal standard, which they do not meet."). Plaintiffs have shown that they are entitled to seek relief on an ex parte basis under *Mission Power*.

The Court finds that Plaintiffs acted expeditiously in this case. It is undisputed that the events underlying this action started in early June 2025 and that Plaintiffs filed the 1AC on July 2, 2025. Defendants contend that this month-long delay should be construed against Plaintiffs, but provide no authority holding that a month is an unacceptable amount of time for purposes of ex parte applications. *See generally* ECF No. 70 at 6. Rather, the Court finds that a month is a reasonable amount of time for Plaintiffs to prepare a class action complaint alongside the instant TROs in this case, especially considering that Plaintiffs would have needed just as much, if not more, time to intake, investigate, request a summons, and complete service if they decided to file a new case. Similarly, Defendants provide no authority holding that the "highly anomalous procedural status" of a case should be grounds to deny an ex parte application. *See generally id.* at 7. Rather, considering the totality of the circumstances—in particular, the alleged ongoing denial of access to counsel that continued at least until the filing of the instant TRO, *see* ECF No. 38-9 ("Salas Declaration" or "Salas Decl.") ¶ 33 ("To date [July 2, 2025], access to detainees at B-18 has been sporadic and ineffective."); ECF No. 38-11 ("Toczylowski Declaration" or "Toczylowski Decl.") ¶¶ 51–52 (testifying that the access to counsel issue persists today based on an ImmDef attorney's failure to have a confidential conversation with a client on June 27, 2025)—the Court finds that Plaintiffs acted swiftly to file the 1AC and the instant TROs.

As Plaintiffs also note, there is no binding authority indicating that a party seeking a TRO must meet the *Mission Power* standard in addition to the TRO standard and the requirements of Rule

[9] During the hearing, Defendants additionally argued that the ex parte nature of these TROs is inappropriate because it gave too little time for them to review and collect evidence. But the Court is not persuaded. As the Court will note later, Defendants did not provide even the documents related to the named individual plaintiffs, such as the *three* Petitioner-Plaintiffs, in support of their Oppositions. The only post-detention record related to the Petitioner-Plaintiffs, ECF No. 81-1 at 8–12 (Form I-213, Record of Deportable/Inadmissible Alien), was provided by Plaintiffs, not Defendants, despite the record having been prepared by the DHS.

65.[10] And even if they did, in light of the exigent circumstances alleged in the 1AC and the TROs and the relatively expeditious manner in which Plaintiffs appear to have proceeded, the Court finds that the *Mission Power* standard has been met.

As such, the Court proceeds to evaluating the merits of the TROs.

## THE ACCESS/DETENTION TRO [ECF NO. 38]

### I. Discussion

#### A. The Access/Detention Plaintiffs Have Shown that They Have Standing.

The Access/Detention Plaintiffs assert that they have standing because Defendants have impeded their "ability to engage in the representation of immigrants and refugees that is at the core of their founding mission." *See* ECF No. 38 at 11 (collecting cases). Defendants respond that the Access/Detention Plaintiffs have not established standing. *See* ECF No. 70 at 10–15. The Court finds that the Access/Detention Plaintiffs have standing.

To establish standing, a plaintiff must show first that they have suffered an "injury in fact – an invasion of a legally protected interest which is (a) concrete and particularized . . . and (b) actual or imminent, not conjectural or hypothetical[.]" *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992) (internal quotation marks omitted). The plaintiff must then show causation and redressability. *Id.* at 560–61.

Where it is alleged that a defendant's conduct has "perceptibly impaired" an organization's "ability to provide counseling and referral services" for indigent population, "there can be no question that the organization has suffered injury in fact." *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982); *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 395 (explaining that in

[10] Although it is true that this Court has relied on *Mission Power* in its past orders on ex parte applications, it has done so as persuasive authority to provide the context in which the Court has made its rulings—that is, the parties seeking ex parte applications generally have not shown that a regularly noticed motion is insufficient and that they are not at fault for creating the crisis that requires an ex parte relief. The standard the Court has applied—including Rule 65—accomplishes essentially the same purpose here. Considering the totality of circumstances before this Court and the members of this District allegedly face, the Court finds that Plaintiffs' failure to make explicit arguments based on *Mission Power* is of no moment for purposes of these TROs.

*Havens Realty*, "[the defendant's] action directly affected and interfered with [the plaintiff organization's] core business activities").[11]

The Court finds that the Access/Detention Plaintiffs have established an injury in fact. Specifically, the Court first finds that Plaintiffs have sufficiently shown that the Access/Detention Plaintiffs' missions are to provide legal representation and counsel to immigrants, such as the detainees at B-18. CHIRLA was founded to "advance the human and civil rights of immigrants and refugees" and that it has become "one of the largest and most effective advocates for immigrant rights, organizing, educating and defending immigrants and refugees in the streets, in the courts, and in the halls of power." 1AC at ¶ 19. Its staff includes "attorneys and Department of Justice (DOJ) accredited representatives who provide pro bono legal services to clients in removal proceedings, including those who are detained." *Id.* Similarly, ImmDef is a nonprofit organization that "focuse[s] on ensuring that every immigrant before the immigration court had a lawyer by their side." *Id.* at ¶ 20. ImmDef has "expanded its mission beyond helping individuals facing deportation to also work towards systemic changes" and providing "deportation defense, legal representation, legal education, and social services to detained and non-detained children and adults." *Id.* These allegations are supported by the testimony of Angelica Salas, the Executive Director of CHIRLA, and Lindsay Toczylowski, the President and Chief Executive Officer of ImmDef. Salas Decl. ¶¶ 2, 3; Toczylowski Decl. ¶ 2. Defendants have not presented any evidence to seriously dispute this.[12]

The Court further finds that Plaintiffs have adequately shown the Access/Detention Plaintiffs' missions have been frustrated by Defendants' actions. In particular, Toczylowski represents that multiple ImmDef attorneys were unable to provide legal counsel to—let alone meet with—clients. *See id.* ¶¶ 5–14 (on June 6, 2025, ImmDef attorneys could not enter B-18; although two attorneys were eventually permitted to enter, they were unable to meet with any clients), 18–19 (on June 7, 2025, ImmDef attorneys attempted to yell legal advice to the detainees who were being

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[11] In light of the holding in *Alliance for Hippocratic Medicine*, albeit in a different "context" than *Havens Realty*, the Court finds Defendants' warning that *Havens Realty* should not apply here unavailing. *See* ECF No. 70 at 10 n.7.

[12] Instead, they say without support that "organizational Plaintiffs are publicly dedicated to preventing and obstructing federal immigration enforcement." ECF No. 71 at 10.

transported by vans, but the guards added partitions to obstruct the attorneys' view of the vans and began to honk "whenever the attorneys spoke"), 23–24 (on June 8, 2025, a handwritten sign was on the door of the facility, reading, "Attorney/Family Visit Temporary Cancelled Today," without further explanation), 25–31 (ImmDef attorneys were unable to meet with clients the following week); *see also* ECF No. 82-6 ("Toczylowski Supp. Decl.") ¶ 8 (on July 8, 2025, an ImmDef attorney was unable to meet with a person referred to ImmDef). Salas similarly testifies that CHIRLA attorneys and representatives were denied access to the detainees at B-18. *See* Salas Decl. ¶¶ 12–15 (denied access on June 6, 2025), 16–23 (denied access on June 7, 2025), 32–36 ("To date, access to detainees at B-18 has been sporadic and ineffective. CHIRLA attorneys, representatives, and members are not given adequate information to locate clients and family members. CHIRLA attorneys and representatives have not been able to provide legal advice or representation to detainees at B-18 . . . ."); *see also* ECF No. 82-5 ("Thompson-Lleras Supp. Decl.) ¶¶ 13–15 (CHIRLA attorney was not able to meet with detainees on July 8, 2025). Toczylowski and Salas further testify that the attorneys were sprayed with "an unknown chemical agent" that caused "everyone to cough and inflicted a burning sensation in the eyes, nose, and throat." *Id.* ¶¶ 17–24; Toczylowski Decl. ¶¶ 21, 24. This testimony aligns with the allegations of the 1AC regarding denied access to counsel. *See* 1AC ¶¶ 81– 92. Again, Defendants do not present evidence controverting this in any meaningful way; they merely attempt to minimize the impact of these facts or characterize them as limited to a short period of time justified by nearby civil unrest.[13]

[13] During the hearing, Defendants contended that because normal operations at B-18 have resumed, there is no likelihood that the Access/Detention Plaintiffs would again be sprayed or honked at. This argument misses the point. At issue are the denial of access to counsel and interference with the Access/Detention Plaintiffs' core missions, not that the attorneys were sprayed or honked at (although one would hope not to be sprayed or honked at during the course of their job). That there is no likelihood of spraying and honking does not eliminate the likelihood that the Access/Detention Plaintiffs' missions will continue to be interrupted, especially in light of the evidence submitted alongside the Reply that the attorneys were still denied access as of July 9, 2025. *See* Toczylowski Supp. Decl. ¶¶ 15 (an attorney could not speak with a detainee), 16 (the private rooms at B-18 was not accessible).

Considering that the denial of access issue persists despite there being no protests of similar scale, the Court also finds Defendants' arguments based on *Clapper v. Amnesty Int'l USA*, 568 U.S. 398 (2013)—that Plaintiffs rely on a highly attenuated chain of events—fall flat.

Based on these allegations and supporting testimony, the Court finds that the Access/Detention Plaintiffs have sufficiently established that their missions of providing legal representation to immigrants, such as those allegedly detained at B-18, have been frustrated by Defendants' actions. Further, insofar as the Access/Detention Plaintiffs were not able to meaningfully meet with the detainees at B-18 as of the filing of this TRO and even afterwards, the Court finds that they have alleged "continuing, present adverse effects" *and* a "sufficient likelihood that [they] will again be wronged in a similar way" for purposes of standing.[14] *See City of Los Angeles v. Lyons*, 461 U.S. 95, 102–03 (1983).

Having found that the Access/Detention Plaintiffs have established injury in fact, the Court also finds that they have sufficiently alleged causation (i.e., Defendants denied access, including by not permitting entry, blocking the attorneys' vision with vans, honking, and spraying chemicals) and redressability (i.e., the instant TRO seeks restoration of opportunities to meet with detainees to resume the Access/Detention Plaintiffs' core missions).

The Court also finds that CHIRLA has associational standing. An organization has standing to bring suit on its members' behalf if (1) its members would otherwise have standing to sue in their own right, (2) the interests it seeks to protect are germane to the organization's purpose, and (3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit. *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977). Here, the evidence presented shows that the members of CHIRLA satisfy Article III standing on their own in light of their reasonable fear of imminent detention without access to counsel. 1AC ¶ 189; *see* Salas Decl. ¶¶ 24–31 (testifying that CHIRLA's individual members are fearful of being stopped, arrested, detained, and deported). The Court has already found that the Access/Detention Plaintiffs' core missions are being interrupted. Considering the ability of the Access/Detention Plaintiffs to litigate this matter (investigating and collecting evidence, preparing and presenting briefs and arguments),

[14] As such, the Court finds Defendants' repeated arguments that the Access/Detention Plaintiffs failed to show actual or future injury to themselves unavailing. *See* ECF No. 70 at 9 ("Plaintiffs have presented no evidence that any alleged misconduct will occur in the future."), 11 ("Here, at bottom, Plaintiffs lack standing to pursue claims based on injuries they are unlikely to experience in the future.").

the Court finds that neither the claim asserted nor the relief sought requires individual members' participation. As such, the Court finds that CHIRLA also has associational standing.[15]

Defendants' arguments against the Access/Detention Plaintiffs are not persuasive. They argue that the Access/Detention Plaintiffs failed to identify any "statute or regulations that confers on them 'legally cognizable interests' to pursue their mission in representing unidentified individuals currently held at B-18," ECF No. 70 at 12 (citing *Spokeo Inc. v. Robins*, 578 U.S. 330, 341 (2016)), but *Spokeo* does not require such a showing. Rather, as Defendants quote, the Supreme Court in *Spokeo* held that "Article III standing requires a *concrete injury* even in the context of a statutory violation"—that is, a plaintiff must satisfy the injury in fact element to establish Article III standing, which this Court has already found that the Access/Detention Plaintiffs have done. *Id*. Moreover, the Court finds Defendants' argument that the Access/Detention Plaintiffs are merely concerned about loss of "prospective clients" to be based on a misreading of the TRO. *See* ECF No. 70 at 12. Rather, as the allegations and the evidence identified above show, the Court finds that the Access/Detention Plaintiffs are asserting injury in fact based on the alleged interference with their ability to carry on their core missions, which is to provide legal services to immigrants and refugees; finding "new clients" is a mischaracterization and improperly focuses on a tangential issue at best. *See* 1AC at ¶¶ 19, 20; Salas Decl. ¶¶ 2, 3; Toczylowski Decl. ¶ 2. Defendants also argue that the Access/Detention Plaintiffs cannot establish "next friend standing," but as the Court has already found that they have shown organizational standing under *Havens Realty* as well as associational standing, there is no need to evaluate this argument. *See* ECF No. 70 at 13–15.

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[15] Defendants argue that the Access/Detention Plaintiffs need to assert their own "liberty interest" independent of their members' liberty interest. *See* ECF No. 70 at 18 (quoting *Erickson v. U.S. ex rel. Dep't. of Health and Human Servs*., 67 F.3d 858, 861 (9th Cir. 1995)). But this argument appears to be based on the assumption that the Access/Detention Plaintiffs lack standing to sue on their members' behalf. Because the Court has found that they have associational standing, and Defendants do not provide binding authority holding that an organization that has associational standing needs to have its own, independent liberty interest, the Court finds this argument unavailing.

Even assuming that the Access/Detention Plaintiffs are required to show that they have independent liberty interest and could not show it, the Court finds that under the "sliding scale" approach the Ninth Circuit applies to TROs, the evidence submitted show such "serious questions going to the merits" that the requested relief is warranted. *See Lopez*, 680 F.3d at 1072.

In sum, the Court finds that the Access/Detention Plaintiffs have established standing for this action.

**B. The Access/Detention Plaintiffs Have Established that They Are Likely to Succeed on the Merits.**

The Access/Detention Plaintiffs argue that they are likely to succeed on their Fifth Amendment-based causes of action. In particular, they argue that Defendants "have obstructed established attorney-client relationship and prevented CHIRLA and ImmDef attorneys from providing legal advice to B-18 detainees." *See id.* at 9–10. They also argue that Defendants prevented the organizations' "prospective clients from accessing CHIRLA's and ImmDef's legal services as well" and that "the lack of contact with the outside world . . . raises the concern that Defendants are holding detainees at B-18 incommunicado, which also violates the Fifth Amendment." *Id.* at 10–11. The Access/Detention Plaintiffs have also alleged and submitted testimony that their members have a fear of being detained. *See* 1AC ¶ 189. Defendants respond that the restrictions on the Access/Detention Plaintiffs' communication with current and prospective clients were not punitive or excessive, and that there is no showing of a liberty interest, ECF No. 70 at 18, or error or prejudice, *id.* at 19. The Court finds that the Access/Detention Plaintiffs have established likelihood of success on the merits on the Violation of the Fifth Amendment claim.

"Rooted in the Due Process Clause . . . , noncitizens have the right to counsel in removal proceedings[.]" *Usubakunov v. Garland*, 16 F.4th 1299, 1303 (9th Cir. 2021); *see Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005) ("The right to counsel in immigration proceedings is rooted in the [Fifth Amendment] Due Process Clause[.]"); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554, 565 (9th Cir. 1990) (recognizing that "aliens have a due process right to obtain counsel of their choice at their own expense," and affirming injunction against government practices "the cumulative effect of which was to prevent aliens from contacting counsel and receiving any legal advice," including the practice of denying visits with counsel); *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) ("The Fifth Amendment guarantees due process in deportation proceedings. . . . As a result, an alien who faces deportation is entitled to a full and fair hearing of his claims and a reasonable opportunity to present evidence on his behalf."). Consequently, immigrants are entitled to "a

reasonable time to locate counsel, and permit counsel to prepare for [immigration] hearing." *Rios-Berrios v. INS*, 776 F.2d 859, 863 (9th Cir. 1985). The government cannot impose restrictions on access to counsel that undermine the immigrant's opportunity to obtain one. *See Orantes-Hernandez*, 919 F.2d at 554, 565 (construing the government's failure to provide an accurate legal services list as "prevent[ing] aliens from contacting counsel and receiving any legal advice"). Such impediments to "an established, on-going attorney-client relationship" constitute a "constitutional deprivation." *See Comm. of Cent. Am. Refugees v. INS*, 795 F.2d 1434, 1439 (9th Cir. 1986).

CHIRLA has members who this Court finds "reasonably fear being subject to the stop and arrest practices challenged in this case and *subsequent detention at B-18*." 1AC ¶ 189 (emphasis added); *see* Salas Decl. ¶¶ 24–31 (testifying that CHIRLA's individual members are fearful of being stopped, arrested, detained, and deported). In light of the allegations and declaration testimony regarding the ongoing denial of access to counsel and the evidence submitted in support thereof, the Court finds that fear of being detained without access to counsel among the members of CHIRLA in the absence of the requested TRO is well-grounded on the facts of this case and therefore reasonable. And insofar as denial of access to counsel may constitute a violation of CHIRLA's members' Fifth Amendment rights, the Court finds that Access/Detention Plaintiffs have demonstrated the likelihood of success on the merits for the fifth cause of action.

The same is true of ImmDef. As another court in this district recently found, standing and likelihood of success may be found where an organization alleges "ongoing or potential relationships with" individual plaintiffs or proposed class. *Immigrant Defenders Law Ctr. v. Noem*, No. CV 20-9893 JGB (SHKx), 2025 WL 1172442, *21, *22 (C.D. Cal. April 16, 2025). Here, the Toczylowski Declaration presents ample anecdotal evidence that ImmDef attorneys have been unable to meet with the detainees at B-18. *See generally* Toczylowski Decl. (recounting repeated failed attempts to meet with the detainees). Moreover, the Court finds that Defendants' arguments that any restrictions on counsel are "not punitive or excessive" are based on the misreading of the TRO and the evidence submitted in support thereof. For instance, contrary to Defendants' argument that there is no evidence of "recurring misconduct," the Access/Detention Plaintiffs' declaration evidence shows

that the attorneys were denied (meaningful) access as recently as July 8, 2025.[16] *See* Salas Decl. ¶ 33; Toczylowski Decl. ¶ 51–53 (an attorney was denied access on June 27, 2025, because she did not have her "bar card"); Toczylowski Supp. Decl. ¶ 9 ("Another attorney who was at B-18 [on July 8, 2025] to visit a client that same day was unable to do so because her potential client had also been transferred."); Thompson-Lleras Supp. Decl. ¶¶ 13–15 (on July 8, 2025, CHIRLA attorney was unable to meet with three detainees). Similarly, Defendants' recount of what happened on various dates in June are not consistent with what the evidence shows. For example, Defendants argue that on June 6, 2025, "one employee [who was told by a different attorney that B-18 was full] was never denied entry," ECF No. 70 at 4, but the TRO and the underlying Salas Declaration show that the attorney was indeed denied access, Salas Decl. ¶¶ 13–15 (CHIRLA employee was not allowed into B-18). Further, based on the events on June 7, 2025, Defendants argue that the Access/Detention Plaintiffs do not allege that any of the detainees are their clients, but the evidence shows that the attorneys could not have had a clear view of the "group" of detainees who were being transported because the agents blocked them with vans. *See* Salas Decl. ¶ 19 ("Several unmarked vans were also parked inside the garage in such a way as to obstruct the view through the garage gates of detainees being walked through and loaded into vehicles."); ECF No. 70 at 4 (omitting Salas's testimony of obstructed view). Most telling, Defendants argue that a chemical was sprayed "about the same time that law enforcement was attempting to clear a large protest from an adjacent building," *id.* at 5 n.2, but the news article in support of this argument shows the date of July 8, 2025, whereas the spray incident occurred the previous day, *see* Salas Decl. ¶ 20 (testifying that "federal agents sprayed an unknown chemical irritant" on July 7, 2025).

[16] At the hearing, Defendants argued that because the normal operations at B-18 resumed as of June 24, 2025, the Access/Detention Plaintiffs cannot show that the denial of access issue will reoccur. But the evidence before the Court shows that the harm persists.

Defendants also argued that detainees often provide false names, which contributes to the attorney's inability to meet their clients or prospective clients. But Defendants provide no evidence with regard to the frequency or severity of this false-name issue. As such, the Court finds this argument unconvincing.

Such misreading of the evidence,[17] coupled with the effect on the Access/Detention Plaintiffs and their members (even if the limitations were "responsive to the volatile situation at hand," ECF No. 70 at 18), compels this Court to conclude that Defendants' conduct—even if not necessarily intended to be so—was punitive and had the effect of unlawfully "prevent[ing] aliens from contacting counsel and receiving any legal advice." *See Block v. Rutherford*, 468 U.S. 576, 583–84 (1984); *Orantes-Hernandez*, 919 F.2d at 565. And it was not rationally related to any legitimate purpose as even when there were "no protests happening," B-18 was not accessible to attorneys.[18] Toczylowski Decl. ¶¶ 30–31 (visit on June 16, 2025).

As such, the Court finds the first *Winter* factor weighs in favor of granting this TRO.

In addition, the injunctive relief requested is tailored to the specific harms identified. *See Melendres v. Arpaio*, 784 F.3d 1254, 1265 (9th Cir. 2015). The Access/Detention Plaintiffs merely ask for the same access to legal visitation and confidential telephone calls at B18 as at other locations. Although Defendants argue that the requested TRO is overbroad, ECF No. 82 at 21, the Court finds that restoring visitations and permitting confidential telephone calls are sufficiently narrow and "necessary to give prevailing party the relief to which they are entitled." *E. Bay Sanctuary Covenant*, 993 F.3d at 680. Contrary to the Defendants' opposition, *Schmidt* does not stand for the proposition that it is improper to craft an injunction requiring adherence to existing law.

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[17] The Court notes that Defendants miss the point on the telephones. It appears to the Court that in addition to lack of access to the telephones at B-18, the Access/Detention Plaintiffs' concern is over the lack of *confidential* telephone conversations. *See* ECF No. 38-1 at 2 (Proposed Order for the Access/Detention TRO, seeking Defendants to provide "confidential telephone calls with attorneys . . . ."). Moreover, although Defendants argued at the hearing that there are attorney rooms at B-18 such that attorneys and their clients can have confidential conversations, where an attorney is denied access to B-18 (as alleged and shown here) or denied access to a client even when they are permitted to enter B-18 (*see* Toczylowski Supp. Decl. ¶ 15 (ImmDef attorney was "told that she could not speak to the individual because she did not have the individual's A number"), the existence of these rooms are a moot point. Furthermore, there is evidence that the private rooms are insufficient or unavailable. Toczylowski Supp. Decl. ¶ 16 ("[ImmDef attorneys] noted that they could still hear officers clearly from the rooms. One attorney was prevented from using a room at all because she did not have a bar card. When she tried explaining to the officer that she did not have a bar card because she was barred in a state that did not provide them and offered to show him her letter of good standing, he still refused to give her access to a private room."). Defendants did not dispute this evidence during the hearing, except by repeating that there are private rooms at B-18.

[18] At the hearing, Defendants asserted that if "riots" resumed and the requested TRO was in place, they would not be able to protect their employees and the detainees at B-18. But granting access to counsel is not the same as granting unrestricted access to the public. Similarly, permitting confidential telephone attorney-client calls is not the same as granting physical access into B-18. As such, the argument fails.

ECF No. 71 at 9; *Schmidt v. Lessard*, 414 U.S. 473 (1974). In *Schmidt*, the injunction—such as it was—merely advised the defendants in these terms: "not to enforce 'the present Wisconsin scheme'" against class members. 414 U.S. at 476. This is a far cry from the specific provisions of the requested TRO here. Further, given that the requested TRO is limited to this one basement facility, the Court finds Defendants' concern over a "universal injunction" unwarranted. *See* ECF No. 38-1 at 2 (seeking visitations and confidential telephone calls at B-18).

At the hearing, Defendants did raise a legitimate concern about the need to make adjustments to access in exigent circumstances, which the Court has accommodated in its order.

**C. The Access/Detention Plaintiffs Have Established that They Will Suffer Irreparable Harm.**

The Access/Detention Plaintiffs argue that they have shown that they will suffer irreparable harm. ECF No. 38 at 11–12. The Court finds that they have done so.

Government action that frustrates an organization's core missions gives rise to irreparable harm. *See E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 677–78 (9th Cir. 2021) (finding irreparable harm where governmental action prompted organizations "to change their core missions"). Expediency in applying for a preliminary injunction (or a TRO) suggests "urgency and impending irreparable harm." *Id.* at 678; *California v. Azar*, 911 F.3d 558, 581 (9th Cir. 2018) ("That the [state government plaintiffs] filed an action following [the federal government defendants' action] also weighs in their favor.").

The Court finds that the Access/Detention Plaintiffs' missions will be—and have been—frustrated by Defendants' actions for the same reasons that the Court has found that they established their standing. *See* Section I.A, *supra*.

Considering the fear of being separated from their families as a result of the enforcement actions taken by Defendants, the Court finds that CHIRLA's members are at an imminent risk of irreparable harm. *See Washington v. Trump*, 847 F.3d 1151, 1169 (9th Cir. 2017) (finding "separated families" a "substantial," even "irreparable," injury).

The Court finds that the alleged irreparable harm is also imminent. The Court finds that Plaintiffs have been expedient in filing this action (June 20, 2025), the 1AC (July 2, 2025), and the

instant TRO (July 2, 2025). This supports a finding of imminent irreparable harm. *See E. Bay Sanctuary Covenant*, 993 F.3d at 678; *Azar*, 911 F.3d at 581. Moreover, that the above-described events at B-18 took place only slightly more than one month ago supports the Court's finding of imminence.

In sum, because the Access/Detention Plaintiffs have shown that their core missions have been frustrated by Defendants, that CHIRLA's members will suffer irreparable harm if subjected to detention without meaningful access to counsel, and that they have acted expeditiously and without delay in seeking the TRO, the Court finds that the second *Winter* factor weighs in their favor.

**D. The Access/Detention Plaintiffs Have Established that the Balance of Equities Tips in Their Favor.**

The Access/Detention Plaintiffs argue that the balance of equities tips in their favor because the requested TRO "merely requires Defendants to comply with a well-established due process right of access to counsel by providing individuals detained at B-18 with the same access that the government already affords those held at immigration detention facilities." ECF No. 38 at 12–13 (emphasizing that the requested TRO "is the same legal visiting schedule that the government agreed to" in *Julio Castellano et al v. Janet Napolitano et al*, Case No. 2:09-cv-02281-PA-VBK (C.D. Cal. April 1, 2009)). They further argue that the cost to Defendants would be far outweighed by the harm to constitutional rights in the absence of an injunction. *Id.* at 13 (quoting *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017)). Defendants provide no response on this point. The Court finds that the balance of equities tips in the Access/Detention Plaintiffs' favor.

The Court finds that Defendants' National Detention Standards already provide that detainees at their immigration facilities are entitled to "legal visitation seven days a week, including holidays. [Facilities] shall permit legal visits for a minimum of eight hours per day on regular business days, and a minimum of four hours per day on weekends and holidays." U.S. Immigration and Customs Enforcement, National Detention Standards at 166 (2025).[19] Similarly, ICE permits legal visitations at "non-dedicated facilities," such as "facilities that house both inmates and [ICE]

[19] The Standards may be found at https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf.

detainees," under the same schedule. U.S. Immigration and Customs Enforcement, Non-Dedicated Intergovernmental Service Agreement Standards at 11 (2025) ("[T]he Service Provider [county and local government partners] shall permit legal visits seven days per week, for at least eight hours per day on weekdays and four hours per day on weekends and holidays.").[20] Because it appears that Defendants already provide the same visitation schedule to ICE detainees at their facilities, the Court finds that any prejudice to Defendants, e.g., cost of implementing the visitation schedule for B-18 detainees, would be minimal. Further, in light of the harm that has been (and likely to be) imposed on the Access/Detention Plaintiffs in that their missions have been obstructed by denied legal visitations, the Court finds that the balance of equities tips in the Access/Detention Plaintiffs' favor.

In sum, the third *Winter* factor weighs in favor of granting the TRO.

**E. The Access/Detention Plaintiffs Have Established that the Temporary Restraining Order is in the Public Interest.**

The Access/Detention Plaintiffs argue that public interest "heavily favors" them because the requested injunction would "ensure that Defendants' conduct complies with the law." ECF No. 38 at 13. Defendants respond that the government has a legitimate and significant interest in ensuring that immigration laws are enforced. ECF No. 70 at 20. The Court finds that the Access/Detention Plaintiffs have made their required showing.

"Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution." *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005).

Violation of the Fifth Amendment raises public interest concerns, not only for those who are currently detained, but also for those who may be arrested and/or detained in the future. *See* Section I.B, *supra* (collecting cases regarding immigrants' right to counsel). Although the instant TRO was filed by the Access/Detention Plaintiffs, the Court finds that the risk imposed on their core mission and on CHIRLA's members as well as the general public warrants finding that the requested TRO is in the public interest. *See also Preminger*, 422 F.3d at 826 ("The public interest inquiry primarily

[20] The Non-Dedicated Intergovernmental Service Agreement Standards may be found at https://www.ice.gov/doclib/detention-standards/2025/ndids2025.pdf.

addresses [the] impact on non-parties rather than parties.") (citation omitted). Moreover, although it is true that the government has an interest in enforcing immigration laws, Defendants make no showing that immigration enforcement cannot be conducted without undermining the rights afforded to immigrants under the Fifth Amendment. *See generally* ECF No. 70 at 20. As the Ninth Circuit said in a case concerning alleged Fourth Amendment violations by another law enforcement agency, requiring law enforcement to comply with the Constitution does not prevent law enforcement from enforcing the law. *Easyriders Freedom F.I.G.H.T. v. Hannigan*, 92 F.3d 1486, 1502 (9th Cir. 1996). As such, the fourth *Winter* factor weighs in the Access/Detention Plaintiffs' favor.

In sum, the Court finds that all four *Winter* factors supporting granting the requested TRO.

**F. The Court Does Not Find a Bond Warranted.**

"The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c). "Rule 65(c) invests the district court with discretion as to the amount of security required, *if any.*" *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009) (emphasis in original; cleaned up). "[T]he district court may dispense with the filing of a bond when it concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct." *Id.*

As the Court has found above, the requested TRO is identical to what Defendants already provide to other detainees at their facilities. *See* Section I.D, *supra*. The Court finds that there is no realistic likelihood of harm to Defendants from requiring them to permit legal visitations in a manner consistent with their existing schedules. As such, the Court concludes that there is no need for a bond. *See* ECF No. 70 at 20–21 (requesting bond without specific amount).[21]

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[21] Defendants rely on the Supreme Court's recent holding that district courts do not have equitable power to issue a "universal injunction." *See* ECF No. 70 at 21. Because the requested injunction is only District-wide and not nationwide, the Court finds Defendants' concerns unavailing.

**THE STOP/ARREST TRO [ECF NO. 45]**

## I. Discussion

### A. This Court Has Jurisdiction.

Similar to the arguments they raised in *United Farm Workers v. Noem*, No. 1:25-cv-00246 JLT CDB (E.D. Cal. April 29, 2025), Defendants contend here that this Court lacks jurisdiction under 8 U.S.C. §§ 1252(a)(5) and (b)(9). ECF No. 71 at 14. Defendants additionally assert that 8 U.S.C. § 1252(g) bars this Court from considering Plaintiffs' claims. *Id.* at 15. Although Defendants raise these arguments under the first *Winter* factor, the Court will address this issue first, as jurisdiction is a "threshold matter." *See Steel Co. v. Citizens for Better Environment*, 523 U.S. 83, 94-95 (1998) ("The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States") (cleaned up); *see also Garland v. Gonzalez*, 596 U.S. 543, 548 (2022) (the "threshold question" was "whether the District Courts had jurisdiction to entertain respondents' requests for class-wide injunctive relief").

The Immigration and Nationality Act ("INA") sets forth jurisdictional limitations in Section 1252, entitled "Judicial review of orders of removal." *See* 8 U.S.C. § 1252. Pursuant to Section 1252(a)(5), "a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of [the] Act . . . ." 8 U.S.C. § 1252(a)(5). In addition, Section 1252(b)(9) indicates: "Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final [removal] order under this section." 8 U.S.C. § 1252(b)(9).

This Court rejects Defendants' arguments based upon Sections 1252(a)(5) and (b)(9). The key authority with respect to these provisions is *Jennings v. Rodriguez*, 583 U.S. 281 (2018), *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1907 (2020), and *Gonzalez v. U.S. Immigration & Customs Enf't*, 975 F.3d 788 (9th Cir. 2020). In particular, the binding authority dictates that treating everything related to and leading up to removal proceedings as "arising from" a removal action is an incorrect reading of the relevant statutes. As the Supreme

Court held in *Jennings*, "cramming review of . . . questions [concerning inhumane detention conditions or a claim related to actions during detention] into the review of final removal orders would be absurd." 583 U.S. at 293. The same is true here. If even challenges to detention conditions are not barred, then it appears to this Court that the manner in which an individual is first arrested and detained is also not barred.[22] Similarly, the Supreme Court held that Section 1252(b)(9) is "certainly not a bar where, as here, the parties are not challenging any removal proceedings." *Regents of the Univ. of California*, 140 S. Ct. at 1907. And as the Ninth Circuit held in *J.E.F.M.*, "claims that are independent of or collateral to the removal process do not fall within the scope of § 1252(b)(9)." *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1032 (9th Cir. 2016). Finally, although a motion to suppress in the context of removal proceedings was permitted in *Sanchez v. Sessions*, 904 F.3d 643 (9th Cir. 2018), *Sanchez* does not stand for the provision that all such constitutional claims may only be brought in removal proceedings. And how could they? This would mean that U.S. citizens—who Plaintiffs allege have also been unlawfully stopped, arrested, and detained—would have no venue to raise their claims. *See, e.g.*, ECF No. 45-9 ("Gavidia Declaration" or "Gavidia Decl.") (a U.S. citizen testifying that he was stopped and questioned "just because of the way I look—because I am brown, Latino"). This cannot be, and none of the authority cited by Defendants says it is.[23]

The Court similarly finds Defendants' argument based on 8 U.S.C. § 1252(g) without merit. The provision reads: "Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter." 8 U.S.C. § 1252(g). The Supreme Court held that "[t]he provision applies only to three discrete actions that the Attorney General may take: her 'decision or action' to '*commence*

[22] Another district court in this Circuit came to a similar conclusion in a case raising similar facts where the defendants made similar arguments as the Defendants do here. *United Farm Workers v. Noem*, No. 1:25-cv-00246 JLT CDB (E.D. Cal. April 29, 2025), ECF No. 47

[23] *See also Hernandez v. Sessions*, 872 F.3d 976 (2017) (rejecting similar jurisdictional challenges to immigration-related claims).

proceedings, *adjudicate* cases, or *execute* removal orders.'" *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (emphasis in original). Plaintiffs are not raising constitutional claims related to the Attorney General's decision or action to commence proceedings, adjudicate cases, or execute removal orders; rather, the claims here concern "issues which ripened before removal proceedings began," such as stop and detention of even those who cannot be subject to removal proceedings without reasonable suspicion. This is in contrast, for instance, from the cases cited by Defendants where the claims did arise from removal proceedings. Insofar as the instant action and the TRO seeks prohibiting Defendants from engaging or ratifying pre-removal-proceeding conduct that may violate the public's constitutional rights, the Court finds that 8 U.S.C. § 1252(g) is not a bar to this Court's jurisdiction over this action.

As such, the Court finds that the above-referenced statutes do not bar district court jurisdiction over Plaintiffs' Fourth Amendment-based claims.

**B. The Requested TRO is Sufficiently Specific.**

Defendants argue that the requested TRO is overbroad and insufficiently specific. ECF No. 71 at 8–9 ("[The TRO] putatively orders the government to comply with extant law."). The Stop/Arrest Plaintiffs argue that the TRO "specifies the illegal behavior to be enjoined." ECF No. 81 at 9. The Court finds that the TRO is sufficiently specific in light of the conduct at issue.

"[I]njunctive relief must be tailored to the specific harm alleged." *Melendres v. Arpaio*, 784 F.3d 1254, 1265 (9th Cir. 2015). "[A] district court has broad discretion in fashioning a remedy." *Id.*

Here, the Stop/Arrest Plaintiffs largely seek to enjoin Defendants from conducting "detentive stops without the legally required reasonable suspicion" and from solely relying on four enumerated factors alone or in combination.[24] ECF No. 81 at 9 (internal quotation marks omitted); ECF No. 45-22 at 5 (Proposed Order). In light of the allegations and the evidence submitted in support thereof, the Court finds that these forms of injunctive relief are "narrowly tailored to remedying the specific constitutional violations at issue." *See Melendres*, 784 F.3d at 1267 (affirming most of the district court's injunction order prohibiting defendants from carrying out "unconstitutional policy of

[24] The four factors are: (1) apparent race or ethnicity, (2) speaking Spanish or speaking English with an accent; (3) presence at a particular location; or (4) the type of work one does. ECF No. 45-22 at 5.

considering race as a factor in determining where to conduct patrol operations, in deciding whom to stop and investigate for civil immigration violations, and in prolonging the detentions of Latinos while their immigration status was confirmed"). It is not a mere "obey the law" injunction, and *Schmidt*—cited by Defendants—does not remotely suggest that it is, given the vagueness of the purported injunction in that case. *See* 414 U.S. at 476 ("Rather, the defendants are simply told not to enforce 'the present Wisconsin scheme' against [class members]."). Similarly, the Court finds Defendants' concern over the breadth without justification because, as Defendants concede, "any law enforcement officials within the Department of Justice" are authorized to "exercise immigration enforcement authorities." ECF No. 71 at 2. The Court concludes that the requested TRO is narrowly tailored in light of Defendants' own representation that a broad body of government officials are authorized to conduct—and *are* conducting—immigration enforcement.

As such, the Court finds that the requested TRO is sufficiently specific. The Court discusses below—after addressing likelihood of success on the merits—why the specific injunction requested is tailored to the specific harm alleged.

**C. Standing is Established.**

Defendants argue that (1) the organizational plaintiffs lack standing and (2) the named plaintiffs lack standing to seek relief for others. ECF No. 71 at 11–14.

"In a class action, standing is satisfied if at least one named plaintiff meets the requirements." *Bates v. United Parcel Serv., Inc.*, 511 F.3d 974, 985 (9th Cir.2007) (en banc).

The Court finds that Plaintiffs have established standing for this putative class action at this time. As the Ninth Circuit instructs, only one plaintiff needs to meet the standing requirement in a class action, and the Court finds that the individual plaintiffs here have adequately alleged facts that give rise to standing. In particular, Gavidia testifies that despite being a U.S. citizen, he was stopped, "forcefully pushed up against the metal gated fence," and questioned by individuals wearing "a green vest" and "similar vests with the words 'Border Patrol Federal Agent.'" Gavidia Decl. ¶¶ 7–11. He further testifies that "[i]t was the worst experience I have ever felt. I felt like I was going to die; in fact, one agent literally racked a chamber in his rifle. And going forward, I am disturbed and deeply concerned that federal agents will stop me and violate my rights again for the same reason"—

"based on my skin color . . . because I am brown, Latino." *Id.* ¶ 12. The Court finds that this testimony sufficiently shows that Gavidia meets the Article III standing requirements under *Lujan*: he has suffered an "invasion of a legally protected interest which is (a) concrete and particularized . . . and (b) actual or imminent, not conjectural or hypothetical[.]" 504 U.S. at 560. And insofar as Gavidia, a named plaintiff, meets this requirement, the Court concludes that Plaintiffs have standing for this putative class action.[25]

The Court also rejects Defendants' arguments based upon *Rizzo v. Goode*, 423 U.S. 362, 371 (1976) and *City of Los Angeles v. Lyons*, 461 U.S. 95, 110 (1983) that there has not been a requisite showing that the conduct complained of will recur. Those cases are wholly distinguishable. In *Rizzo*, there was no link between various incidents of police misconduct and any plan or policy or other approval or authorization of such conduct. The Stop/Arrest Plaintiffs have pointed to a plethora of statements suggesting approval or authorization pointing to a high likelihood that the conduct will continue.[26] And in *Lyons*, there was no finding that Lyons faced a real and immediate threat of being illegally choked again. Here, this Court affirmatively finds that there is a real and immediate threat that the conduct complained of will continue. Numerous individuals have been subjected to multiple stops, including Gavidia. All of the evidence adduced suggests a high likelihood of recurrent injury, as required. *See LaDuke v. Nelson*, 762 F.3d 1318, 1324 (9th Cir. 1985).

**D. Preliminary Injunction is Available Even in the Absence of Class Certification.**

Defendants briefly argue that absent class certification, Plaintiffs cannot seek the requested TRO. ECF No. 71 at 23. However, "[w]hile injunctive relief generally should be limited to apply only to named plaintiffs where there is no class certification . . . 'an injunction is not necessarily made overbroad by extending benefit or protection to persons other than prevailing parties in the lawsuit-even if it is not a class action-*if such breadth is necessary to give prevailing parties the relief*

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[25] As such, the Court declines to evaluate the remaining arguments about standing. *See* ECF No. 71 at 11–14.

[26] One such statement occurred just one day before the hearing. *See* Melissa Gomez et al., *Heavily Armed Immigration Agents Descend on L.A.'s MacArthur Park*, L.A. TIMES (July 7, 2025), https://www.latimes.com/california/story/2025-07-07/immigration-agents-descend-on-macarthur-park. (describing a "show of force" at MacArthur Park in Los Angeles, and discussing a statement by Defendant Bovino that "We may well go back to MacArthur Park or other places in and around Los Angeles. Illegal aliens had the opportunity to self deport, now we'll help things along a bit.").

*to which they are entitled*." *Easyriders*, 92 F.3d at 1502 (emphasis in original). As will be discussed below, the Court finds that the breadth of the TRO is necessary to give Plaintiffs what they are entitled to.

To be clear—to provide complete relief to the named Stop/Arrest Plaintiffs, even without considering the unnamed class members and the propriety of certifying a class—this Court must enjoin the conduct of all law enforcement engaged in immigration enforcement throughout the District. Particularly given how these enforcement actions appear to have been conducted, it would be a fantasy to expect that law enforcement could and would inquire whether a given individual was among the named Stop/Arrest Plaintiffs or the (putative) class before proceeding with a seizure. *See id.* ("Because the CHP policy regarding helmets is formulated on a statewide level, other law enforcement agencies follow the CHP's policy, and it is unlikely that law enforcement officials who were not restricted by an injunction governing their treatment of all motorcyclists would inquire before citation into whether a motorcyclist was among the named plaintiffs or a member of Easyriders, the plaintiffs would not receive the complete relief to which they are entitled without statewide application of the injunction.").

### E. The Stop/Arrest Plaintiffs Have Established that They Are Likely to Succeed on the Merits.

The Stop/Arrest Plaintiffs argue that they are likely to succeed on the merits of their Fourth Amendment-based claims because they are likely to succeed in showing that (1) Defendants are conducting seizures that require at least reasonable suspicion, but (2) their seizures are not supported by reasonable suspicion. ECF No. 45 at 18–22. Defendants respond that the Stop/Arrest Plaintiffs have failed to show likelihood of success because (i) this Court lacks jurisdiction,[27] and (ii) they have not shown violation of the Fourth Amendment or 8 U.S.C. § 1357(a)(7). ECF No. 70 at 17–21. The Court finds that the Stop/Arrest Plaintiffs have sufficiently shown that they are likely to succeed on their Fourth Amendment claims.

[27] Because the Court has already found that it has jurisdiction, Section I.A, *supra*, the Court will address only the second of Defendants' arguments.

i. The Stop/Arrest Plaintiffs Are Likely to Succeed in Showing Seizures Requiring Reasonable Suspicion Have Occurred.

First, the Court finds that seizures requiring reasonable suspicion have occurred. *Id.* at 18–19.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . ." U.S. Const. amend. IV. "A seizure occurs when a law enforcement officer, through coercion, physical force, or a show of authority, in some way restricts the liberty of a person." *United States v. Washington*, 387 F.3d 1060, 1068 (9th Cir. 2004) (cleaned up). Generally speaking, an officer's actions rise to the level of a seizure if any one of the following occurs: "if there is a threatening presence of several officers, a display of a weapon by an officer, some physical touching of the person of the citizen, or the use of language or tone of voice indicating that compliance with the officer's request might be compelled." *United States v. Washington*, 490 F.3d 765, 771 (9th Cir. 2007) (internal quotation and citation omitted).

The Stop/Arrest Plaintiffs have provided ample evidence that seizures have occurred. The Petitioner-Plaintiffs testify that when they were waiting at a Metro stop in Pasadena on June 18, 2025, four large, unmarked, tinted cars suddenly pulled up—one crossed in front of them and stopped to their right, the others stopped to their left. ECF No. 45-1 ("Vazquez Perdomo Declaration" of "Vazquez Perdomo Decl.") ¶ 5. Men in masks with guns ran toward them. *Id.* The men grabbed Vazquez Perdomo, put his hands behind his back, and handcuffed him. *Id.* ¶ 6. Vazquez Perdomo was put into a car, still handcuffed; was driven to a nearby CVS and asked for identification; was put in chains on his feet, wrist, and hands; and eventually was taken to a detention center in Los Angeles. *Id.* ¶ 7. Osorto's and Villegas Molina's declarations echo Vazquez Perdomo's testimony. *See* ECF No. 45-2 ("Osorto Declaration" or "Osorto Decl.") ¶¶ 4–8 (testifying that one of the masked men pointed "what looked like a gun" over Osorto's heart and yelled, "Stop or I'll use it!"); ECF No. 45-3 ("Villegas Molina Declaration" or "Villegas Molina Decl.") ¶¶ 4–9 ("Then they shackled us all on our feet, waist, and wrists."). The Petitioner-Plaintiffs all report feeling afraid and that the encounter "felt like a kidnapping." Vazquez Perdomo Decl. ¶ 6; *see* Osorto Decl. ("I was terrified. I didn't know who the men were and I was afraid that they would hurt me."); Villegas Molina Decl. ¶¶ 5, 6 ("I thought we were being kidnapped. . . . I was afraid to

move."). This testimony adequately shows that there was "a threatening presence of several officers," as well as "a display of a weapon," "physical touching of the person," and "the use of language or tone of voice indicating that compliance with the officer's request might be compelled." *See Washington*, 490 F.3d at 771 (holding that the occurrence of any one of such events is enough to give rise to a seizure). And these seizures do not appear to be isolated or accidental. Plaintiffs point to numerous other similar incidents reported in the media and a plethora of public comments by government officials which appear to support the conduct described. *See* ECF No. 45 at 5–6.

Given the Ninth Circuit's guidance as to seizures, and all the evidence submitted by the Stop/Arrest Plaintiffs that such events have occurred on an ongoing basis throughout the District, the Court finds that Defendants are conducting seizures requiring reasonable suspicion. *See* ECF No. 45 at 9–13 (describing in detail the most recent stops and arrests with citations to the underlying testimony).

Having found that seizures are occurring, the Court considers whether they are supported by reasonable suspicion.

ii. The Stop/Arrest Plaintiffs Are Likely to Succeed in Showing the Seizures Are Not Supported by Reasonable Suspicion.

The Court also finds that the Stop/Arrest Plaintiffs are likely to succeed in showing the seizures that have occurred are not supported by reasonable suspicion.[28]

"Except at the border and its functional equivalents," immigration agents may stop individuals in public only after identifying "specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion that [the persons stopped are noncitizens] who may be illegally in the country." *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). Reasonable suspicion comprises two elements: "the assessment must be based upon the

[28] Defendants argue that the Court "should not consider whether a violation of 8 C.F.R. § 287(b)(2) occurred because Plaintiffs did not raise that argument." ECF No. 70 at 18. 8 C.F.R. § 287(b)(2) states: "If the immigration officer has a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States, the immigration officer may briefly detain the person for questioning." Contrary to Defendants' assertion, the Court finds that Plaintiffs have raised the argument. *See* ECF No. 45 at 20–22 (section titled, "Defendants' seizures are not supported by reasonable suspicion."). As such, the Court will evaluate whether the seizures were supported by reasonable suspicion.

totality of the circumstances," and it "must arouse a reasonable suspicion that *the particular person being stopped* has committed or is about to commit a crime." *United States v. Montero-Camargo*, 208 F.3d 1122, 1129 (9th Cir. 2000) (emphasis in original). "[T]o establish reasonable suspicion, an officer cannot rely solely on generalizations that, if accepted, would cast suspicion on large segments of the law-abiding population." *United States v. Manzo-Jurado*, 457 F.3d 928, 935 (9th Cir. 2006). "Where, as here, the majority (or any substantial number) of people share a specific characteristic, that characteristic is of little or no probative value in such a particularized and context-specific analysis." *Montero-Camargo*, 208 F.3d at 1131; *see id.* at 1135 ("Hispanic appearance is … of such little probative value that it may not be considered as a relevant factor where particularized or individualized suspicion is required."); *Manzo-Jurado*, 457 F.3d at 937 ("By itself . . . an individual's inability to understand English will not justify an investigatory stop because the same characteristic applies to a sizable portion of individuals lawfully present in this country.").

The Stop/Arrest Plaintiffs have provided ample evidence that seizures occurred based solely upon the four enumerated factors, either alone or in combination, and that reliance solely upon the four enumerated factors either alone or in combination does not meet the requirements of the Fourth Amendment.

*1. The Stop/Arrest Plaintiffs Are Likely to Succeed in Showing the Seizures Are Based Upon the Four Enumerated Factors*

The Court begins by addressing the evidence adduced regarding the basis upon which the seizures were made. The Petitioner-Plaintiffs all testify that they were waiting to be picked up for their work on the morning of June 18, 2025, while having coffee. Vazquez Perdomo Decl. ¶ 4; Osorto Decl. ¶ 4; Villegas Molina Decl. ¶ 4. They were suddenly approached by four unmarked cars, and the Petitioner-Plaintiffs were eventually taken to a detention facility. Vazquez Perdomo Decl. ¶ 5–8; Osorto Decl. ¶¶ 5–8; Villegas Molina Decl. ¶¶ 5–9. Nothing in the Petitioner-Plaintiffs' declarations suggests that they are in the country without proper documentation or otherwise have or are about to commit a crime. *See* ECF No. 81-1 at 11 (Form I-213 for Vazquez Perdomo, indicating no criminal history). Nevertheless, the masked and armed men proceeded to seizing them. In fact, the one report regarding Vazquez Perdomo's seizure provides no details as to how Vazquez

Perdomo was initially identified. *Id.* Rather, it provides only general terms about the various enforcement operations conducted by the government, further supporting the notion that there was no requisite reasonable suspicion here. *Id.* And the other declarations submitted in support of the instant TRO show a similar pattern of seizure without any basis outside of the four enumerated factors. *See* ECF No. 45 at 6–9 (describing in detail the instances of "racial profiling" with citations to the underlying testimony).

Defendants contest the idea that they relied solely on these factors. They contend, in reliance on the declarations of Andre Quinones and Kyle C. Harvick, that the seizures were based upon a particularized assessment of reasonable suspicion based upon articulable facts. ECF No. 71 at 19–21. But these declarations do not support this contention in the slightest, particularly as they do not appear to acknowledge the existence of roving patrols at all. For instance, Deputy Field Officer Quinones merely describes what officers are *trained* to do. *See, e.g.*, ECF 71-1 ¶ 5 ("ERO Los Angeles officers are *trained* that . . . brief detention for questioning requires an immigration officer to have reasonable suspicion, based on specific, articulable facts, that the person being questioned is an alien illegally in the United States. ERO Los Angeles officers are *trained* that an arrest requires probable cause that the person being arrested is an alien illegally in the United States."). And Patrol Agent in Charge Harvick speaks only in general terms about what CBP agents and officers have done in Los Angeles. *See* ECF No. 71-2 ¶ 8 ("Prior to engaging in investigative detentions, officers and agents had reasonable suspicion that the individual had committed or was committing a federal crime or federal immigration violation. This reasonable suspicion was based on various factors including intelligence sources, information from law enforcement and open-source databases, analysis of trends, facts developed in the field by agents, rational inferences that led an agent or officer to suspect criminal or immigration violations, and the officers or agents' observations, training, and experience."). And in doing so, he seems to confirm that he and his colleagues are relying solely on these factors. *See id.* ¶ 7 ("CBP agents and officers are typically divided into teams, composed of three to five agents, who contact individuals in public places such as streets and sidewalks, parking lots, or the publicly-accessible portions of businesses. Certain types of businesses, including car washes, have been selected for encounters because past experiences have

demonstrated that illegal aliens utilize and seek work at these locations."). This evidence is entirely too general to show what factors the agents relied upon in seizing the Petitioner-Plaintiffs. In fact, these two declarations do not even discuss the Petitioner-Plaintiffs or any other individuals at all.

During the hearing, Defendants pointed to the arrests effected at consecutive visits to a car wash in Whittier as evidence that their stops are based upon factors beyond the enumerated factors. In particular, Defendants argued that because their first two visits resulted in arrests, this provided a basis to stop and question Omar Andres Gamez, a U.S. citizen. *See* ECF No. 45-5 ("Gamez Declaration" or "Gamez Decl."). But Defendants did not provide any details[29] as to the factors considered other than that Gamez was at the very *location* where the agents previously made arrests. *See Montero-Camargo*, 208 F.3d at 1129; *see also Brignoni-Ponce*, 422 U.S. at 886 n.11 (declining to consider "any weight to the location of the stop" because the officers gave no other meaningful reasons). This reasoning is circular at best, and no details were provided to support the idea that the multiple visits were indeed based upon "intelligence" or investigation rather than reliance upon one of the enumerated factors.

And despite having nearly a week to produce information demonstrating the basis of any one of the Stop/Arrest Plaintiffs' arrests or any of the numerous media reports, Defendants have failed to do so. The Court therefore concludes that the Stop/Arrest Plaintiffs have sufficiently shown at this stage a likelihood of success on the question of whether the stops and arrests at issue have been based solely upon the enumerated factors.[30]

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[29] Instead of specific details, Defendants explained that what may appear arbitrary to the public may actually give rise to reasonable suspicion to Defendants' field agents, especially in light of the surveillance and intelligence data they share with the agents. Be that as it may, the Court notes that Defendants still failed to provide any concrete details as to what factors led Defendants to stop and question Gamez specifically nor indicate the nature of surveillance and intelligence data gathered that would give rise to reasonable suspicion.

[30] To the extent that the Defendants point to any specific factors besides these enumerated factors, they do not show that they support reasonable suspicion. For example, Defendants do not explain why fleeing upon seeing unidentified masked men with guns exiting from tinted cars without license plates raises suspicion. ECF No. 71 at 20, 21; *see United States v. Brown*, 925 F.3d 1150, 1157 (9th Cir. 2019) ("Given that racial dynamics in our society—along with a simple desire not to interact with police—offer an 'innocent' explanation of flight . . . .").

*2. The Stop/Arrest Plaintiffs Are Likely to Succeed in Showing that Sole Reliance on the Four Enumerated Factors Does Not Constitute Reasonable Suspicion.*

Having reached this conclusion, the Court turns to the question of whether sole reliance on these factors could give rise to reasonable suspicion.

First, the Court considers whether race could give rise to reasonable suspicion.[31] Binding authority makes clear it cannot in these circumstances. The Ninth Circuit's holding in *Montero-Camargo* bears repeating:

> [W]e are confronted with the narrow question of how to square the Fourth Amendment's requirement of individualized reasonable suspicion with the fact that the majority of the people who pass through the checkpoint in question are Hispanic. In order to answer that question, we conclude that, at this point in our nation's history, and given the continuing changes in our ethnic and racial composition, Hispanic appearance is, in general, of such little probative value that it may not be considered as a relevant factor where particularized or individualized suspicion is required. Moreover, we conclude, for the reasons we have indicated, that it is also not an appropriate factor.

*Montero-Camargo*, 208 F.3d at 1135.

Second, the Court considers whether speaking Spanish or speaking English with an accent could give rise to reasonable suspicion. There is no case law that supports that it could. In *United States v. Manzo-Jurado*, 457 F.3d 928, 937 (9th Cir. 2006), the Ninth Circuit indicated that "[a]n individual's *inability to speak English* may support an officer's reasonable suspicion that the individual is in this country illegally, [but] [by] itself, however, an individual's *inability to understand English* will not justify an investigatory stop because the same characteristic applies to a sizable portion of individuals lawfully present in this country." Defendants point to no case law addressing speaking Spanish or speaking English with an accent, and obviously neither of those activities demonstrates an *inability* to speak English. This, therefore, appears to be a factor akin to those described as having "such a low probative value that no reasonable officer would have relied

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[31] At the hearing, Defendants vehemently denied any reliance on race and disputed that the reference to "appearance" in their briefing was a reference to race, even though the cases cited were specifically speaking about a particular racial appearance. ECF No. 71 at 20; *Orhorhaghe v. I.N.S.*, 38 F.3d 488, 498 (9th Cir. 1994) ("foreign-looking appearance"); *United States v. Brignoni-Ponce*, 422 U.S. 873, 885-886 (1975) ("characteristic appearance of persons who live in Mexico" "apparent Mexican ancestry").
").;

on them to make an investigative stop [such that it] must be disregarded as a matter of law." *Montero-Camargo*, 208 F.3d at 1132.

Third, the Court considers whether presence at a particular location or the type of work one does could give rise to reasonable suspicion. The Court considers them together as they appear to be overlapping factors. With respect to the Petitioner-Plaintiffs, Defendants do not explain why being at a bus stop in Pasadena raises suspicion that the Petitioner-Plaintiffs may be undocumented immigrants. *Id.* at 19–20. Although Patrol Agent in Charge Harvick indicates that "past experiences have demonstrated that illegal aliens utilize and seek work at" "certain types of businesses, including car washes," this is insufficient to make these factors fit the particularized assessment needed. In fact, the Ninth Circuit addressed similar factor in *Manzo Jurado*, where one of the factors relied upon was a group's "appearance as a work crew." *Manzo-Jurado*, 457 F.3d at 937. Although the agent in that case had experience that local work crews "on occasion included illegal aliens," they did not provide evidence about how many local work crews did not. *Id.* at 938. Nor did they have any information about the employer of the specific work crew at issue. *Id.* In the same vein, knowledge that undocumented individuals use and seek work at car washes falls woefully short of the reasonable suspicion needed to target any particular individual at any particular car wash. The same is true of the other locations and other occupations at issue.

Defendants' reliance on authority such as *Orhorhaghe v. INS* and *Brignoni-Ponce* to support seizures based upon the factors identified by the Stop/Arrest Plaintiffs is misplaced. Those cases actually stand for the proposition that factors like race are insufficient and often wholly improper. To the extent that either of those cases even permit consideration of "appearance," it is clearly only in connection with other factors actually correlated to immigration status. *Orhorhaghe*, 38 F.3d 488, 503 ("Like *one's appearance*, one's name is frequently correlated with one's racial or ethnic background, and in both instances the racial or ethnic background which results in adverse action by immigration officers *almost always is that of people of color*") (emphasis added). And as discussed extensively in *Montero-Camargo*, the Supreme Court's holding in *Brignoni-Ponce* was based upon outdated census data from three decades ago. 422 U.S. 873, 886 n.12 (1975). The demographics of

this district in 2025 are clearly very different from 1970, and Defendants do not point to any demographic data in support of their enforcement approach. *See Montero-Camargo*, 208 F.3d 1136.

At best, in support of their reliance on these factors, Defendants rely heavily on the "experience" of law enforcement, but the Ninth Circuit has already held that an agent's experience cannot provide unbridled discretion and is no substitute for objective facts, rational inferences, permissible deductions capable of rational explanation. *Orhorhaghe*, 38 F.3d at 499. The factors that Defendants appear to rely on for reasonable suspicion seem no more indicative of illegal presence in the country than of legal presence—such as working at low wage occupations such as car wash attendants and day laborers. This is insufficient and impermissible, and is the proper subject of an injunction.[32]

For the reasons discussed above, the Stop/Arrest Plaintiffs are likely to succeed in showing that the four enumerated factors taken alone or in combination do not demonstrate reasonable suspicion for any particular stop. "Although an officer, to form a reasonable suspicion of criminality, may rely in part on factors composing a broad profile, he must also observe *additional* information that winnows the broad profile into an objective and particularized suspicion of the person to be stopped." *Manzo-Jurado*, 457 F.3d at 939 (emphasis added).

During the hearing, Defendants argued that Plaintiffs did not carry their burden of proof by failing to produce evidence that (1) race is a motivating factor of the allegedly unconstitutional stops and arrests, (2) any one particular agent engaged in unconstitutional stops and arrests, and (3) that the stops and arrests are not consensual. But the evidence before the Court at this time portrays the reality differently. For instance, Plaintiffs have provided citations to news articles where those who appear to be the members of this District feel that the stops and arrests are overwhelmingly focused

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[32] At the hearing, Defendants relied on *U.S v. Arvizu* to argue that even seemingly innocuous actions, such as children's waiving of hands, can give rise to reasonable suspicion. 534 U.S. 266 (2002). But there, the factors were much more detailed. *See id.* at 277 (the respondent used "little-traveled route"; it was unlikely that the respondent and the respondent family was on a picnic because "the minivan had turned away from the known recreational areas"; children's knees were "elevated," suggesting "the existence of concealed cargo in the passenger compartment"; and "the children's mechanical-like waving, which continued for a full four to five minutes"). In contrast, Defendants provided no such detailed factors individualized to any of the Petitioner-Plaintiffs.

on Latinos.[33] *See* ECF No. 45 at 3–6; ECF No. 81 at 6. The declarants in support of the TRO also testify that they believe that race is a motivating factor. *E.g.*, Gavidia Decl. ¶ 12; ECF No. 45-12 ¶ 27 ("Based on the raids I have heard about from LAWCN's member organizations, the immigrant agents seem to target non-white, Spanish-speaking workers, regardless of whether they have long-standing ties to the community or lawful presences in the United States."): ECF No. 45-10 ¶ 11 ("I believe that the agents only stopped people who look Latino. Two of my coworkers at the car wash have light skin. One of them is Persian, and the other is from Russia. Neither of them was approached by immigration agents, and they were not arrested with us."). Moreover, it is undisputed that the agents are masked and often do not identify themselves[34]; absent such identifying information readily available to Plaintiffs, the Court finds Defendants' argument about failure to identify a particular agent unconvincing. Lastly, at least one news article reports that people were dragged out of the *bathrooms* at a swap meet, which makes Defendants' arguments that their stops and arrests are consensual unpersuasive. *See* ECF No. 45 at 6 n.37. In light of this evidence, the Court finds that Plaintiffs have, for purposes of the TRO, shown that they carried their burden.[35]

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[33] The Court finds that this pattern of conduct is sufficient evidence even if there is no "official" policy to engage in "roving patrols." In *LaDuke v. Nelson*, the Ninth Circuit found that the field agents' testimony (that it was "INS policy to conduct complete sweeps of all community residences, with or without information as to specific residences"), which contradicted the official policy of the defendant agency (that such sweeps should be done only upon "individualized suspicion"), was sufficient to affirm the district court's grant of an injunction. *See* 762 F.2d 1318, 1331, 1327 n.12 (9th Cir. 1985). Here, although there is no testimony from Defendants' field agents with respect to the policy being carried out on the streets, the Court finds that based on the evidence that is before the Court, Plaintiffs have sufficiently shown that Defendants' policies are being carried out differently.

For this reason, the Court also finds that it is not dispositive that Plaintiffs have not pointed to any "official" policy that authorizes or ratifies the alleged "roving patrols" for purposes of this TRO.

[34] Defendants speculated in the hearing that the agents may wear masks in light of COVID-19, in light of the "extraordinary violence" they have faced, and to avoid "doxing."

[35] In the criminal context, such as when a defendant brings a motion to suppress based on a Fourth Amendment violation, all a defendant needs to show in the first instance is that there was a warrantless stop or search. *Rakas v. Illinois*, 439 U.S. 128, 130 n.1 (1978). Afterwards, the burden shifts to the government to show that the stop or search was justified. *U.S. v. Cervantes*, 703 F.d3 1135, 1141 (9th Cir. 2012). Even if no similar burden-shifting operates in the immigration context, it points to the fact that where a person claims to have been arrested without probable cause or searched without reasonable suspicion, it will nearly always be the case that she lacks direct evidence of what led to the arrest or search. Therefore, the absence of this direct evidence at this stage does not cause this Court to conclude that there is no likelihood of success on the merits of this claim.

For the foregoing reasons, the Court finds that the Stop/Arrest Plaintiffs have shown that they are likely to succeed on the merits of their Fourth Amendment-based claims.

In addition, the Court finds that the injunction they seek is tailored to the specific harm alleged. They seek only to enjoin reliance *solely* on these four enumerated factors alone or in combination. They do not seek to enjoin reliance on these factors along with other factors, nor—contrary to Defendants' mischaracterizations—seek to require that Defendants ignore these factors or "put blinders on" when they run across these factors.

### F. The Stop/Arrest Plaintiffs Have Established that They Will Suffer Irreparable Harm.

The Stop/Arrest Plaintiffs argue that Defendants' policies and practices are causing and will continue to cause irreparable harm to the organizational plaintiffs and their members. ECF No. 45 at 22–23. Defendants assert that Plaintiffs have not shown irreparable harm. ECF No. 71 at 22. The Court finds that the Stop/Arrest Plaintiffs have shown that the third *Winter* factor weighs in their favor.

"It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Melendres*, 695 F.3d at 1002. "When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (cleaned up) (quoting from treatise). Irreparable harm exists where plaintiffs face "a real possibility" that they will "again be stopped or detained and subjected to unlawful detention." *Melendres*, 695 F.3d at 1002.

The Stop/Arrest Plaintiffs have established that the organizational plaintiffs and their members have experienced significant harm and that they are likely to suffer irreparable harm unless the instant TRO is granted. In particular, with the widespread news reporting of stops and arrests, like the one that the Petitioner-Plaintiffs experienced, the organizational plaintiffs' members have increasingly become afraid to go outside. *See* Salas Decl. ¶ 25 (testifying that CHIRLA members are "experiencing significant levels of fear over the possibility of being grabbed and snatched in immigration raids in public areas based on racial profiling"); ECF No. 45-13 ("Melendrez Declaration" or "Melendrez Decl.") ¶¶ 15–17 (testifying as to awareness of "dozens of CLEAN's

members [] hav[ing] been stopped and arrested" and that "many members and their families . . . are feeling anxious, worried, and fearful about their safety and the safety of their loved ones because of the ongoing immigration raids happening through Southern California"). Moreover, insofar as Plaintiffs assert the first cause of action—Violation of the Fourth Amendment, Unreasonable Seizures—on behalf of the Suspicionless Stop Class, the Court finds that the broader public may also be in fear of having their constitutional rights violated by seizures without reasonable suspicion, especially in light of the ongoing reports of stops and arrests as recently as July 1, 2025. *See* ECF No. 45 at 15 (listing dates and locations of recent stops and arrests); ECF No. 81 at 6 (listing more dates, with emphasis in early July); *see also* ECF No. 45-18 ("Price Declaration" or "Price Decl.") (containing a list of videos on various social media platforms showing members of the public being detained). The Court finds that this evidence supports a finding of "real possibility" that irreparable harm will continue absent the instant TRO in place.

As such, the Court finds that the second *Winter* factor weighs in favor of granting the TRO.

**G. The Stop/Arrest Plaintiffs Have Established that the Balance of Hardships Tips in Their Favor and that District-Wide Injunction is Permissible and in the Public Interest.**

The Stop/Arrest Plaintiffs argue that the requested TRO is warranted because it would simply require Defendants to "adhere to the Fourth Amendment" and it is always in the public interest to prevent constitutional violations. ECF No. 45 at 23–24. Defendants respond that because "the government's practices comply with the Constitution . . . alteration to the status quo is unnecessary." ECF No. 71 at 23. The Court finds that the last two *Winter* factors are in the Stop/Arrest Plaintiffs' favor.

The Court does not find prejudice to Defendants. As the Stop/Arrest Plaintiffs point out, compliance with the Fourth Amendment is nothing new, contrary to Defendants' claims. *LaDuke*, 762 F.2d at 1333 (upholding permanent injunction against warrantless searches of workplace housing); *Melendres*, 695 F.3d at 1002 (upholding injunction against state officer practice of detaining people for civil immigration offenses); *Easyriders*, 92 F.3d at 1501 (collecting cases awarding injunctions against Fourth Amendment violations). Complying with the law does not impose harm. *Zepeda v. INS*, 753 F.2d 719, 727 1146 (9th Cir. 1983) (an agency "cannot reasonably

assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations"). Additionally, the Court has already found that the seizures at issue occurred unlawfully, without reasonable suspicion; therefore, Defendants' arguments regarding an alteration to the status quo fail. *See* ECF No. 71 at 23. And, as stated above, requiring law enforcement to comply with the Constitution does not prevent law enforcement from enforcing the law. As such, the third *Winter* factor is in the Stop/Arrest Plaintiffs' favor.

Moreover, as "public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution," and the instant TRO raises Fourth Amendment issues, the Court finds that the fourth *Winter* factor weighs in favor of granting the TRO. *See Preminger*, 422 F.3d at 826.

In sum, the Court finds that all four *Winter* factors point to granting the requested TRO.[36]

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[36] Defendants additionally argue that bond is necessary. ECF No. 71 at 23–24. At the hearing, Defendants specified that they seek a $30 million bond because they would need to re-train the agents if the instant TRO were to be issued. The Court concludes that a bond is not necessary, as the TRO does not require any deviation from the training and the policies that appear to be in place, but rather compliance with the existing law.

## CONCLUSION

For the foregoing reasons, the Court ORDERS as follows:

1. The Access/Detention Plaintiffs' Ex Parte Application for TRO (ECF No. 38) is GRANTED.

    a. Defendants Kristi Noem, Todd M. Lyons, and Ernesto Santacruz Jr. shall provide access to Room B-18 of the Federal Building located at 300 North Los Angeles Street, Los Angeles, CA 90012 ("B-18") for legal visitation by current and prospective attorneys, legal representatives, and legal assistants. Legal visitation shall be permitted seven days per week, for a minimum of eight hours per day on business days (Monday through Friday), and a minimum of four hours per day on weekends and holidays. Should exigent circumstances require closure for the safety of human life or the protection of property, the Defendants must notify Access/Detention Plaintiffs as soon as practicable and certainly within four (4) hours to make alternative arrangements for legal visitation and/or notice to affected detainees and attorneys, legal representatives, and legal assistants. No such closure shall last any longer than reasonably necessary for the safety of human life or the protection of property.

    b. Defendants Kristi Noem, Todd M. Lyons, and Ernesto Santacruz Jr. shall provide individuals detained at B-18 with access to confidential telephone calls with attorneys, legal representatives, and legal assistants at no charge to the detainee. Such legal telephone calls shall not be screened, recorded, or otherwise monitored.

    c. The Court, having found a strong likelihood of success on the merits and that the balance of the equities overwhelmingly favors CHIRLA and ImmDef, further ORDERS that no security shall be required under Federal Rule of Civil Procedure 65(c).

    d. Defendants Kristi Noem, Todd M. Lyons, and Ernesto Santacruz Jr. are each hereby ordered to show cause on a date to be set by the Court, or as soon

thereafter as counsel may be heard in the courtroom of the Honorable Maame Ewusi-Mensah Frimpong, located at 350 West First Street, Los Angeles, CA 90012, why they should not be enjoined from further violations of the Fifth Amendment to the United States Constitution pending the final disposition of this action.

2. The Stop/Arrest Plaintiffs' Ex Parte Application for TRO (ECF No. 45) is GRANTED.

   a. As required by the Fourth Amendment of the United States Constitution, Defendants shall be enjoined from conducting detentive stops in this District unless the agent or officer has reasonable suspicion that the person to be stopped is within the United States in violation of U.S. immigration law.

   b. In connection with paragraph (1), Defendants may not rely solely on the factors below, alone or in combination, to form reasonable suspicion for a detentive stop, except as permitted by law:

      i. Apparent race or ethnicity;

      ii. Speaking Spanish or speaking English with an accent;

      iii. Presence at a particular location (e.g. bus stop, car wash, tow yard, day laborer pick up site, agricultural site, etc.); or

      iv. The type of work one does.

   c. The Court, having found a strong likelihood of success on the merits and that the balance of equities overwhelmingly favors Plaintiffs, further ORDERS that no security shall be required under Federal Rule of Civil Procedure 65(c).

   d. Defendants are each hereby ORDERED TO SHOW CAUSE on a date to be set by the Court or as soon thereafter as counsel may be heard in the courtroom of the Honorable Maame Ewusi-Mensah Frimpong, located at 350 West First Street, Los Angeles, CA 90012, why a preliminary injunction should not issue ordering that:

      i. As required by the Fourth Amendment of the United States Constitution, Defendants are enjoined from conducting detentive stops in this District

unless the agent or officer has reasonable suspicion that the person to be stopped is within the United States in violation of U.S. immigration law;

ii. In connection with paragraph (a), Defendants may not rely solely on the factors below, alone or in combination, to form reasonable suspicion for a detentive stop, except as permitted by law;

1. Apparent race or ethnicity;
2. Speaking Spanish or speaking English with an accent;
3. Presence at a particular location (e.g. bus stop, car wash, tow yard, day laborer pick up site, agricultural site, etc.); or
4. The type of work one does.

iii. Defendants will maintain and provide documentation of detentive stops, including factors supporting reasonable suspicion, to Plaintiffs' counsel on a regular schedule.

iv. Defendants will develop guidance concerning how agents and officers should determine whether "reasonable suspicion" exists when conducting detentive stops.

v. Defendants will implement associated training for Defendants' agents and officers involved in immigration operations in this District.

3. The parties shall meet and confer and file a joint status report with respect to re-designating this case in light of the Petitioner-Plaintiffs' bond hearings and their outcome. The joint status report shall be filed within three (3) days of the outcome of the last bond hearing and shall address whether any of the submissions currently on the docket should be sealed or redacted.

4. In light of the concerns raised by Defendants regarding the time needed to address these issues, the Court shall seek the views of the parties before setting a date for the Order to

Show Cause hearing noted above.[37] The parties shall meet and confer and file a joint status report regarding their proposed date for the Order to Show Cause hearing, including a proposed briefing schedule. The joint status report shall be filed by 5pm Wednesday, July 16, 2025.

IT IS SO ORDERED.

Dated: July 11, 2025

MAAME EWUSI-MENSAH FRIMPONG
United States District Judge

[37] The request for a stay is DENIED. Defendants have failed to address the applicable law governing stays or make any showing that such a stay is warranted besides stating that they want time to determine whether to appeal and seek a stay pending appeal. ECF No. 71 at 24.

**FOR PUBLICATION**

FILED

AUG 1 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| PEDRO VASQUEZ PERDOMO *et al.*,<br><br>Plaintiffs - Appellees,<br><br>v.<br><br>KRISTI NOEM, Secretary, Department of Homeland Security, *et al.*,<br><br>Defendants - Appellants. | No. 25-4312<br><br>D.C. No.<br>25-cv-05605<br><br>ORDER |

Appeal from the United States District Court
for the Central District of California
Maame Ewusi-Mensah Frimpong, District Judge, Presiding

Argued and Submitted July 28, 2025
San Francisco, California

Before: Ronald M. Gould, Marsha S. Berzon, and Jennifer Sung, Circuit Judges.

PER CURIAM:

On June 6, 2025, U.S. Customs and Border Patrol agents and officers were sent to join officers from the Enforcement and Removal Operations directorate of U.S. Immigration and Customs Enforcement to carry out "Operation At Large" in Los Angeles, California. According to Defendants, this operation involves "contact teams" that "typical[ly] . . . consist of three to five agents who contact individuals in public places such as streets, sidewalks, and publicly accessible portions of

businesses." Defendants further explain, "Certain types of businesses, including carwashes, were selected for [contact team] encounters because past experience demonstrated that they are likely to employ persons without legal documentation. During operations in Los Angeles, [federal] agents temporarily detained individuals, and made arrests for immigration violations and federal criminal statutes."

Plaintiffs refer to these contact teams as "roving patrols" and allege they have detained individuals without reasonable suspicion, in violation of the Fourth Amendment's safeguard against unreasonable seizures by the government.

To give just one example, Plaintiff Jason Brian Gavidia is a U.S. citizen who was born and raised in East Los Angeles and identifies as Latino. On the afternoon of June 12, he stepped onto the sidewalk outside of a tow yard in Montebello, California, where he saw agents carrying handguns and military-style rifles. One agent ordered him to "Stop right there" while another "ran towards [him]." The agents repeatedly asked Gavidia whether he is American—and they repeatedly ignored his answer: "I am an American." The agents asked Gavidia what hospital he was born in—and he explained that he did not know which hospital. "The agents forcefully pushed [Gavidia] up against the metal gated fence, put [his] hands behind [his] back, and twisted [his] arm." An agent asked again, "What hospital were you born in?" Gavidia again explained that he did not know which

hospital and said "East L.A." He then told the agents he could show them his Real ID. The agents took Gavidia's ID and his phone and kept his phone for 20 minutes. They never returned his ID.

On July 3, Plaintiffs filed an application for a temporary restraining order, which Defendants opposed. After a hearing, the district court determined that Plaintiffs had shown they are likely to succeed in proving that seizures requiring—but not supported by—reasonable suspicion have occurred as part of Operation At Large in Los Angeles, and that Defendants have authorized or approved that practice. The district court issued the requested TRO on July 11.

On July 17, Defendants filed an emergency motion for a stay pending their appeal of the TRO.[1] Defendants focus their arguments on Plaintiffs' standing to seek equitable relief and the terms and scope of the TRO. For the following reasons, we deny Defendants' motion for a stay except as to a single clause.

## I. BACKGROUND

In this putative class action, five individual plaintiffs and three membership associations allege that Defendants, twelve senior federal officials who share responsibility for directing federal immigration enforcement in the Los Angeles area, "have an ongoing policy, pattern, and/or practice of conducting detentive

[1] Defendants filed their first emergency motion for a stay pending appeal on July 14. We denied that motion without prejudice for failure to comply with Federal Rule of Appellate Procedure 8(a)(2)(A).

stops in [the Central District of California] without reasonable suspicion that the person to be stopped is within the United States in violation of U.S. immigration law, in contravention of the Fourth Amendment." Plaintiffs allege that government agents are engaging in these "unlawful stop and arrest practices" when conducting roving patrols and other immigration enforcement operations throughout the Central District.[2]

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[2] Plaintiffs contend that these practices stem in part from an official target of 3,000 arrests per day by Immigration and Customs Enforcement (ICE).

During oral argument, we asked Defendants' counsel whether the federal government has a policy of directing ICE field offices to make 3,000 arrests or deportations per day—whether that directive may come from ICE, the President, or some other official in the administration. Defense counsel replied that he was aware of no such policy. We asked him to look into the matter and submit a 28(j) letter with an answer.

Defendants submitted a 28(j) letter, which states:

> In response to the Court's inquiry at oral argument, DHS has confirmed that neither ICE leadership nor its field offices have been directed to meet any numerical quota or target for arrests, detentions, removals, field encounters, or any other operational activities that ICE or its components undertake in the course of enforcing federal immigration law.
>
> Plaintiffs' allegation that the government maintains a policy mandating 3,000 arrests per day appears to originate from media reports quoting a White House advisor who described that figure as a "goal" that the Administration was "looking to set." That quotation may have been accurate, but no such goal has been set as a matter of policy, and no such directive has been issued to or by DHS or ICE.
>
> To be sure, enforcement of federal immigration law is a top priority for DHS, ICE, and the Administration. But the government conducts its enforcement activities based on individualized assessments, available resources, and evolving operational priorities—not volume

The Central District includes Los Angeles County, Ventura County, Santa Barbara County, San Luis Obispo County, Orange County, Riverside County, and San Bernardino County. Those counties have a combined estimated population of 19,233,598 people, including 9,096,334 people that identify as "Hispanic or Latino." That means people who identify as "Hispanic or Latino" make up almost half—about 47.3%—of the estimated population of the Central District.

Plaintiffs applied for an ex parte TRO seeking to prohibit federal officials "from conducting detentive stops for the purposes of immigration enforcement without first establishing individualized, reasonable suspicion that the person to be stopped is unlawfully in the United States." The district court did not grant the application for an ex parte TRO and instead ordered full briefing and a hearing.

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> metrics. Enforcement activity is firmly anchored in binding legal constraints—constitutional, statutory, and regulatory requirements that apply at every stage, from identification to arrest to custody—with multiple layers of supervisory review to ensure compliance with the law. This framework, not anonymous reports in the newspapers, governs ICE's operations.

(footnote omitted).

We note that, on May 28, 2025, White House Deputy Chief of Staff Stephen Miller stated during an interview with Fox News: "Under President Trump's leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day." Hannity, *Stephen Miller says the admin wants to create the strongest immigration system in US History*, FOX NEWS (May 28, 2025, 6:29 pm PT), available at https://www.foxnews.com/video/6373591405112 (last visited July 31, 2025).

In support of their TRO, Plaintiffs submitted 21 sworn declarations. Five were from the individual named plaintiffs and described the circumstances in which they were stopped by Defendants. Three were declarations from representatives of two of the plaintiff organizations, describing the effect of Defendants' operation on their members, including instances in which particular members were subjected to detentive stops. Five other declarants described being seized by Defendants conducting roving patrols, and five described witnessing such seizures. Plaintiffs also submitted social media posts and cited numerous news articles that documented Defendants' roving patrols.

Defendants opposed Plaintiffs' TRO application and submitted two declarations in support of their opposition. One was from an official affiliated with ICE's Enforcement and Removal Operations (ERO). It described training of ERO officers and described ERO's general practices of creating targeting packets for individuals to be arrested and conducting consensual interviews with other individuals they encounter. The other declaration came from an official affiliated with Customs and Border Control (CBP). It described CBP's participation in operations in Los Angeles, including both consensual encounters and investigative detentions. Neither declaration rebuts Plaintiffs' evidence regarding any particular stop.

The district court held a hearing on the TRO on July 10. The parties discussed the factors that Defendants use when making stops, the terms of Plaintiffs' proposed TRO, and whether imposing those terms would be consistent with the Fourth Amendment's requirements for reasonable suspicion.

Based on all the evidence presented, including Defendants' evidence opposing the TRO, the district court determined that Plaintiffs are likely to succeed in proving their factual allegations regarding Defendants' stop and arrest practices. Defendants do not challenge that determination (either in whole or in part) in their motion for a stay of the TRO pending appeal. Therefore, for purposes of deciding that motion, we assume Plaintiffs will likely succeed in proving those factual allegations and summarize the pertinent facts below.

### A. Since June 6, 2025, Defendants have been conducting "Operation At Large" in Los Angeles.

On June 6, 2025, federal law enforcement arrived in Los Angeles to participate in what federal officials have described as "the largest Mass Deportation Operation . . . in History."[3] As part of this operation, Defendants are dispatching

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[3] *Vasquez Perdomo v. Noem*, Case No. 2:25-cv-05605-MEMF-SP, 2025 WL 1915964, at *1 (C.D. Cal. July 11, 2025) (quoting Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (June 16, 2025, 12:43 AM), https://truthsocial.com/@realDonaldTrump/posts/114690267066155731). According to a declaration submitted by Defendants: "On June 6, 2025, in support of U.S. Immigration and Customs Enforcement, CBP agents and officers were sent to Los Angeles, California in support of Immigration and Customs Enforcement-Enforcement and Removal Operations (ICE-ERO). As part of this operation, CBP

what they call "contact teams," and what Plaintiffs refer to as "roving patrols." As described by the Deputy Incident Commander for Defendants' operation in Los Angeles, Kyle Harvick: "CBP agents and officers are typically divided into teams, composed of three to five agents, who contact individuals in public places such as streets and sidewalks, parking lots, or the publicly-accessible portions of businesses. Certain types of businesses, including carwashes, have been selected for encounters because past experiences have demonstrated that illegal aliens utilize and seek work at these locations."[4]

### B. As part of Operation At Large, agents have stopped and interrogated the individual plaintiffs.

#### i. Jason Brian Gavidia

Plaintiff Jason Brian Gavidia is a U.S. citizen, born and raised in East Los Angeles. He lives and works in Los Angeles County. He is of Latino ethnicity, a proud Christian, and a businessman. He is also an active volunteer in his church

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agents and officers, along with their federal partners, participate in a variety of different law enforcement encounters and enforcement actions as part of the operation in Los Angeles. These activities have included consensual encounters, investigative detentions, warrantless arrests made where probable cause is developed in the field, arrests carried out pursuant to federal immigration warrants, and criminal arrests under judicial warrants."

[4] At oral argument, Defendants asserted that the contact teams engage only in "voluntary interactions" with individuals who are not the subject of a "targeting packet." But the district court found that Plaintiffs were likely to succeed in showing that those interactions occurred under objectively coercive circumstances, making them detentive stops for which reasonable suspicion is required. Defendants do not dispute that determination in their motion for a stay.

and supporter of his community. He rents space from a tow yard in Montebello, California, to work on cars. On June 12, 2025, around 4:30 p.m., he was working on his car in the tow yard when he heard someone say that immigration agents might be at the premises. Out of curiosity, he went outside to see whether agents were present.

While standing on the sidewalk outside the tow yard gate, he saw agents wearing green vests; some were carrying handguns, but at least two had military-style rifles. When Gavidia started to head back inside the tow yard, a masked agent said, "Stop right there." Gavidia stopped because he is a "law-abiding citizen," and he "felt [he] could not leave, and that the agent had stopped [him]." While the masked agent approached him, another "unmasked agent ran towards [him]" and questioned him, asking whether he is American. Gavidia told him, "I am an American." The agent repeated the question, and Gavidia responded the same way, at least two more times. Then the agent asked Gavidia what hospital he was born in. Gavidia "calmly replied that [he] did not know." The agent repeated the same question two more times, and each time, Gavidia explained that he did not know which hospital he was born in. At that point, "the agents forcefully pushed [him] up against the metal gated fence, put [his] hands behind [his] back, and twisted [his] arm." The agent asked again, "What hospital were you born in?" Gavidia responded again that he did not know and said "East L.A." He then told the agents

he could show them his Real ID. When he showed his Real ID, an agent took it from him. They also took his phone. After about 20 minutes, they returned his phone, but they never returned his Real ID.

**ii. Jorge Luis Hernandez Viramontes**

Plaintiff Jorge Luis Hernandez Viramontes is a 29-year-old resident of Baldwin Park, California. He is a dual citizen of the United States and Mexico. He is of Latino ethnicity. He has lived in the United States for about 11 years, and he is married to a Legal Permanent Resident. They have two young children, both of whom are U.S. citizens. Hernandez Viramontes has worked at a carwash in Whittier, California, for about 10 years; he is currently a manager. On June 9, 2025, masked agents arrived at the carwash in unmarked vehicles, many wearing "military style clothing." When they arrived, "the agents started grabbing people and asking their status." On June 14, 2025, agents arrived again, this time driving border patrol vehicles and wearing clothing that identified them as border patrol. The agents asked both workers and customers if they were citizens.

On June 18, 2025, around 10:30 a.m., agents again arrived in unmarked vehicles and started asking employees their status. Hernandez Viramontes and some of his coworkers asked the agents if they had a warrant. The agents responded only by saying, "Shut the fuck up." An agent asked Hernandez Viramontes if he was a citizen, and Hernandez Viramontes answered, "Yes." The

agent asked for ID, and Hernandez Viramontes gave him his California driver's license. The agent asked Hernandez Viramontes where he was born, and he responded, "Mexico." The agent asked Hernandez Viramontes if he had his passport. Hernandez Viramontes asked if as a dual citizen he was required to carry his passport. The agent told Hernandez Viramontes his driver's license wasn't enough, and that because he didn't have his passport with him, he had to go with the agents. The agent grabbed his arm and escorted him to a silver SUV. Agents took him to a warehouse area nearby. After about 20 minutes, they took him back to the carwash. The agents never identified themselves, and they did not wear any visible badges.

#### iii. Pedro Vasquez Perdomo, Carlos Alexander Osorto, and Isaac Antonio Villegas Molina

Plaintiffs Pedro Vasquez Perdomo, Carlos Alexander Osorto, and Isaac Antonio Villegas Molina live in Pasadena, California. Each is of Latino ethnicity. Vasquez Perdomo is 54 years old and has lived in Pasadena since he was a young man. Osorto is 50 years old; he has lived in Pasadena for about 14 years, and he is the proud grandfather to seven U.S. citizen grandchildren. Villegas Molina is 47 years old; in 2010, he won a scholarship to study culinary arts and English in Florida, and he moved to Pasadena about 13 years ago. The three men are day laborers and coworkers. Villegas Molina is new to the trade; Vasquez Perdomo and Osorto have built homes all over Los Angeles.

On the morning of June 18, 2025, Vasquez Perdomo, Osorto, and Villegas Molina waited to be picked up for a construction job at a Metro bus stop in front of a Winchell's Donuts in Pasadena. They were drinking coffee. Vasquez Perdomo and Osorto sat on the bench, and Villegas Molina stood next to them. Suddenly, four unmarked cars pulled up and surrounded them. The cars were large and black with tinted windows and had no license plates. The doors opened and men in masks with guns started running at them aggressively. One of the men had a "large" military-style gun. The masked men wore regular clothes, they had no visible badges, and they did not identify themselves. Vasquez Perdomo, Osorto, and Villegas Molina were afraid they were being kidnapped. Vasquez Perdomo tried to move away but was immediately surrounded by several men with guns. They grabbed him, put his hands behind his back, and handcuffed him. Then, one of the men asked him for identification. Vasquez Perdomo said in English, "I have the right to remain silent."

Villegas Molina stood still and tried to remain calm. A masked and armed man came up to him and yelled, "Don't run!" Villegas Molina responded calmly, in English, "I'm not going to run." The man asked Villegas Molina to show his ID, and Villegas Molina provided his California Driver's license. Then the man asked Villegas Molina if he had any papers, and he said no. The man handcuffed Villegas Molina.

Osorto did not know the men were government agents. Terrified, he tried to run. The men yelled "stop" but did not identify themselves as law enforcement officers. Soon, one of the men caught up to Osorto, pointed a taser over his heart, and yelled, "Stop or I'll use it!" Osorto stopped immediately, and the man handcuffed him.

The unidentified, masked, and armed men put Vasquez Perdomo, Osorto, and Villegas Molina into separate cars and drove them to a parking lot where they interrogated them further. Eventually, the men chained each plaintiff at the hands, waist, and feet and took them to a Los Angeles detention center. The men never identified themselves to the plaintiffs, never stated they were immigration officers authorized to make arrests, never stated that they had arrest warrants, and never informed the plaintiffs of the bases for their arrests.[5] Vasquez Perdomo and

[5] In opposing the TRO, Defendants submitted a declaration from Andre Quinones, the Deputy Field Office Director of the Los Angeles Field Office ERO. Quinones attested that ERO Los Angeles officers sometimes apprehend illegal aliens by using "targeted investigations" which "focus on aliens with final removal orders and/or serious criminal history." "Individual targeting packages, consisting of the targeted alien's immigration history and/or status, criminal history, last known residence and employment information are prepared during the targeted investigation, prior to contact with the targeted alien." "When non-targeted individuals are encountered during the targeted operations, ERO Los Angeles officers are trained to develop reasonable suspicion through consensual encounters. ERO Los Angeles officers identify themselves to the arrestee at the time of arrest/encounter or as soon as practicable when safe to do so." Defendants did not provide any evidence that any of the stops experienced by the individual Plaintiffs

Villegas Molina have since been released on bond, and the district court ordered that Osorto be released on bond on July 30, 2025.

### C. Because of Operation At Large, members of the plaintiff associations have been detained and interrogated or credibly fear they will be detained, regardless of immigration status.

#### i. United Farm Workers of America

The United Farm Workers of America (UFW) is the largest farm worker union in the country. As of June 2025, UFW has approximately 10,000 members, the majority of whom reside in California, including counties across the Central District. Elizabeth Strater, National Vice President of UFW, attests that the manner in which immigration enforcement operations have been conducted—"including by individuals hiding behind masks, who fail to identify themselves, and wearing military gear—has UFW members and staff fearing for their safety," regardless of

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or described in Plaintiffs' other evidence involved the detention or arrest of a targeted individual.

When Defendants filed their motion for a stay of the TRO, they provided a supplemental declaration by Quinones in which he states: "Regarding the allegations of Plaintiffs Pedro Vasquez Perdomo, Carlos Alexander Osorto, and Issac Villegas Molina, all three arrests arose or were the result of a targeted enforcement action at a particular location where past surveillance and intelligence had confirmed that the target or individuals associated with him were observed to have recruited illegal aliens to work on landscaping jobs. It was also determined to be a location where the target and the workers would get food before heading off for a job." Notably, Quinones represents only that these Plaintiffs were at a location where the target had been seen in the past. Quinones does not state that any of the Plaintiffs are the target or associates of the target. Nor does Quinones state that agents observed the target at or near the bus stop when they detained the Plaintiffs there.

their immigration status. UFW members who are U.S. citizens and lawful permanent residents, and those who have employment authorization documents, such as H-2A temporary agricultural visas, T-visas, Temporary Protected Status, Deferred Action for Labor Enforcement, or Deferred Action for Childhood Arrivals, nevertheless express fear about being swept up in enforcement actions and seized, arrested, or detained without regard to their authorization to be in the U.S. Through her role as a UFW officer, Strater received a report about a UFW member, "Angel."

Angel is a U.S. citizen who identifies as Latino. Angel was walking to a community center with a coworker when two vehicles "pulled up to them suddenly." One was a U.S. Customs and Border Patrol truck, the other was a "plain, white car filled with what appeared to be soldiers wearing military clothing." The agent driving the truck asked Angel where he was born. Angel responded, "Simi Valley." The agent then asked: "What hospital?" Angel provided the hospital's name. The agent then turned to Angel's coworker, asking, "What about you?" The coworker, Roberto, responded in Spanish. The agents exited their vehicle, grabbed Roberto, and loaded him into their truck. Angel started walking away, but the agents demanded that he return. Angel told them again that he is a U.S. citizen. The agents directed Angel to show them his identification. They did

not let him leave until he showed them his California ID. Angel fears that agents will stop him again simply because of his apparent race or profession.

**ii. Los Angeles Worker Center Network**

The Los Angeles Worker Center Network (LAWCN) has eight member organizations. These include CLEAN Carwash Worker Center, the Garment Worker Center, the Koreatown Immigrant Workers Alliance, the Los Angeles Black Worker Center, the Philipino Workers Center, the Warehouse Worker Resource Center, the UCLA Labor Center, and Bet Tzedek Legal Services. LAWCN's member organizations currently represent over 3,800 workers.

CLEAN has approximately 1,800 individual members, all of whom are carwash workers in Southern California. CLEAN has members that live or work in Los Angeles, Orange, San Bernadino, Ventura, and Riverside counties. CLEAN's members are "predominantly Latine, with many being immigrants or the children of immigrants." CLEAN's Executive Director is Flor Melendrez.

Since Defendants' operation commenced in June 2025, dozens of CLEAN members who work at carwashes in Los Angeles and Orange counties have been stopped or arrested by immigration agents. Melendrez is also aware of dozens more carwash workers who work alongside CLEAN's members who have been detained or arrested by immigration agents. Based on reports from members, members' families, and staff, Melendrez understands that "carwashes have been a

consistent and ongoing target of immigration agents" and that "agents have targeted some carwashes more than once."

Plaintiffs submitted a declaration from CLEAN member Jesus Aristeo Cruz Uitz. Cruz Uitz has been a member of CLEAN since 2020. He is 51 years old and has four U.S. citizen children, ages five to sixteen. Before the events at issue in this case, Cruz Uitz had lived in the U.S. for more than 30 years, and he was a resident of Inglewood, Los Angeles County, California. He had no criminal convictions, and no encounters with immigration or law enforcement.

On Sunday, June 8, 2025, Cruz Uitz went to work at a carwash in Los Angeles, where he had been working for about eight years. At about 3:30 p.m., six vehicles pulled up in a "very fast and intimidating" manner and parked at the entrance. Some vehicles were unmarked, others had green stripes that said Border Patrol. About two agents came out of each vehicle, wearing masks. Some of the carwash workers ran, but Cruz Uitz stayed where he was. One of the people who got out of the vehicles approached Cruz Uitz "angrily and grabbed [Cruz Uitz's] arms. He was wearing green pants and a black vest. His clothes did not have any symbols or letters. He had a pistol. He asked [Cruz Uitz] in Spanish, 'Do you have papers?'" As soon as Cruz Uitz answered, the agent began handcuffing Cruz Uitz without saying anything else. Cruz Uitz told the agent, "You're hurting me." The agent responded, "You're not understanding. We're kicking you out." The agent

pushed Cruz Uitz into the backseat of a vehicle, causing Cruz Uitz "to hit into a metal median." When Cruz Uitz explained that the handcuffs were hurting him, the agent ignored him. About a minute later, the agents brought in one of Cruz Uitz's coworkers. Two of Cruz Uitz's coworkers "have light skin"—one is Persian, and the other is from Russia—and neither of them was approached by immigration agents or arrested.

**iii. Coalition for Humane Immigrant Rights**

The Coalition for Humane Immigrant Rights (CHIRLA) is a nonprofit and membership organization headquartered in Los Angeles, California, with eight offices throughout California.

CHIRLA's activities include providing legal services and education. It has approximately 50,000 active members across California. Its membership is predominantly Latino and includes U.S. citizens, non-U.S. citizens with lawful status, and non-U.S. citizens without lawful status. Many of its members belong to mixed-status families—that is, families consisting of both individuals with citizenship or lawful status and individuals without. Many of its members "are day laborers who wait outside Home Depots, carwash workers, and street vendors who sell their products on public sidewalks."

CHIRLA's Executive Director, Angelica Salas, attests that many of CHIRLA's members "are experiencing significant levels of fear over the

possibility of being grabbed and snatched in immigration raids in public areas based on racial profiling." Even CHIRLA members with U.S. citizenship, work authorization, or pending applications for legal permanent residency have changed their daily routines out of fear that they will be detained based on their Latino appearance.

### D. The District Court's TRO

The district court found that Plaintiffs "are likely to succeed in showing [that] seizures requiring reasonable suspicion have occurred."[6] Reviewing Plaintiffs' evidence regarding the circumstances surrounding the stops, it found that the conditions were coercive enough that the interactions were not consensual. The district court also found that Plaintiffs are "likely to succeed in showing that the seizures are based upon the four enumerated factors" or a subset of them. Those factors are (1) apparent race or ethnicity; (2) speaking Spanish or speaking English with an accent; (3) presence at a particular location; and (4) the type of work one does. The district court then concluded that "sole reliance on the four enumerated

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[6] Two of the association plaintiffs also challenge "denial of access to counsel and illegal conditions of confinement" at a federal facility in Los Angeles. **Complaint at 6.** Those plaintiffs applied for a separate TRO based on those practices. **ECF 38.** The district court granted both TRO applications in a single order. Defendants appealed only the district court's grant of the Stop/Arrest TRO application. Although the complaint also challenges Defendants' stop-and-arrest practices on statutory and regulatory bases, because the Stop/Arrest TRO was based only on Plaintiffs' Fourth Amendment claim, we do not address in detail Plaintiffs' other claims and allegations. **ECF 89.**

factors does not constitute reasonable suspicion." And, finally, the district court found that Defendants' stops based only on the four factors were part of an officially-sanctioned "pattern of conduct." Particularly, the court found that, despite there being no evidence of an "official policy" of making stops based only on the four factors and without reasonable suspicion, there was sufficient evidence to show that Defendants were routinely doing so. The court also observed that "a plethora" of public statements by high-level officials supported the finding that the challenged practice was approved or authorized by officials. Based on those findings, the district court granted Plaintiffs' application for the TRO.

The TRO provides:[7]

a. As required by the Fourth Amendment of the United States Constitution, Defendants shall be enjoined from conducting detentive stops in this District unless the agent or officer has reasonable suspicion that the person to be stopped is within the United States in violation of U.S. immigration law.
b. In connection with paragraph [a], Defendants may not rely solely on the factors below, alone or in combination, to form reasonable suspicion for a detentive stop, except as permitted by law:
    i. Apparent race or ethnicity;
    ii. Speaking Spanish or speaking English with an accent;
    iii. Presence at a particular location (e.g., bus stop, car wash, tow yard, day laborer pick up site, agricultural site, etc.); or
    iv. The type of work one does.

[7] In the district court's order, paragraph b. references "paragraph (1)," not "paragraph a." We think it obvious that the district court meant to refer to paragraph a. Accordingly, we have corrected that typographical error in our recitation of the TRO's terms. We note that, in challenging the TRO, Defendants do not rely on paragraph b.'s reference to "paragraph (1)."

### E. Defendants' Motion for a Stay Pending Appeal

Defendants filed a notice of appeal and an emergency motion to stay the district court's TRO pending appeal.

It is important to note the issues Defendants did *not* raise in their motion for a stay. Defendants did not dispute the district court's finding that detentive stops requiring reasonable suspicion have occurred. They did not dispute that these detentive stops have been based solely on the four enumerated factors. They did not challenge the district court's findings that those stops are part of a pattern of conduct that has apparent official approval. And, finally, they did not meaningfully dispute the district court's conclusion that sole reliance on the four enumerated factors, alone or in combination, does not satisfy the constitutional requirement of reasonable suspicion. Their motion so states in a single sentence, without argument or citation to any legal authority. In their reply, they addressed that issue in three paragraphs, only one of which makes any reference to legal authority.

Here are the arguments that Defendants *do* make: They first argue that Plaintiffs cannot show a sufficient likelihood of future injury to support standing for injunctive relief and, even if they can meet the Article III threshold, they still cannot show a "real and immediate threat" that they will be harmed again sufficient to justify injunctive relief. As to the substance of the TRO, they argue

that it is impermissibly vague, inconsistent with the Fourth Amendment, and exceeds what is necessary to provide the Plaintiffs "complete relief."

## II. JURISDICTION

We begin with two threshold questions: statutory jurisdiction and Article III standing.

### A. Statutory Jurisdiction

We have jurisdiction under the All Writs Act, 28 U.S.C. § 1651, to consider a motion for a stay of a TRO pending appeal. *Newsom v. Trump*, 141 F.4th 1032, 1043 (9th Cir. 2025). The question whether the TRO is appealable informs the likelihood Defendants will succeed on the merits of their appeal; the answer does not affect our jurisdiction to consider a stay while the question is litigated. *Id.* at 1044.

### B. Article III Standing

We have jurisdiction to consider "Cases" and "Controversies" "in Law and Equity." U.S. Const. Art. III. For there to be a "Case," a plaintiff must have a "personal stake" such that he or she is "the proper party to bring [the] suit." *Raines v. Byrd*, 521 U.S. 811, 818 (1997). Standing is jurisdictional; we consider it de novo and sua sponte. *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009).

To satisfy the "irreducible constitutional minimum of standing," a plaintiff "must have suffered an 'injury in fact'—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not

conjectural or hypothetical." *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992) (cleaned up). There also must be "a causal connection between the injury and the conduct complained of," and "it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Id.* (cleaned up).

"Because standing is 'an indispensable part of the plaintiff's case,' it 'must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, *i.e.*, with the manner and degree of evidence required at the successive stages of the litigation.'" *Washington v. Trump*, 847 F.3d 1151, 1159 (9th Cir. 2017) (quoting *Lujan*, 504 U.S. at 561). "At this very preliminary stage of the litigation, [plaintiffs] may rely on the allegations in their Complaint and whatever other evidence they submitted in support of their TRO motion to meet their burden." *Id.* "With these allegations and evidence, [plaintiffs] must make a 'clear showing of each element of standing.'" *Id.* (quoting *Townley v. Miller*, 722 F.3d 1128, 1133 (9th Cir. 2013)).

The record shows—and Defendants do not dispute—that each of the individual plaintiffs, and members of both UFW and LAWCN, were stopped by government agents as part of the challenged operation. That is enough to make a "clear showing" of injury in fact. *Id.* Defendants challenge only Plaintiffs' standing to seek prospective injunctive relief.

To have standing to seek an injunction against future unlawful conduct, a plaintiff must show a "sufficient likelihood" that they will suffer a similar injury in the future. *City of Los Angeles v. Lyons*, 461 U.S. 95, 111 (1983); *see also LaDuke v. Nelson*, 762 F.2d 1318, 1324 (9th Cir. 1985). "Although questions of standing are reviewed de novo, we will affirm a district court's ruling on standing when the court has determined that the alleged threatened injury is sufficiently likely to occur, unless that determination is clearly erroneous or incorrect as a matter of law." *Mayfield v. United States*, 599 F.3d 964, 970 (9th Cir. 2010).

Here, the district court found that plaintiff Gavidia had standing to seek prospective injunctive relief because "there is a real and immediate threat that the conduct complained of will continue," and "[a]ll of the evidence adduced suggests a high likelihood of recurrent injury."

In their motion for a stay, Defendants argue that none of the plaintiffs have standing to seek prospective injunctive relief. We consider first whether the individual plaintiffs have standing to obtain equitable relief, and then whether the association plaintiffs have standing to obtain such relief on their members' behalf.[8]

[8] Only one plaintiff with standing is sufficient for Article III. Still, we consider the standing of each plaintiff to address Defendants' argument about the scope of relief. *See infra*, Section III.A.4.

### 1. Individual Plaintiffs

We conclude that each of the individual plaintiffs has standing to seek injunctive relief because there is a "realistic[] threat[]" that each will be stopped without reasonable suspicion as part of Defendants' Operation at Large. *Lyons*, 461 U.S. at 106.

As we have explained, a plaintiff can show that an injury is likely to recur by "demonstrat[ing] that the harm is part of a pattern of officially sanctioned behavior, violative of the plaintiffs' federal rights." *Melendres v. Arpaio*, 695 F.3d 990, 998 (9th Cir. 2012) (cleaned up). The district court here found that Plaintiffs' evidence demonstrated "a pattern of conduct," and that "a plethora of statements suggest[ed] approval or authorization" of the challenged stop-and-arrest practices, including a recent statement by Defendant Gregory K. Bovino, the Chief Patrol Agent for the El Centro Sector of the CBP. Defendants do not meaningfully dispute these findings, and they are well supported by the record. The sworn declarations describe more than a dozen stops based on less than reasonable suspicion—targeting Hispanic or Latino people in public places and at businesses like Home Depots and carwashes. Defendants' declarations corroborate key allegations regarding the commencement of Operation At Large in Los Angeles and the dispatching of "contact teams" to public places and businesses. Their general descriptions of training regarding the requirements for a lawful seizure do little to

overcome Plaintiffs' specific evidence showing a series of similar detentive stops without reasonable suspicion. On this record, we agree with the district court that Plaintiffs have shown that the challenged conduct is "part of a pattern of officially sanctioned behavior" and thus that the alleged injury is "likely to recur." *Id.* at 997–98 (cleaned up).

Defendants argue that the record fails to show that any specific plaintiff is likely to be stopped again. As they note, the record shows only one individual, J.M.E., has been stopped by Defendants twice. But that one recurrence is significant, especially considering that Defendants' agents stopped J.M.E. twice in just 10 days—first on June 9, and again on June 19. Gavidia and the other individual plaintiffs were each stopped only once.[9] But Defendants made all those stops and dozens more in a single month. Defendants commenced Operation at Large in Los Angeles on June 6, and Plaintiffs submitted their evidence of stops on July 3. Additionally, the record shows that Defendants' ongoing Operation At Large involves sending contact teams to public places and types of businesses, such as carwashes and Home Depots that they believe are "utilized" by illegal immigrants. And, the record includes evidence that Defendants have sent teams to the same place repeatedly. Accordingly, we conclude that there is a "real and

[9] We agree with Defendants that the district court's finding that Gavidia has been subjected to multiple stops was clearly erroneous.

immediate threat," *Lyons*, 461 U.S. at 102, that Defendants' patrols will send contact teams to the same locations and encounter the same individuals.

Our conclusion is consistent with the Supreme Court's holding in *Lyons.* In that case, police officers subjected Lyons to a chokehold during a routine traffic stop. Lyons sought an injunction against future use of chokeholds by police officers under circumstances "which do not threaten death or serious bodily injury." *Id.* at 100. The Supreme Court concluded that Lyons lacked standing to pursue injunctive relief because it was "no more than speculation to assert [] that Lyons himself" would again be subject to a chokehold. *Id.* at 108.

This case is a far cry from *Lyons*. To start, Plaintiffs seek to enjoin the stops themselves, not some subsequent conduct that might occur only after a stop, like a chokehold. In *Lyons* and other cases where the asserted future injury was insufficient to confer standing, "there was either little indication in the record that the plaintiffs had firm intentions to take action that would trigger the challenged governmental action, or little indication in the record that, even if plaintiffs did take such action, they would be subjected to the challenged governmental action." *Associated Gen. Contractors of Cal. v. Coal. for Econ. Equity*, 950 F.2d 1401, 1407 (9th Cir. 1991); *see also Lyons*, 461 U.S. at 111 (concluding that Lyons's risk of future injury was speculative, in part because his claim of future injury depended on him being stopped for a traffic violation or some other offense). The

same is not true here. Unlike in *Lyons*, the individual plaintiffs here cannot escape future injury by avoiding unlawful activity. There is no predicate action that the individual plaintiffs would need to take, other than simply going about their lives, to potentially be subject to the challenged stops.

Further, the district court in *Lyons* did not make an explicit finding about the likelihood of recurrence, and the record in *Lyons* did not establish a policy of chokeholds "authorized absent some resistance or other provocation." 461 U.S. at 110. Here, in contrast, the district court specifically found that the evidence indicates that the challenged stops are part of an officially-sanctioned pattern and that, as a result, there is "a high likelihood of recurrent injury."

In sum, unlike in *Lyons*, the district court in this case made an explicit finding of likelihood of recurrence, there is evidence that the complained-of conduct stems from a pattern or practice by Defendants, and there is no specific predicate action required by Plaintiffs to trigger Defendants' challenged practice. We distinguished *Lyons* on those same bases in *Melendres v. Arpaio*, explaining that the district court did not err in finding that the threatened constitutional injury was likely to occur again where "the district court expressly found that the Plaintiffs [were] sufficiently likely to be seized in violation of the Fourth Amendment," the plaintiffs presented evidence that defendants "engaged in a pattern or practice of conducting [the challenged] stops," and the plaintiffs could not "avoid injury by

avoiding illegal conduct." 695 F.3d at 998 (cleaned up). Defendants suggest that Plaintiffs must provide "direct evidence of an unlawful policy" to establish standing. But no official statement or express policy is required to demonstrate a "pattern of officially sanctioned behavior, violative of the plaintiffs' federal rights." *Armstrong v. Davis*, 275 F.3d 849, 861 (9th Cir. 2001) (cleaned up). In *Nicacio v. INS*, for example, we held plaintiffs had standing to seek injunctive relief where the district court found that "the INS was engaged in a pattern of unlawful stops to interrogate persons of Hispanic appearance traveling by automobile on Washington highways," based on the plaintiffs' testimony about their experiences. 797 F.2d 700, 701–04 (9th Cir. 1985).

We therefore conclude that the individual plaintiffs have made a sufficient showing of future injury to establish standing to seek injunctive relief.

**2. Association Plaintiffs**

To establish "associational" standing and bring suit on behalf of its members, an association must show that: "(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 199 (2023) (quoting *Hunt v. Wash. St. Apple Adver. Comm'n*, 432 U.S. 333, 343

(1977)). Further, "[w]here it is relatively clear, rather than merely speculative, that one or more members have been or will be adversely affected by a defendant's action, and where the defendant need not know the identity of a particular member to understand and respond to an organization's claim of injury," the organization is not required to "identify by name the member or members injured" to establish associational standing. *Nat'l Council of La Raza v. Cegavske*, 800 F.3d 1032, 1041 (9th Cir. 2015). *See also Fla. State Conf. of NAACP v. Browning*, 522 F.3d 1153, 1163 (11th Cir. 2008) (holding that, "[t]o satisfy the requirements of associational standing, all that plaintiffs need to establish is that at least one member faces a realistic danger of" being injured by the challenged practice).

**a. Members' Standing**

At least some of each association's members would have standing to sue in their own right. UFW and LAWCN each submitted evidence regarding individual members' experiences of detentive stops. As to CHIRLA, the district court found that it has members who "reasonably fear being subject to the stop and arrest practices challenged in this case." Based on this reasonable fear, the record shows that CHIRLA members have changed their routines and tried to avoid leaving their homes.

As with the individual plaintiffs, we conclude that the associations' individual members can establish standing to seek injunctive relief based on a real and

immediate threat of future injury. *Lyons*, 461 U.S. at 105. The associations have thousands of members across California and the Central District, and the evidence suggests that Defendants are engaged in a high-volume, District-wide practice of making detentive stops with less than reasonable suspicion. The large scale of the association plaintiffs' Los Angeles-area memberships "increases the threat of future harm to [the association plaintiffs'] members." *Cal. Rest. Ass'n v. City of Berkeley*, 89 F.4th 1094, 1100 (9th Cir. 2024) (quoting *Nat. Res. Def. Council v. U.S. E.P.A.*, 735 F.3d 873, 878 (9th Cir. 2013)). In these circumstances, it is highly likely that at least one member of each association will be subject to Defendants' challenged practices. *See id.*; *see also Fla. State Conf. of N.A.A.C.P.*, 522 F.3d at 1163 (concluding that plaintiff associations had standing to seek prospective relief against a state statute barring voter registrations in the event of social security or drivers' license number "mismatches" because it was "highly unlikely—even with only a one percent chance of rejection for any given individual—that not a single [association] member will have his or her application rejected due to a mismatch").

**b. Associations' Interests**

The interests the association plaintiffs seek to protect are germane to their purposes. Each of the association plaintiffs has a mission to defend the rights of low-wage workers with various immigration statuses. The association plaintiffs' stated "institutional goals" to protect "a broad range of rights" for their members is

sufficient for purposes of establishing associational standing. *Cal. Rural Legal Assistance, Inc. v. Legal Servs. Corp.*, 917 F.2d 1171, 1174 (9th Cir. 1990).

**c. Members' Participation**

Lastly, neither the claim asserted nor the relief requested requires the participation of the associations' individual members in this lawsuit. As a general matter, membership organizations may bring constitutional claims on behalf of their members. *See, e.g.*, *Students for Fair Admissions*, 600 U.S. at 200–01; *Stavrianoudakis v. U.S. Fish & Wildlife Serv.*, 108 F.4th 1128, 1143 (9th Cir. 2024) (holding organization had associational standing to seek injunctive relief to protect its members' Fourth Amendment rights). Because Plaintiffs allege an ongoing pattern of unconstitutional detentive stops, demonstrating the likelihood of future such stops does not require the participation of individual members. And because Plaintiffs seek only prospective injunctive relief (not damages), individual participation is not necessary for effective relief. *See, e.g.*, *id.*; *Columbia Basin Apartment Ass'n v. City of Pasco*, 268 F.3d 791, 799 (9th Cir. 2001) (holding that claims for injunctive relief "do not require individualized proof" of harm). Finally, associational standing is particularly appropriate where the "constitutional rights of persons who are not immediately before the Court could not be effectively vindicated except through an appropriate representative before the Court." *NAACP v. Ala. ex. Rel. Patterson*, 357 U.S. 449, 459 (1958). Here, the intense fear of

discriminatory stops that Defendants' roving patrols have provoked may prevent the association plaintiffs' members from active participation in the lawsuit.[10]

In sum, we have jurisdiction to decide whether to stay the district court's TRO pending appeal, and all Plaintiffs—the individuals and associations—have established their standing to seek prospective equitable relief.

## III. DISCUSSION

We next turn to the central question before us: Should we stay the district court's TRO during the appeal proceedings?

We consider the four "*Nken* factors" in deciding whether to grant a stay pending appeal. The factors are: (A) "whether the stay applicant has made a strong showing that [it] is likely to succeed on the merits" of its appeal; (B) "whether the applicant will be irreparably injured absent a stay"; (C) "whether issuance of the stay will substantially injure the other parties"; and (D) "where the public interest lies." *Newsom*, 141 F.4th at 1044 (quoting *Nken v. Holder*, 556 U.S. 418, 426

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[10] The associations are bringing claims on behalf of their members to vindicate their *members'* personal rights; they are not seeking to benefit themselves by asserting a third party's rights. The cases cited by Defendants involving parties seeking either to exclude evidence or to assert a 42 U.S.C. § 1983 claim based on the violation of a third party's Fourth Amendment rights are inapplicable. *See Rakas v. Illinois*, 439 U.S. 128, 138–40 (1979) (third-party exclusionary rule); *Mabe v. San Bernardino Cnty., Dep't of Pub. Soc. Servs.*, 237 F.3d 1101, 1111 (9th Cir. 2001) (third-party § 1983 claim). Moreover, the practical considerations that counsel against extending the exclusionary rule to third parties are not at issue here. *See Heartland Acad. Cmty. Church v. Waddle*, 427 F.3d 525, 532 (8th Cir. 2005).

(2009)). A stay pending appeal is "an exercise of judicial discretion"; "[a] stay is not a matter of right, even if irreparable injury might otherwise result." *Nken*, 556 U.S. at 433 (cleaned up). "The party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion." *Id.* at 433–34.

### A. Likelihood of Success on the Merits of Appeal

The first stay inquiry is whether Defendants have "made a strong showing" that they are likely to succeed on the merits of their appeal. *Nken*, 556 U.S. at 434. Because Defendants cannot succeed on the merits of their appeal unless the TRO is appealable, we begin by addressing that issue. Then we address each of Defendants' bases for appealing the TRO.

#### 1. Appealability of the TRO

We first address the threshold jurisdictional question that will be a precondition to the merits of Defendants' appeal: Is the district court's TRO appealable?

Under 28 U.S.C. § 1291(a)(1), we have jurisdiction over appeals of "[i]nterlocutory orders . . . granting . . . injunctions." "Ordinarily, a TRO is not an appealable order." *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 762 (9th Cir. 2018). But a TRO can be appealed if it has the "same effect as a preliminary injunction." *Id.* "We treat a TRO as a preliminary injunction where an adversary hearing has been held, and the court's basis for issuing the order is strongly

challenged." *Id.* (cleaned up). "Further, a key distinction . . . is that a TRO may issue without notice and remains in effect for only 14 days." *Id.* at 762–63.

Here, the district court entered the TRO on appeal after notice, expedited briefing, and a hearing. Defendants "strongly challenged" the district court's basis for entering the TRO. *Id.* at 762. The TRO will remain in effect for longer than 14 days.

We therefore conclude that Defendants are likely to succeed in establishing that the district court's TRO is appealable under § 1291(a)(1).

**2. Sufficient Likelihood of Injury to Warrant Equitable Relief**

Defendants argue that, even if Plaintiffs have shown injury sufficient for Article III standing, "they cannot come close to showing the threat of immediate and irreparable harm that is necessary for an injunction."

For this argument, Defendants principally rely on *Hodgers-Durgin v. de la Vina*, 199 F.3d 1037 (9th Cir. 1999). In *Hodgers-Durgin*, this court assumed that even if plaintiffs had established a sufficient threat of future injury to confer Article III standing to seek prospective relief, the asserted injury was not sufficiently immediate to warrant an injunction as a matter of the law of equitable remedies. *Id.* at 1042. In that case, the plaintiffs had sought an injunction against Border Patrol practices. But the two named plaintiffs had each been stopped "only once in 10 years." *Id.* at 1044. Based on this record, this court concluded that the

plaintiffs had not established that it was sufficiently likely they would be stopped again. *Id.*

This case is decisively different. It is undisputed that Defendants have been conducting a massive and ongoing immigration enforcement operation in the Los Angeles region since early June. The record shows Defendants' agents have conducted many stops in the Los Angeles area within a matter of weeks, not years, some repeatedly in the same location. For the association plaintiffs, the likelihood of harm corresponds with the likelihood that one or more of their members will be stopped by one of Defendants' agents—which, for the reasons discussed above, is considerable.

Based on this record, the district court did not clearly err in "affirmatively find[ing] that there is a real *and immediate* threat that the conduct complained of will continue." (Emphasis added). And "[i]t is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d at 1002 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

### 3. Objections to the Terms of the TRO

Defendants primarily argue that portions of the TRO constitute an impermissibly vague "follow-the-law" injunction. They also argue that the TRO is inconsistent with the Fourth Amendment. We address each argument in turn.

### i. Vagueness

Federal Rule of Civil Procedure 65(d)(1) requires that any injunction or TRO be "specific in terms" and "describe in reasonable detail—and not by reference to the complaint or other document—the act or acts sought to be restrained." "[T]he specificity provisions of Rule 65(d) are no mere technical requirements. The Rule was designed to prevent uncertainty and confusion on the part of those faced with injunctive orders, and to avoid the possible founding of a contempt citation on a decree too vague to be understood." *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974). The terms of the injunction should be clear enough to be understood by a lay person, not just by lawyers and judges. *Reno Air Racing Ass'n v. McCord*, 452 F.3d 1126, 1134 (9th Cir. 2006).

Whether the TRO is sufficiently clear is a context-specific inquiry that "must be applied in the light of the circumstances surrounding the order's entry," including "litigation history." *Id.* at 1133-34 (cleaned up); *see also Melendres v. Skinner*, 113 F.4th 1126, 1138 (9th Cir. 2024) (interpreting district court's injunction in light of previous orders and "the [district] court's exchanges . . . at a status conference before the issuance of the" injunction). When interpreting the district court's order, we consider the text of the order itself together with the "accompanying opinion" and other documents attached to the order. *See Schmidt*, 414 U.S. at 476; *cf. Reno Air Racing*, 452 F.3d at 1132 (permitting incorporation

by reference of an exhibit attached to an order). We will not set aside an injunction under Rule 65 unless it is "so vague" that it has "no reasonably specific meaning." *Skinner*, 113 F.4th at 1140 (cleaned up).

As previously noted, the TRO at issue here provides:

> a. As required by the Fourth Amendment of the United States Constitution, Defendants shall be enjoined from conducting detentive stops in this District unless the agent or officer has reasonable suspicion that the person to be stopped is within the United States in violation of U.S. immigration law.
> b. In connection with paragraph [a], Defendants may not rely solely on the factors below, alone or in combination, to form reasonable suspicion for a detentive stop, except as permitted by law:
>  i. Apparent race or ethnicity;
>  ii. Speaking Spanish or speaking English with an accent;
>  iii. Presence at a particular location (e.g., bus stop, car wash, tow yard, day laborer pick up site, agricultural site, etc.); or
>  iv. The type of work one does.

As Defendants point out, paragraph b. prohibits sole reliance on the four factors to form reasonable suspicion to support a detentive stop, "except as permitted by law." We agree with Defendants that the "except as permitted by law" clause makes paragraph b. impermissibly vague: what is "permitted by law" is not clear to lawyers and judges, much less lay persons who are the "target of the injunction." *Reno Air Racing*, 452 F.3d at 1134. We therefore conclude that Defendants are likely to succeed on the merits as to that specific clause. Defendants, however, are not likely to succeed on their remaining arguments.

Defendants contend that paragraph a. is impermissibly vague because it simply "restates the constitutional requirement of reasonable suspicion." The first paragraph, standing alone, could be an impermissible follow-the-law injunction. But, as the TRO states, paragraph a. must be read "[i]n connection with" with paragraph b., which specifies exactly what Defendants are prohibited from doing. When read together, paragraphs a. and b. prohibit Defendants from making detentive stops based solely on the four factors, or some combination of them. The TRO does not expose Defendants to the threat of contempt when they make a stop based on other factors—even if a court later concludes that Defendants lacked reasonable suspicion for the stop.

**ii. Fourth Amendment**

As Defendants correctly note, when making reasonable-suspicion determinations, "reviewing courts . . . must look at the 'totality of the circumstances' of each case to see whether the detaining officer has a 'particularized and objective basis' for suspecting legal wrongdoing." *United States v. Arvizu*, 534 U.S. 266, 273 (2002) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)). Further, in light of *Arvizu*, we have recognized that "the nature of the totality-of-the-circumstances analysis" precludes courts from "holding that certain factors are presumptively given no weight without considering those factors in the full context of each particular case." *United States*

*v. Valdes-Vega*, 738 F.3d 1074, 1079 (9th Cir. 2013) (en banc). Thus, in *Valdes-Vega*, we concluded that earlier Ninth Circuit decisions "holding that certain factors are *per se* not probative or are *per se* minimally probative do not now comply with Supreme Court precedent." *Id.* at 1079. As the *Arvizu* Court explained, a "divide-and-conquer" analysis of individual factors is inappropriate because, even when each in a series of facts is innocent on its own, those facts may give rise to reasonable suspicion when viewed together. 534 U.S. at 274.

Defendants primarily argue that the TRO runs afoul of *Valdes-Vega* because, in their view, the TRO enjoins them from relying on the four factors at all, even in combination with other factors. This argument misreads the TRO. The TRO does not prohibit Defendants from relying on the four factors at all. Rather, the TRO clearly states that "Defendants may not rely *solely* on the [four factors], alone or in combination, to form reasonable suspicion for a detentive stop." (Emphasis added.) The TRO is clear, but if Defendants remain confused, they need only read the accompanying opinion. In adopting Plaintiffs' proposed TRO, the district court explained that the proposed TRO would "enjoin reliance *solely* on these four enumerated factors alone or in combination." (Emphasis in original.) It would "not . . . enjoin reliance on these factors along with other factors, nor—contrary to Defendants' mischaracterizations—[would it] require that Defendants ignore these factors or 'put blinders on' when they run across these factors." The district court

clarified the same point in the TRO hearing, confirming that the proposed TRO would prohibit sole reliance on the four factors, but it would not prohibit reliance on those factors in combination with unlisted factors.

Defendants also argue that, even if the TRO prohibits only detentive stops based solely on the four factors, the TRO creates a categorical rule about the relevance of those factors which, in Defendants' view, is inconsistent with the general principle that reasonable-suspicion determinations depend on the "totality of the circumstances." This argument fails for several reasons.

To begin, the TRO does not create a categorical rule. Rather, the TRO prohibits Defendants from relying solely on the four factors in the context of the current enforcement activities in a particular place, the Central District. The district court concluded that, in that context, the four factors establish only a "broad profile" that, without "additional information that winnows the broad profile into an objective and particularized suspicion of the person to be stopped," "do[es] not demonstrate reasonable suspicion for any particular stop." Additionally, the TRO does not establish an impermissible *per se* rule because it says nothing about how to weigh the four factors in other circumstances or if other relevant factors are present. If future stops are based on additional, relevant facts, those scenarios will be unaffected by the TRO.

Moreover, the TRO's rule—that Defendants may not rely solely on the four factors to form reasonable suspicion for a detentive stop in the Central District—is entirely consistent with the general principle that reasonable-suspicion determinations must be based on the totality of the circumstances. Courts routinely assess specific groupings of factors to determine whether those factors together give rise to reasonable suspicion. That is exactly what a reasonable-suspicion determination entails. *See, e.g.*, *Ornelas v. United States*, 517 U.S. 690, 698 (1996). Moreover, in *Ornelas*, the Supreme Court held that a de novo standard of review for reasonable suspicion determinations is appropriate because "de novo review tends to unify precedent and will come closer to providing law enforcement officers with a defined set of rules" regarding what constitutes reasonable suspicion. *Id.* at 697. In so holding, the Court acknowledged that, "because the mosaic which is analyzed for a reasonable-suspicion or probable-cause inquiry is multi-faceted, one determination will seldom be a useful precedent for another." *Id.* (cleaned up). "But," the Court explained, "there are exceptions." *Id.* The Court went on to identify multiple pairs of cases in which the circumstances of two cases "were so alike" that precedent compelled the same reasonable-suspicion determination in the later case. *Id.* Consistent with *Ornelas*, the TRO provides Defendants with appropriate guidance regarding a particular set of circumstances that appears repeatedly in the record of this case.

Finally, Defendants argue that the TRO is improper because "some combination of the enumerated factors will at least sometimes support reasonable suspicion for a stop." Because Defendants "fail[ed] to develop" this argument by offering any analysis, legal authority, or examples in support, we are not obligated to consider it. *See, e.g.*, *Iraheta-Martinez v. Garland*, 12 F.4th 942, 959 (9th Cir. 2021). We nonetheless address Defendants' argument to explain why the TRO is consistent with the Fourth Amendment.

The TRO prohibits Defendants from making a detentive stop based only on the following four factors, or some subset of these factors: (1) the person's apparent race or ethnicity; (2) that the person speaks Spanish or speaks English with an accent; (3) the person's presence at a particular location—whether that be a random location, such as a sidewalk or front yard, or a location selected "because past experiences have demonstrated that illegal aliens utilize or seek work at these locations"; and (4) the type of work the person does or appears to do, even if that is a job that, in the officers' experience, is more often performed by illegal immigrants than are other jobs.

"The Fourth Amendment applies to all seizures of the person, including seizures that involve only a brief detention short of traditional arrest." *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). In *Brignoni-Ponce*, the Supreme Court considered the Border Patrol's authority to stop automobiles in

areas near the Mexican border. The Court held that, "[e]xcept at the border and its functional equivalents," the Fourth Amendment does not allow immigration enforcement officers to make detentive stops unless they are "aware of specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion" that the persons stopped or detained "may be illegally in the country." *Id.* at 884.

Reasonable suspicion must be "particularized and objective." *Arvizu*, 534 U.S. at 273. That is, an officer must have reasonable suspicion as to "*the particular person being stopped*." *United States v. Montero-Camargo*, 208 F.3d 1122, 1129 (9th Cir. 2000) (en banc); *accord Brown v. Texas*, 443 U.S. 47, 51 (1979). In making a reasonable-suspicion determination, "the facts must be filtered through the lens of the agents' training and experience," *Valdes-Vega*, 738 F.3d at 1079 (citing *Brignoni-Ponce*, 422 U.S. at 885), "but 'experience' does not in itself serve as an independent factor in the reasonable suspicion analysis." *Montero-Camargo*, 208 F.3d at 1131. "In other words, an officer's experience may furnish the background against which the relevant facts are to be assessed," *id.*, but the officers' "rational inferences" and "permissible deductions" must "flow from objective facts and be capable of rational explanation." *Nicacio*, 797 F.2d at 705.

To form reasonable suspicion, an officer must rely on facts and inferences specific enough that they do not describe "[l]arge numbers," *Brignoni-Ponce*, 422

U.S. at 886, or a "broad profile" of individuals, *United States v. Manzo-Jurado*, 457 F.3d 928, 939 (9th Cir. 2006). Reasonable suspicion cannot be based on "generalizations that, if accepted, would cast suspicion on large segments of the lawabiding population." *Id.* at 935. Rather, the specific facts articulated "must provide a rational basis for separating out the illegal aliens from American citizens and legal aliens." *Orhorhaghe v. INS*, 38 F.3d 488, 497 (9th Cir. 1994) (cleaned up). Accordingly, "[a] characteristic common to both legal and illegal immigrants does little to arouse reasonable suspicion." *Manzo-Jurado*, 457 F.3d at 937.

We agree with the district court that, in the context of the Central District of California, the four enumerated factors at issue—apparent race or ethnicity, speaking Spanish or speaking English with an accent, particular location, and type of work, even when considered together—describe only a broad profile and "do not demonstrate reasonable suspicion for any particular stop."

The Central District's demographics are relevant to this analysis. *See, e.g.*, *Brignoni-Ponce*, 422 U.S. at 885–87 & n.12 (considering probative value of "apparent Mexican ancestry" near the Mexican border in light of the demographics of the border states). Plaintiffs' undisputed evidence shows that nearly half—about 47 percent—of the Central District's population identifies as Hispanic or Latino.

In the United States generally, apparent Hispanic or Latino race or ethnicity generally has limited probative value, because "[l]arge numbers of native-born and

naturalized citizens have the physical characteristics identified with [Hispanic or Latino ethnicity]." *Id*. at 886. That probative value is even less in an area like the Central District in which "a substantial part . . . of the population is Hispanic." *Montero-Camargo*, 208 F.3d at 1132.

Speaking Spanish and speaking English with an accent are likewise characteristics that "appl[y] to a sizable portion of individuals lawfully present in this country." *Cf. Manzo-Jurado*, 457 F.3d at 936–37 (discussing the limited probative value of observation that "group members spoke to each other exclusively in Spanish and did not understand English"). These characteristics have very little probative value in the Central District of California. *See, e.g.*, U.S. Census Bureau, Language Spoken at Home (Table S1601), *Am. Cmty. Survey* (indicating that more than 55% of the population in Los Angeles County speaks a language other than English at home, including 37.7% of the population that speaks Spanish at home).

As to location, both the Supreme Court and this court have made clear that an individual's presence at a location that illegal immigrants are known to frequent does little to support reasonable suspicion when U.S. citizens and legal immigrants are also likely to be present at those locations. *See, e.g.*, *Brignoni-Ponce*, 422 U.S. at 882–83 (holding that "roving" border patrols must have reasonable suspicion to make stops even on roads "near the border," because those roads "carry not only

aliens seeking to enter the country illegally, but a large volume of legitimate traffic as well"); *United States v. Sigmond-Ballesteros*, 285 F.3d 1117, 1124 (9th Cir. 2002) (holding that an individual's presence on a highway that "smugglers" "common[ly]" used was "of only minimal significance" given that the highway connected various cities and "substantially all of the traffic in and around these cities is lawful" (cleaned up)).

The district court found that Defendants select certain types of public places and businesses because their "past experiences" indicate that illegal immigrants are present at and seek work at those locations. Defendants, however, provide no evidence—not even a bald assertion—that any of the public places or types of businesses they are targeting are used exclusively, or even predominantly, by individuals illegally in the country. *See Manzo-Jurado*, 457 F.3d at 937–38 & n. 10.[11] To the contrary, the evidence indicates that presence at such locations is "[a]

[11] In *Manzo-Jurado*, we concluded that the group's appearance as a work crew was only "marginally relevant," even though officers testified that Border Patrol had encountered "numerous" work crews that contained illegal immigrants. *Id.* at 937–38. In so holding, we noted that the officers did not discuss "the proportion of work crews in [the city] that have illegal aliens, even though they encountered "numerous" work crews with illegal aliens, because they did not testify about how many work crews they had encountered in the city "that did not have illegal aliens." *Id.* Further, even though "officials' skilled judgment plays a significant role in determining whether there was reasonable suspicion," the officers' "testimony regarding their prior encounters with works crews in [the city] which had contained illegal immigrants does not explain how their experience and

characteristic common" to legal immigrants, illegal immigrants, and U.S. citizens alike. *See id.* at 937. Consequently, the fact that a person is present at a business (such as a carwash) or other location (such as a bus stop) "does little to arouse reasonable suspicion," even when paired with officers' knowledge that illegal immigrants have frequented or sought work at that location. *See id.*

Like location, the type of work one does is at most "marginally relevant to establishing reasonable suspicion," even if it is work commonly performed by immigrants without legal status. *See id.* at 937–38. In *Manzo-Jurado*, we held that a group's "appearance as a work crew" was only "marginally relevant" because it was a "characteristic common to both legal and illegal immigrants"—even though officials testified they had encountered "numerous" individuals in that type of work who were present in the country illegally. *Id.* We have also explained that evidence that a particular employer is employing a large number of undocumented workers does not create reasonable suspicion as to each individual employee. *Perez-Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019).

Even taken together, the four enumerated factors describe only a "broad profile" that does not supply the reasonable suspicion required to justify a detentive stop. *Manzo-Jurado*, 457 F.3d at 939. We considered a very similar set of

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expertise led to a reasonable inference of criminality that might well elude an untrained person." *Id.* at 938 n.10 (cleaned up).

factors in *Manzo-Jurado*. There, we concluded that the Border Patrol lacked reasonable suspicion that any individuals in a group were in this country illegally where the officers observed that the individuals (1) appeared Hispanic; (2) appeared to be a work crew; (3) spoke Spanish and were unable to speak English; and (4) were within 50 miles of the Canadian border. *Id.* at 932, 939–40. We held Border Patrol lacked reasonable suspicion to justify its stop based on those facts even though "proximity to the Canadian border supports reasonable suspicion," *id.* at 936, and even though Border Patrol had encountered numerous work crews in the city that employed illegal aliens, in some cases, "all illegal aliens," *id.* at 938 & n.9.[12]

As in *Manzo-Jurado*, the factors at issue here impermissibly "cast suspicion on large segments of the lawabiding population," including anyone in the District who appears Hispanic, speaks Spanish or English with an accent, wears work clothes, and stands near a carwash, in front of a Home Depot, or at a bus stop. *Id.* at 935. This conclusion is amply supported by the record, which shows that U.S. citizens and lawfully present immigrants were seized based on the four factors or a

[12] *See also, e.g.*, *United States v. Diaz-Juarez*, 299 F.3d 1138, 1142 & n.2 (9th Cir. 2002) (explaining that officer's observation of individual close to the border, at a time that was unusual to encounter traffic, in an area "notorious for smuggling," shortly after receiving reports that "contraband was poised for smuggling into the United States," only ripened into reasonable suspicion when he observed the individual's "unusual car and driving behavior").

subset of them—including the three U.S. Citizens discussed above, an 11-year-old U.S. citizen at a carwash, a lawfully present day laborer outside a Home Depot, and a legally present immigrant who was stopped by Defendants once while driving and again while standing outside a Home Depot.

A combination of factors that describes a large segment of the population has "weak" probative value and therefore cannot amount to reasonable suspicion "unless . . . combined with other more probative factors," *Nicacio*, 797 F.2d at 704, that "corroborate[] [the officers'] initial suspicions," *Manzo-Jurado*, 457 F.3d at 939. "Although an officer, to form a reasonable suspicion . . . , may rely in part on factors composing a broad profile, he must also observe additional information that winnows the broad profile into an objective and particularized suspicion of the person to be stopped." *Manzo-Jurado*, 457 F.3d at 939–40.[13] Because the enumerated factors fail to "provide a rational basis for separating out the illegal

[13] In their reply brief, Defendants assert that some or all of the factors could furnish reasonable suspicion when "viewed against the backdrop of agents' experience." **Reply at 7.** Although officers may draw on their own experience and specialized training to make inferences from the cumulative information available to them, "we will defer to officers' inferences only when such inferences rationally explain how the objective circumstances aroused a reasonable suspicion that *the particular person being stopped* had committed or was about to commit a crime." *Manzo-Jurado*, 457 F.3d at 934–35 (quoting *Montero-Camargo*, 208 F.3d at 1129 (cleaned up)). And "while an officer may evaluate the facts supporting reasonable suspicion in light of his experience, experience may not be used to give the officers unbridled discretion in making a stop." *Montero-Camargo*, 208 F.3d at 1131 (quoting *Nicacio*, 797 F.2d at 705).

aliens from American citizens and legal aliens," they do not, without more, give rise to reasonable suspicion that an individual is in this country illegally. *Orhorhaghe*, 38 F.3d at 497 (cleaned up).

In sum, we conclude that Defendants are likely to succeed only on their objection that the TRO is rendered impermissibly vague by the phrase "except as permitted by law." Defendants have not shown that they are likely to prevail as to any other arguments aimed at the substance of the TRO.

**4. Scope of Relief Granted**

Finally, in evaluating the likelihood that Defendants will succeed on their appeal of the TRO, we consider the remaining remedial question that would be raised by the appeal: Did the district court exceed its jurisdiction, or abuse its discretion, in entering a district-wide TRO?

"[T]he scope of a district court's equitable powers . . . is broad, for breadth and flexibility are inherent in equitable remedies." *Milliken v. Bradley*, 433 U.S. 267, 281 (1977) (cleaned up). Courts thus have "broad discretion in fashioning a remedy." *Melendres v. Arpaio*, 784 F.3d 1254, 1265 (9th Cir. 2015). Injunctions "must be tailored to remedy the specific harm alleged." *Id*. But "a federal court may order relief that the Constitution would not of its own force initially require if such relief is necessary to remedy a constitutional violation." *Toussaint v. McCarthy*, 801 F.2d 1080, 1087 (9th Cir. 1986) (citing *N.C. State Bd. of Educ. v.*

*Swann,* 402 U.S. 43, 46 (1971) *and Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15–16 (1971)); *see also Melendres v. Arpaio*, 784 F.3d at 1265.

Consistent with the nature of equitable relief, we review the district court's "choice of [equitable] remedies" for "abuse of discretion." *Stone v. City & County of San Francisco*, 968 F.2d 850, 861 & n.19 (9th Cir. 1992). Our inquiry is not whether there is some conceivable injunction that is *more* tailored while providing equal relief; Defendants must establish that "no reasonable person could take the view adopted by the trial court." *Id.*

We review factual findings underlying the district court's decision for clear error, and we review de novo any underlying legal determinations. *Roman v. Wolf*, 977 F.3d 935, 941 (9th Cir. 2020). The scope of a district court's statutory jurisdiction is a legal question we review de novo; to the extent that determination relies on factual findings, we review those findings for clear error. *Cf. Robinson v. United States*, 586 F.3d 683, 685 (9th Cir. 2009) ("A district court's findings of fact relevant to its determination of subject matter jurisdiction are reviewed for clear error.").

Here, the district court's decision to award temporary preliminary relief relied on factual determinations about the effects that potential remedies would have and whether various remedies would be sufficient to completely rectify the alleged harms. The district court specifically "[found] that the breadth of the TRO is

necessary to give Plaintiffs what they are entitled to." Defendants have not pointed to any clear errors in the district court's factual findings, nor can we discern any based on our review of the evidence each side submitted.

As to the breadth of the TRO, one limitation on the district court's discretion to order injunctive relief is that, under the Judiciary Act of 1789, district courts likely lack authority to issue "universal injunctions"—orders that "prohibit enforcement of a law or policy against *anyone*"—to the extent "*broader* than necessary to provide complete relief to each plaintiff." *Trump v. CASA, Inc.*, 145 S. Ct. 2540, 2548, 2562–63 (2025) (second emphasis added). Party-specific injunctions may "advantage nonparties," but "only incidentally." *Id.* at 2557 (cleaned up).

At the same time, "[t]he equitable tradition has long embraced the rule that courts generally may administer complete relief between the parties.'" *Id.* (quoting *Kinney-Coastal Oil Co. v. Kieffer*, 277 U.S. 488, 507 (1928)). Accordingly, we recently held in *Washington v. Trump* that "the district court did not abuse its discretion in issuing a universal injunction in order to give the State[ plaintiffs] complete relief." —— F.4th ——, 2025 WL 2061447, at *17 (July 23, 2025).

Here, the TRO enjoining a certain practice of suspicionless stops within the Central District of California is not an impermissible "universal" injunction like the ones disapproved in *CASA*. One obvious difference is geographical: the

injunction here is not national, but limited to one judicial district. But much more importantly, the scope and structure of the TRO is reasonably necessary to provide complete relief to the Plaintiffs and benefits non-plaintiffs only incidentally. Here is why:

Plaintiffs assert that federal officials are stopping people "based not on individualized suspicion, but . . . profiling"—in other words, individuals in the Los Angeles area are being subjected to detentive stops based on group rather than individual characteristics, *before* the federal agents conducting the roving patrols know who the people stopped are. As the district court recognized, given the nature of the challenged conduct—detentive stops of individuals based solely on a broad profile—enjoining Defendants from stopping *only the Plaintiffs* would not afford the Plaintiffs meaningful relief. How would a federal agent who is about to detain a person whose identity is not known, based on some combination of the person's ethnicity, language, location, and occupation, discern in advance whether that person is on the list of individuals that agents are enjoined from stopping? The agents cannot stop first and then check whether the stopped person is one of the covered individuals; at the point of the stop, the challenged harm has already occurred.

We considered an analogous injunction in *Easyriders Freedom F.I.G.H.T. v. Hannigan*, 92 F.3d 1486, 1501–02 (9th Cir. 1996). *Easyriders* involved an

injunction intended to prevent Fourth Amendment violations by the California Highway Patrol (CHP). The injunction applied statewide, rather than only to the named individual and association plaintiffs. This court explained that due to the nature of the challenged conduct, the injunction was appropriately tailored:

> The injunction's limitations on the CHP's actions against *all* motorcyclists, instead of an injunction that merely restricts the CHP's citation of the named plaintiffs, is appropriate in this case. . . . While there are only fourteen named plaintiffs in this case . . . and an unknown number of members of Easyriders [the association plaintiff], an injunction against the CHP statewide is appropriate. Because . . . it is unlikely that law enforcement officials who were not restricted by an injunction governing their treatment of all motorcyclists would inquire before citation into whether a motorcyclist was among the named plaintiffs or a member of Easyriders, the plaintiffs would not receive the complete relief to which they are entitled without statewide application of the injunction.

*Id.* 1501–02. Notably, in *Easyriders*, we held that a statewide injunction was appropriate because it was merely "unlikely" that CHP officers would determine whether someone was a plaintiff before impermissibly issuing a citation. Here, as noted, the nature of the challenged misconduct means that the federal agents will almost certainly not determine whether an individual is a plaintiff (or association member) before stopping them—and here, it is the detentive stop, not any later citation or arrest, that is the asserted constitutional violation.

The inadequacy of a list-of-protected-people injunction is multiplied because the list would have to include all of the members of the plaintiff associations, which have thousands of members who live or work in the area. Requiring

organizations to share membership lists with Defendants could raise additional constitutional problems regarding the freedom of association and privacy. *Cf. NAACP*, 357 U.S. 449.[14]

In sum, we agree with the district court's conclusion that a district-wide injunction is necessary "to provide complete relief" to each of the Stop/Arrest Plaintiffs "with standing to sue"—including the named individuals and associations. Because the district-wide TRO is necessary to provide complete temporary relief to the Plaintiffs with standing, we conclude that the district court did not abuse its discretion by entering an order that applies throughout its district. *See CASA*, 145 S.Ct. at 2563.[15]

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[14] In *Zepeda v. INS*, 753 F.2d 719 (9th Cir. 1983), this court vacated and remanded an injunction that was too broad because it prohibited a challenged practice "not only against the individual plaintiffs before the court, but also against other individuals who are not before the court"—"broad relief" that was "not necessary to remedy the rights of the individual plaintiffs." *Id.* at 729 n.1. The injunction in *Zepeda* is not analogous to the TRO here. To start, the *Zepeda* injunction was far broader, and restricted federal officials' practices with respect to private residences as well as in public. *Id.* at 723. Presumably, it would have been straightforward for federal officials to avoid the named plaintiffs' homes without a broad restriction. More fundamentally, *Zepeda* included only seven individual plaintiffs, not associations, and the district court had denied class certification. *See id.* at 722.

[15] The TRO might alternatively be permissible as an exercise of the district court's authority to protect its jurisdiction to address the putative class members' claims, before even "provisional" class certification. A district court can "certify[] a provisional class for purposes of [a] preliminary injunction." *Meyer v. Portfolio Recovery Assocs.*, 707 F.3d 1036, 1040 (9th Cir. 2012). Once a "provisional" class

In sum, Defendants have not established that the district court's order likely exceeded the district court's authority to completely protect the named individual and association plaintiffs from the threatened injuries.

### B. Injury to Defendants

Our second stay inquiry is whether the absence of a stay will irreparably injure Defendants. The burden is on the applicant to show that a stay is necessary to avoid likely irreparable injury. *See Nken*, 556 U.S. at 434.

Here, Defendants have not shown that they are likely to suffer irreparable injury without a stay. The TRO enjoins Defendants only from conducting detentive stops based solely on any combination of a subject's race or ethnicity, language or accent, presence at a particular location, or the type of work, in the Central District

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is certified, a preliminary injunction may provide relief to all class members. *See Nat'l Ctr. for Immigrants Rights v. INS*, 743 F.2d 1365, 1371 (9th Cir. 1984).

Additionally, the Supreme Court recently held that even before a class is certified— "provisionally" or otherwise—courts "may properly issue temporary injunctive relief to the putative class in order to preserve [their] jurisdiction pending appeal." *A.A.R.P. v. Trump*, 145 S.Ct. 1364, 1369 (May 16, 2025) (per curiam); *see also* 28 U.S.C. § 1651 ("The Supreme Court and all [federal] courts . . . may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.").

Here, because the TRO was warranted to provide complete relief to the named plaintiffs, we need not decide whether the TRO could have been alternatively justified as necessary "to preserve [the district court's] jurisdiction." *See A.A.R.P.*, 145 S.Ct. at 1367. In any event, plaintiffs indicated at oral argument that they may seek provisional class certification in conjunction with their motion for a preliminary injunction. Provisional certification may provide a useful mechanism for tailoring relief at that later stage.

of Los Angeles. Defendants, of course, "cannot reasonably assert that [they are] harmed in any legally cognizable sense by being enjoined from constitutional violations." *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir. 1983).

Defendants also assert that the TRO will have a "chilling effect" on enforcement operations given the threat of contempt for violating the TRO. This argument rests primarily on the premise that the TRO is a vague follow-the-law injunction. Although we agree the TRO's "except as permitted by law" clause created such a problem, this order cures it. Likewise, Defendants can no longer profess to be confused about whether the TRO prohibits them from considering the four factors at all—it does not. Lastly, Defendants argue that, with more time, they will be able to prove that "reasonable suspicion did exist" for some of the stops described in the record. If, as Defendants suggest, they are not conducting stops that lack reasonable suspicion, they can hardly claim to be irreparably harmed by an injunction aimed at preventing a subset of stops not supported by reasonable suspicion. Thus, we conclude that Defendants have failed to establish that they will be "chilled" from their enforcement efforts at all, let alone in a manner that constitutes the "irreparable injury" required to support a stay pending appeal. *See Sampson v. Murray*, 415 U.S. 61, 90 (1974).

In sum, Defendants have not established either of the first two *Nken* stay factors: they have not established that they are likely to succeed on the merits of

their appeal, except as to the "as permitted by law" exception, and they have not shown that they will likely be irreparably harmed absent a stay pending appeal. Although these "first two factors of the . . . [stay] standard are the most critical," we briefly address the two final factors. *See Nken*, 556 U.S. at 434.

### C. Injury to the Plaintiffs

Our third stay inquiry is whether a stay will substantially injure Plaintiffs. As noted, the district court concluded that Plaintiffs were "likely to suffer irreparable harm" without a TRO, because there was a sufficiently "real possibility that irreparable harm will continue absent the instant TRO in place." Defendants have failed to establish that the district court abused its discretion in concluding that Plaintiffs would be irreparably injured without a TRO. *See supra*, Section III.A.2.b. The future injuries from which Plaintiffs seek to be protected are violations of their constitutional rights. "When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (cleaned up). For the same reasons the district court concluded a TRO was warranted, we conclude that Plaintiffs would be substantially injured if the TRO were stayed pending appeal.

### D. Public Interest

Our final stay inquiry is whether the public interest favors a stay. "[P]ublic interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution." *Preminger v. Pirncipi*, 422 F.3d 815, 826 (9th Cir. 2005) (cleaned up). As Plaintiffs have adequately demonstrated that their constitutional rights would be violated absent the TRO, and Defendants have not established that they will be irreparably harmed if the TRO is not stayed, we conclude that the public interest does not weigh in favor of staying the TRO pending appeal.

### E. District Court's TRO Proceedings

Finally, we address Defendants' complaint that "any factual findings by the district court were a product of fundamentally unfair procedures," in part because Defendants had only two business days and a holiday weekend to prepare their materials in opposition to the TRO.

That argument is severely undercut by the fact that Defendants had the exact amount of time they requested to file their opposition to Plaintiffs' TRO application. They requested a deadline of Tuesday, July 8, 2025, to file their opposition to both of Plaintiffs' proposed TROs, and the district court adopted that deadline. And, like the emergency stay procedure Defendants are invoking now, the district court's procedure was, by design, expedited and preliminary.

Defendants will have time to gather additional evidence before the preliminary injunction hearing that is set for September 24, 2025. At that point, the district court (and this court, if there is an appeal) will consider afresh whether the record establishes that Plaintiffs are likely to succeed in showing an authorized pattern of detentive stops without reasonable suspicion in the Central District. Alternatively, if Defendants identify evidence that would justify dissolving the TRO before that date, they can move to dissolve it under Rule 65(b)(4).

## CONCLUSION

For the reasons above, we GRANT Defendants' motion to stay as to the "except as permitted by law" clause in paragraph b., and otherwise DENY it.

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

NICOLE DAVIS TINKHAM
LILIANA CAMPOS
BRIGIT GREESON ALVAREZ
OFFICE OF THE LOS ANGELES COUNTY COUNSEL
648 Kenneth Hahn Hall of Admin.
500 W. Temple St.
Los Angeles, CA 90012-4139
Tel: (202) 594-9958

NORMAN L. EISEN
STEPHEN A. JONAS
JOSHUA G. KOLB
DEMOCRACY DEFENDERS FUND
600 Pennsylvania Ave. SE, Suite 15180
Washington, DC 20003
Tel: (202) 594-9958

MICHAEL J. DUNDAS
*COUNSEL OF RECORD*
HYDEE FELDSTEIN SOTO
*CITY ATTORNEY*
VALERIE L. FLORES
OFFICE OF THE LOS ANGELES CITY ATTORNEY
200 North Main St.
Los Angeles, CA 90012-4139
Tel: (213) 978-8100
Email: mike.dundas@lacity.org

*(additional counsel listed on following pages)*

**Additional Counsel for Amici Curiae**


ROBERT FABELA
*CITY ATTORNEY*
OFFICE OF THE ANAHEIM
CITY ATTORNEY
200 S. Anaheim Blvd., Suite 356
Anaheim, CA 92805

STEPHANIE VASQUEZ
*CITY ATTORNEY*
BELL GARDENS CITY ATTORNEY'S OFFICE
7100 Garfield Avenue
Bell Gardens, CA 90201

LAURENCE S. WIENER
*CITY ATTORNEY*
CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, CA 90210

HEATHER BAKER
*CITY ATTORNEY*
CITY OF CULVER CITY
9770 Culver Blvd.
Culver City, CA 90232

ANDREW SAREGA
*CITY ATTORNEY*
CITY OF HUNTINGTON PARK
6550 Miles Avenue
Huntington Park, California 90255

DAWN A. MCINTOSH
*CITY ATTORNEY*
OFFICE OF THE LONG BEACH
CITY ATTORNEY
411 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802

NOEL TAPIA
*CITY ATTORNEY*
CITY OF LYNWOOD
13181 Crossroads Pkwy. North
Suite 400 – West Tower
City of Industry, CA 91746

ARNOLD M. ALVAREZ-GLASMAN
*CITY ATTORNEY FOR THE CITIES OF MONTEBELLO AND PICO RIVERA*
13181 Crossroads Parkway North,
Suite 400
Industry, CA 91746

KARL H. BERGER
*CITY ATTORNEY*
CITY ATTORNEY'S OFFICE
320 West Newmark Ave.
Monterey Park, CA 91754

STEPHEN M. FISCHER
*CITY ATTORNEY*
OXNARD CITY ATTORNEY'S OFFICE
305 W. Third St. Suite 100E
Oxnard, CA 93030

NICHOLAS R. GHIRELLI
*CITY ATTORNEY*
CITY OF PARAMOUNT
16400 Colorado Avenue
Paramount, CA 90723

MICHELE BEAL BAGNERIS
*CITY ATTORNEY*
CITY OF PASADENA
100 N. Garfield Ave., Room N-210
Pasadena, CA 91101

HENRY CASTILLO
CITY ATTORNEY'S OFFICE
CITY OF POMONA
505 S Garey Ave
Pomona, CA 91766

SANDRA M. FLORES
CITY ATTORNEY'S OFFICE
CITY OF SANTA ANA
20 Civil Center Plaza, 7th Floor
Santa Ana, California 92701

SARAH J. KNECHT
*CITY ATTORNEY*
SANTA BARBARA CITY ATTORNEY'S OFFICE
740 State Street
Santa Barbara, CA 93102

ROMY GANSCHOW
SANTA MONICA CITY ATTORNEY'S OFFICE
1685 Main Street, 3rd Floor
Santa Monica, CA 90401

LAUREN LANGER
*CITY ATTORNEY*
OFFICE OF THE WEST
HOLLYWOOD CITY ATTORNEY
300 S. Grand Ave., 25th Floor
Los Angeles, CA 90071

## TABLE OF CONTENTS

**Page**

## TABLE OF AUTHORITIES

**Page(s)**

## 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.

Dated: August 12, 2025

Respectfully submitted,

MICHAEL J. DUNDAS
*COUNSEL OF RECORD*
HYDEE FELDSTEIN SOTO
*CITY ATTORNEY*
VALERIE L. FLORES
OFFICE OF THE LOS ANGELES
CITY ATTORNEY
200 North Main St.
Los Angeles, CA 90012-4139
Tel: (213) 978-8100
Email: mike.dundas@lacity.org

NICOLE DAVIS TINKHAM
LILIANA CAMPOS
BRIGIT GREESON ALVAREZ
OFFICE OF THE LOS ANGELES
COUNTY COUNSEL
648 Kenneth Hahn Hall of Admin.
500 W. Temple St.
Los Angeles, CA 90012-4139
Tel: (202) 594-9958

NORMAN L. EISEN
STEPHEN A. JONAS
JOSHUA G. KOLB
DEMOCRACY DEFENDERS FUND
600 Pennsylvania Ave. SE, Suite 15180
Washington, DC 20003
Tel: (202) 594-9958

ROBERT FABELA
*CITY ATTORNEY*
OFFICE OF THE ANAHEIM
CITY ATTORNEY
200 S. Anaheim Blvd., Suite 356
Anaheim, CA 92805

STEPHANIE VASQUEZ
*CITY ATTORNEY*
BELL GARDENS CITY ATTORNEY'S OFFICE
7100 Garfield Avenue
Bell Gardens, CA 90201

LAURENCE S. WIENER
*CITY ATTORNEY*
CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, CA 90210

HEATHER BAKER
*CITY ATTORNEY*
CITY OF CULVER CITY
9770 Culver Blvd.
Culver City, CA 90232

ANDREW SAREGA
*CITY ATTORNEY*
CITY OF HUNTINGTON PARK
6550 Miles Avenue
Huntington Park, California 90255

DAWN A. MCINTOSH
*CITY ATTORNEY*
OFFICE OF THE LONG BEACH
CITY ATTORNEY
411 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802

NOEL TAPIA
*CITY ATTORNEY*
CITY OF LYNWOOD
13181 Crossroads Pkwy. North
Suite 400 – West Tower
City of Industry, CA 91746

ARNOLD M. ALVAREZ-GLASMAN
*CITY ATTORNEY FOR THE CITIES*
*OF MONTEBELLO AND PICO RIVERA*
13181 Crossroads Parkway North,
Suite 400
Industry, CA 91746

KARL H. BERGER
*CITY ATTORNEY*
CITY ATTORNEY'S OFFICE
320 West Newmark Ave.
Monterey Park, CA 91754

STEPHEN M. FISCHER
*CITY ATTORNEY*
OXNARD CITY ATTORNEY'S OFFICE
305 W. Third St. Suite 100E
Oxnard, CA 93030

NICHOLAS R. GHIRELLI
*CITY ATTORNEY*
CITY OF PARAMOUNT
16400 Colorado Avenue
Paramount, CA 90723

MICHELE BEAL BAGNERIS
*CITY ATTORNEY*
CITY OF PASADENA
100 N. Garfield Ave., Room N-210
Pasadena, CA 91101

HENRY CASTILLO
CITY ATTORNEY'S OFFICE
CITY OF POMONA
505 S Garey Ave
Pomona, CA 91766

SANDRA M. FLORES
CITY ATTORNEY'S OFFICE
CITY OF SANTA ANA
20 Civil Center Plaza, 7th Floor
Santa Ana, California 92701

SARAH J. KNECHT
*CITY ATTORNEY*
SANTA BARBARA CITY ATTORNEY'S OFFICE
740 State Street
Santa Barbara, CA 93102

ROMY GANSCHOW
SANTA MONICA CITY ATTORNEY'S OFFICE
1685 Main Street, 3rd Floor
Santa Monica, CA 90401

LAUREN LANGER
*CITY ATTORNEY*
OFFICE OF THE WEST
HOLLYWOOD CITY ATTORNEY
300 S. Grand Ave., 25th Floor
Los Angeles, CA 90071

*Counsel for Amici Curiae*