STACY TOLCHIN (SBN 217431)
stacy@tolchinimmigration.com
LAW OFFICES OF STACY TOLCHIN
776 E. Green St., Suite 210
Pasadena, CA 91101
Telephone: (213) 622-7450
Facsimile: (213) 622-7233

MOHAMMAD TAJSAR (SBN 280152)
mtajsar@aclusocal.org
MAYRA JOACHIN (SBN 306065)
mjoachin@aclusocal.org
EVA BITRÁN (SBN 302081)
ebitran@aclusocal.org
DAE KEUN KWON (SBN 313155)
akwon@aclusocal.org
OLIVER MA (SBN 354266)
oma@aclusocal.org
STEPHANIE PADILLA (SBN 321568)
spadilla@aclusocal.org
DIANA SÁNCHEZ (SBN 338871)
dianasanchez@aclusocal.org
ACLU FOUNDATION OF SOUTHERN CALIFORNIA
1313 West Eighth Street
Los Angeles, CA 90017-4022
Telephone: (213) 977-5232
Facsimile: (213) 201-7878

Counsel for Stop/Arrest Plaintiffs
(*additional counsel information on cont. page*)

MARK ROSENBAUM (SBN 59940)
mrosenbaum@publiccounsel.org
REBECCA BROWN (SBN 345805)
rbrown@publiccounsel.org
SOPHIA WRENCH (SBN 354416)
swrench@publiccounsel.org
RITU MAHAJAN (SBN 252970)
rmahajan@publiccounsel.org
GINA AMATO (SBN 215519)
gamato@publiccounsel.org
PUBLIC COUNSEL
610 South Ardmore Avenue
Los Angeles, CA 90005
Telephone: (213) 385-2977

Counsel for All Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

Kristi NOEM, in her official capacity as Secretary, Department of Homeland Security; Todd M. LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; Rodney S. SCOTT, in his official

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

PLAINTIFFS' REPLY IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

Hon. Maame Ewusi-Mensah Frimpong

capacity as Commissioner, U.S. Customs and Border Patrol; Michael W. BANKS, in his official capacity as Chief of U.S. Border Patrol; Kash PATEL, in his official capacity as Director, Federal Bureau of Investigation; Pam BONDI, in her official capacity as U.S. Attorney General; Ernesto SANTACRUZ JR., in his official capacity as Acting Field Office Director for Los Angeles, U.S. Immigration and Customs Enforcement; Eddy WANG, Special Agent in Charge for Los Angeles, Homeland Security Investigations, U.S. Immigration and Customs Enforcement; Gregory K. BOVINO, in his official capacity as Chief Patrol Agent for El Centro Sector of the U.S. Border Patrol; Jeffrey D. STALNAKER, in his official capacity as Acting Chief Patrol Agent, San Diego Sector of the U.S. Border Patrol; Akil DAVIS, in his official capacity as Assistant Director in Charge, Los Angeles Office, Federal Bureau of Investigation; Bilal A. ESSAYLI, in his official capacity as U.S. Attorney for the Central District of California,

Defendants.

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

Counsel for Stop/Arrest Plaintiffs

LAUREN MICHEL WILFONG**
lwilfong@ndlon.org
NATIONAL DAY LABORER ORGANIZING NETWORK
1030 S. Arroyo Parkway, Suite 106
Pasadena, CA 91105
Telephone: (626) 214-5689

Counsel for Stop/Arrest Plaintiffs

BREE BERNWANGER (SBN 331731)
bbernwanger@aclunc.org
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493

Counsel for Stop/Arrest Plaintiffs

BRISA VELAZQUEZ OATIS
(SBN 339132)
bvoatis@aclu-sdic.org
ACLU FOUNDATION OF
SAN DIEGO & IMPERIAL COUNTIES
P.O. Box 87131
San Diego, CA 92138-7131
Telephone: (619) 398-4199

Counsel for Stop/Arrest Plaintiffs

EDGAR AGUILASOCHO
(SBN 285567)
eaguilasocho@farmworkerlaw.com
MARTÍNEZ AGUILASOCHO LAW, INC.
900 Truxtun Ave Suite 300
Bakersfield, CA 93301
Telephone: (661) 859-1174

Counsel for Plaintiff United Farm Workers

CARL BERGQUIST*
cbergquist@chirla.org
COALITION FOR HUMANE IMMIGRANT RIGHTS
2351 Hempstead Road
Ottawa Hills, OH 43606
Telephone: (310) 279-6025

Counsel for Plaintiff Coalition for Humane Immigrant Rights

* Pro hac vice application granted
** Pro hac vice application forthcoming

In their Opposition to Plaintiffs' Application for a Temporary Restraining Order, Dkt. No. 71 ("Opp."), Defendants spend a great number of pages trying to persuade the Court not to reach the merits. Each of Defendants' erected roadblocks is unavailing. Defendants first complain of unfair surprise, but they had more than 24 hours' notice and five days to respond to Plaintiffs' application. Defendants misconstrue the law on standing and ignore the evidence establishing Plaintiffs' standing under the relevant case law. And Defendants say an injunction is unavailable, but an injunction is the appropriate remedy when, as here, the evidence indicates a policy and practice of flouting the Fourth Amendment.

On the merits, Defendants make no serious effort to disprove the existence of their unlawful policy and practice, which is shown by Plaintiffs' "vast" record, Opp. at 7, and by statements from top federal officials. The limited factual evidence Defendants did submit addresses enforcement activity that Plaintiffs do not challenge in this action or ***admits*** that Defendants are relying on factors that the Ninth Circuit has held cannot constitute reasonable suspicion.

Plaintiffs seek tailored and temporary relief. Their proposed TRO serves the public interest by ensuring that any of Defendants' immigration enforcement activities in the District adhere to the law. The requested TRO is tailored to provide relief ***to Plaintiffs***. To avert further irreparable harm, Plaintiffs respectfully request the Court grant a TRO until such time that a hearing on a preliminary injunction can be held.

ARGUMENT

I. Plaintiffs Have Met the Standard for Proceeding *Ex Parte.*

Plaintiffs did not create the emergency, and sought court intervention as soon as they reasonably could investigate the facts and file suit.[1] Defendants' unlawful immigration raids are ongoing and Plaintiffs and their members are subject to that unlawful conduct with each day that passes.[2]

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[1] Plaintiffs had difficulty accessing individuals detained, including at B-18, and some people are "scared to speak in public settings about their experiences for fear of backlash, retaliation, or abuse by immigration authorities." Dkt. 45-8, ¶ 26; Dkt. 38-9, ¶¶ 12–17, 33, 36; *see also* TRO App. at 23.

[2] This case presents an even stronger case for emergency relief than *United Farm Workers v. Noem*, which focused on an initial "nearly weeklong" operation. 2025 WL 1235525, at *1 (E.D. Cal. Apr. 29, 2025). Here, the conduct is continuing.

Plaintiffs complied with the rules for notice of their ex parte application and did not delay or proceed "in secret." *Contra* Opp. at 6–8. Plaintiffs gave Defendants notice more than a day before their TRO application was filed. TRO App. at i. The Court then granted Defendants five days to respond, much longer than the standard 24 hours. Dkt. 42. And Defendants had the very same access to public reporting that Plaintiffs did, and even greater access to witnesses and government records. Any relief ordered would last only until a preliminary injunction hearing can be held. Defendants will have an opportunity to further develop a record, or can move to dissolve the TRO if appropriate. *See All. for Wild Rockies v. Higgins*, 690 F. Supp. 3d 1177, 1186 (D. Idaho 2023); *see also* F. R. Civ. Pro 65(b)(4).[3]

Plaintiffs' *ex parte* request was properly submitted, satisfies *Mission Power*, and is supported by other cases where courts have issued TRO relief. *See, e.g.*, *Black Lives Matter Seattle-King Cnty. v. City of Seattle, Seattle Police Dep't*, 466 F. Supp. 3d 1206, 1211 (W.D. Wash. 2020).

II. Plaintiffs' Standing is Clear from the Record.

Defendants argue—without authority—that courts are reluctant to find associational standing in the Fourth Amendment context. Opp. at 12-13. But there is nothing unusual about organizational plaintiffs asserting Fourth Amendment claims on behalf of their members. *See, e.g.*, *Coal. on Homelessness v. City & Cnty. of San Francisco*, 758 F. Supp. 3d 1102, 1125 (N.D. Cal. 2024); *Garcia v. City of Los Angeles*, 2020 WL 6586303, at *5 (C.D. Cal. Sept. 15, 2020); *see also Am. Fed'n of State, Cty. & Mun. Emps. Council 79 v. Scott*, 717 F.3d 851, 861 n.1 (11th Cir. 2013). It is well-established that "'[a]n association may have standing . . . as the representative of its members'" when the three-part test established by *Hunt v. Washington State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977) has been met. The organizational Plaintiffs have met that test here.

Defendants contend that the organizational Plaintiffs have not identified any members who have suffered an injury, Opp. at 13, but they do not engage with the record establishing that Plaintiffs' members have been directly harmed by the raids and/or are likely to be subject to Defendants' unlawful policy and practice in the future. *See, e.g.*, Dkt. 45-10, ¶¶ 3–9 (member of CLEAN, one of LAWCN's

[3] In passing, Defendants suggest that Plaintiffs seek a mandatory injunction. Opp. at 5–6. But nowhere do Defendants explain why Plaintiffs' requested TRO, which asks that Defendants *refrain* from doing something, should be treated as a mandatory injunction. It is not.

worker centers, was stopped without reasonable suspicion); Dkt. 45-13, ¶¶ 13–18 (discussing CLEAN members impacted); Dkt. 45-8, ¶¶ 27–29 (UFW member, a U.S. citizen, subjected to suspicionless stop by Border Patrol); *see also* Dkt. 38-9, ¶ 26 (CHIRLA member impacted). Not only have Plaintiffs' members already experienced harm, but many are missing work and unable to conduct daily activities because they fear being unlawfully stopped. *See, e.g.*, Dkt. 38-9, ¶¶ 24–30; Dkt. 45-8, ¶¶ 30–32; Dkt. 45-13, ¶¶ 13, 17–18. This establishes standing. *See LaDuke v. Nelson*, 762 F.2d 1318, 1324–26 (9th Cir. 1985), *amended*, 796 F.2d 309 (9th Cir. 1986) (discussing and distinguishing *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983)).[4] Further, the organizational Plaintiffs are membership-based groups that focus on immigrant and immigrant workers' rights as a core part of their missions and work. *See* Dkt. 45-12, ¶¶ 5–12 (LAWCN); Dkt. 45-8, ¶¶ 11–14 (UFW); Dkt. 38-9, ¶¶ 1–11 (CHIRLA); *Cf.* Opp. at 13 (mischaracterizing them as "legal services organizations"). The interests they seek to protect are clearly pertinent to their missions. *Presidio Golf Club v. Nat'l Park Serv.*, 155 F.3d 1153, 1159 (9th Cir. 1998).

III. Plaintiffs Are Likely to Succeed on the Merits of Their Fourth Amendment Claim.

A. Defendants do not dispute a policy and practice of non-targeted detentive stops.

In addressing the merits of Plaintiffs' claim, Defendants do not refute with any specificity the record evidence demonstrating a policy and practice of unjustified detentive stops across the District. Plaintiffs' declarations from 17 percipient witnesses describing more than two dozen stops and citations to extensive public reporting of Defendants' actions make clear that officers are agents are engaged in such conduct. Defendants do not contest any of the facts in any of the declarations. Nor do Defendants contest any of the dozens of news reports and video posts documenting such stops.

The two declarations that Defendants did submit with their opposition simply claim, generally, that ICE and CBP receive Fourth Amendment training and engage in targeted operations. Dkt. 71-1 ¶¶ 6, 9; Dkt. 71-2 ¶¶ 10-11. But Plaintiffs are not challenging enforcement activity where Defendants have prior information about an individual targeted or where an individual is subject to an administrative warrant. Plaintiffs challenge Defendants' "collateral" encounters and "roving patrol" operations where

[4] Plaintiffs are not seeking a TRO on behalf of non-parties, nor are they asking for provisional certification of a class as part of this motion. Defendants' argument that the named Plaintiffs lack standing to seek relief for others, *see* Opp. at 13–14, is therefore beside the point.

agents and officers are deciding whom to stop based on race, language, location where they happen to be, and/or the type of work a person does.[5]

Defendants do not—and cannot—contest that federal officials recently imposed a quote of 3,000 arrests daily and that, to meet that quota, officials directed personnel to limit reliance on target lists and instead go see who they could round up at "Home Depot" and "7-Eleven" stores. TRO App. at 5, 13–14. Defendants' actions on the ground are the predictable (indeed intended) result of those official edicts.

And finally, while Defendants claim that contact made in non-targeted encounters is "consensual," Dkt. 71-1 ¶¶ 6, 9; Dkt. 71-2 ¶¶ 5–6, that is simply belied by the record. *See* TRO App. at 9–12, 18–20. Defendants do not address this record in any meaningful way.

B. Defendants do not perform an individualized assessment of reasonable suspicion.

Plaintiffs have shown that Defendants are engaged in a policy and practice of "stop first, ask questions later." While Defendants pay lip service to a totality of the circumstances analysis, the reality is that they are not relying on particularized facts to evaluate reasonable suspicion.

Defendants claim that agents and officers use a totality of circumstances approach. Opp. at 19. But the declarations they cite discuss training, not practice, and to the extent they discuss practice, the declarations only make sweeping assertions unconnected to any period of time, operation, or specific incident. Dkt. 71-1 ¶ 5; Dkt. 71-2 ¶ 8. The Harvick declaration does not reference a review of any incident reports or other documentation regarding stops over the past month or otherwise explain the basis of his statements. This is inadequate to overcome the ample evidence submitted by Plaintiffs.

Indeed, the evidence that is available about the stops of the three Petitioners-Plaintiffs on June 18 confirms that Defendants did not make individualized assessments of reasonable suspicion. Defendants do not contest that all three were subject to a detentive stop before officers knew Petitioners-Plaintiffs identities or anything about them. The Form I-213 for one of the Petitioners-Plaintiffs confirms that the operation was not a targeted one for a specific individual or individuals. Tolchin Decl. ¶ 3 & Ex. A. All three were seized even though Defendants concede not all three attempted to flee. *See* Opp. 21.

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[5] While Defendants spend a fair amount of time discussing the requirements for warrantless arrests, *see* Opp. at 17–18, to clarify, Plaintiffs also are not moving for TRO relief at this time on their claims related to warrantless arrests.

C. Defendants rely exclusively on impermissible or marginally probative factors.

To the extent Defendants discuss the factors that they do rely on to conduct detentive stops, they *admit* that they rely on factors that the Ninth Circuit has made clear do not constitute reasonable suspicion, either on their own or in combination.

First, Defendants claim that "appearance" may be used as a "relevant factor" among others in making an investigatory stop. Opp. at 20. But this is dangerous and incorrect. Even if Defendants do not rely on appearance alone, the Ninth Circuit has made clear that apparent race or ethnicity should *not be considered at all* given the demographic realities in this District. TRO App at 20–21.[6]

Next, Defendants claim that "location" may be considered when making an investigatory stop. Opp. at 20-21. But as Plaintiffs have explained, relying on locations (whether neighborhoods broadly or specific areas such as Home Depot parking lots or car washes) to base reasonable suspicion determinations is of marginal value, if any at all, since any such "location or route frequented by illegal immigrants, but also by many legal residents, is not significantly probative to an assessment of reasonable suspicion." *United States v. Manzo-Jurado*, 457 F.3d 928, 936 (9th Cir. 2006); *see* TRO App. at 21. Defendants make no attempt to address these arguments, or others made by Plaintiffs about broad profiles or "guilt by association" being impermissible for reasonable suspicion. TRO App. at 21–22.

Finally, Defendants suggest that flight alone can constitute reasonable suspicion. Opp. at 21. To be clear, as the stops of Petitioners-Plaintiffs show, Defendants are not relying on flight to determine who to stop or not. Defendants, however, are also wrong on the law. As the Ninth Circuit has recognized, "racial dynamics in our society—along with a simple desire not to interact with police—offer an 'innocent' explanation of flight," thus "when every other fact posited by the government weighs so weakly in support of reasonable suspicion, we are particularly hesitant to allow flight to carry the day in authorizing a stop." *United States v. Brown*, 925 F.3d 1150, 1157 (9th Cir. 2019). And where Defendants engaged Plaintiffs so aggressively, with unidentified, armed agents bursting out of cars, there can be little surprise that they provoked flight. *Id.* at 1155 ("[a]mong some citizens, particularly

[6] Defendants attempt to say that their reliance on appearance is in connection with a specific suspect description, Opp. at 20, but cite to portions of their declarations that discuss targeted operations, which as noted above, are not at issue in this case.

minorities and those residing in high crime areas, there is . . . the possibility that the fleeing person is entirely innocent" and "believes that contact with the police can itself be dangerous") (quoting *Illinois v. Wardlow*, 528 U.S. 119, 132 (2000) (Stevens, J., concurring in part and dissenting in part)); *see also* TRO App. at 22 n.75 (citing *United States v. Rodella*, 804 F.3d 1317 (10th Cir. 2015)).

D. Defendants' policy and practice is continuing.

Defendants' unlawful practices are ongoing. Over the past seven days, Defendants have raided car washes in Anaheim on July 3,[7] in Montebello on July 3,[8] in West Hollywood on July 4,[9] in Artesia on July 8[10]; street vendors in Boyle Heights on July 6[11]; and MacArthur Park in Los Angeles on July 7.[12] Defendants also raided Home Depot sites, including in Hollywood and Van Nuys on July 5, and arrested a lawfully present laborer who was taken to B-18 before finally released after proving his lawful presence. *See* Declaration of Maegan Ortiz, ¶¶ 3–5. According to El Centro Sector Border Patrol Sector Chief Gregory Bovino, Defendants have 50 teams out at a time, and they are not going anywhere soon.[13]

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[7] Michelle Fischer, *Father detained by federal agents while working at Anaheim car wash, family says,* ABC 7 News (July 7, 2025), https://abc7.com/post/father-gilberto-gomez-garcia-detained-ice-working-anaheim-car-wash-family-says/17011733/ (describing the arrest of an employee who has worked at the car wash for 20 years)

[8] Amairani Hernandez, *Express Car Wash in Montebello targeted twice in immigration raids*, Calo News (July 7, 2025), https://www.calonews.com/communities/montebello/express-car-wash-in-montebello-targeted-twice-in-immigration-raids/article_28aa580f-1cc0-456f-89ee-debe381565a3.html (describing repeat raids at the same car wash)

[9] Paulo Murillo, *ICE Raid Targets Santa Palm Car Wash in West Hollywood on Fourth of July*, WeHo Times (Jul. 4, 2025), https://wehotimes.com/ice-raid-targets-santa-palm-car-wash-in-west-hollywood-on-fourth-of-july/ (agents "blocked the driveway" and seized longstanding employees).

[10] Cameron Kiszla, *Feds seen at Artesia car wash; unclear if people were detained*, KTLA 5 News (July 8, 2025), https://ktla.com/news/local-news/feds-seen-at-artesia-car-wash-no-arrests-made/.

[11] Jessiza Perez and Alex Medina, *At least two detained in immigration raids on East L.A. street vendors,* Boyle Heights Beat (July 7, 2025), https://boyleheightsbeat.com/whittier-boulevard-immigration-raids/.

[12] 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.

[13] Fox 11 Los Angeles, *LA Mayor demands ICE raids to stop; CBP says 'Better get used to it'*, YouTube (July 7, 2025), https://www.youtube.com/watch?v=U9W6jGRtRHI.

IV. Likelihood of Irreparable Harm and the Balance of Equities Favors a TRO.

Defendants make the incredible assertion that Plaintiffs have not established a likelihood of irreparable harm. Opp. at 22. But as explained above, there is extensive evidence that Defendants are not only engaged in detentive stops without reasonable suspicion, but also that the policy and practice is ongoing and will not cease anytime soon. *See supra* at 3–6. The individual Plaintiffs' and organizational Plaintiffs' members' fears that they will be subject to this policy and practice are neither hypothetical, nor is the possibility remote. *Cf. LaDuke*, 762 F.3d at 1324 ("standard pattern" of officially sanctioned conduct increases likelihood of recurrent injury); *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (similar). Indeed, the record shows that some individuals have been stopped more than once and that Defendants have raided the same location multiple times. Dkt. 38-11, ¶¶ 32–38 (describing ImmDef client who had been stopped twice); Dkt. 45-4, ¶¶ 6–8, 14 (explaining that car wash where Plaintiff Hernandez Viramontes works was raided four times); Dkt. 45-13, ¶¶ 14.

The balance of equities and the public interest weigh strongly in favor of a TRO. The government's interest is in *lawful* immigration enforcement. Because the government's conduct is unlawful, there is a compelling countervailing interest in curbing such abuse of power. *See* TRO App. at 25. One need look no further than the fact that 18 states and multiple local entities have sought to weigh in on Plaintiff's TRO application—detailing how Defendants' actions have profoundly impacted local communities— to see the strong public interest in an injunction. *See* Dkt. 49-1 (Brief of Amici Curiae States) at 6–10; Dkt. 63 (Cities and County Application to Participate in Hearing).

V. 8 U.S.C. § 1252 Does Not Deprive This Court of Jurisdiction.

The Court's jurisdiction is not barred by 8 U.S.C. §§ 1252(a)(5), (b)(9), and (g). *Contra* Opp. at 14–16. Sections 1252(a)(5) and 1252(b)(9) concern "challenges arising from [a] removal proceeding." *Nasrallah v. Barr*, 590 U.S. 573, 580 (2020). Section 1252(g) applies only to claims "arising from" three discrete "decisions or actions": to "commence proceedings, adjudicate cases, or execute removal orders." *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Plaintiffs here do not challenge any individual's removal nor the discrete actions barred by 1252(g).

Defendants also implicitly acknowledge that Section 1252(b)(9), by definition, applies only to noncitizens. *See* 8 U.S.C. § 1252(b)(9) (applying to actions taken to remove individuals without status).

Plaintiffs include two U.S. citizens and organizational Plaintiffs with members that are U.S. citizens and lawfully present individuals. Section 1252(b)(9) cannot bar their claims.

Petitioner-Plaintiffs Vasquez Perdomo, Villegas Molina, and Osorto seek injunctive relief based on their likelihood of being stopped in the future. That they are currently in removal proceedings is beside the point.[14] Their experiences are offered as evidence of Defendants' policy and practice.

Courts have also rejected Defendants' broad interpretation of Section 1252(b)(9). *See Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1907 (2020) (Section 1252(b)(9) is "certainly not a bar where, as here, the parties are not challenging any removal proceedings"); *Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018). Plaintiffs' claims are "independent of the removal process." *Gonzalez v. U.S. Immigration & Customs En't*, 975 F.3d 788, 810–811 (9th Cir. 2020); *see also, e.g.*, *United Farm Workers v. Noem*, 2025 WL 1235525, at *17–20 (E.D. Cal. Apr. 29, 2025); *Torres v. United States Dep't of Homeland Sec.*, 411 F. Supp. 3d 1036, 1048–49 (C.D. Cal. 2019).

Defendants' Section 1252(g) argument, Opp. at 15, is untenable. The Supreme Court has rejected as "implausible" the suggestion that Section 1252(g) covers "all claims arising from deportation proceeding[.]" *Reno*, 525 U.S. at 482, 485 n.9; *see also Regents*, 140 S. Ct. at 1907; *Arce v. United States*, 899 F.3d 796, 800 (9th Cir. 2018). Plaintiffs challenge conduct that occurred *well before* any decision to "commence proceedings." Their claims do not fall within the scope of Section 1252(g). *See Wong v. United States*, 373 F.3d 952, 959, 964–65 (9th Cir. 2004).[15]

VI. The Proposed TRO is Appropriately Specific and Tailored.

Defendants' other "threshold" arguments against issuance of a TRO fail. *See* Opp. at 9.

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[14] In fact, the government has yet to issue a Notice to Appear (NTA) in Petitioner-Plaintiff Villegas Molina's case, and therefore, he is not in removal proceedings. *See* Tolchin Decl. ¶ 5; 8 U.S.C. § 1239.1(a). Defendants are also wrong to suggest these questions can be taken up in removal proceedings. *See* Opp. at 16. Even in removal proceedings, individuals can only raise Fourth Amendment claims only to suppress evidence or terminate proceedings, and only by showing that a violation was "egregious." *Sanchez v. Sessions*, 904 F.3d 643, 655–56 (9th Cir. 2018). And it is possible that "no . . . order [of removal] would ever be entered," thus "depriv[ing] [Plaintiffs] of any meaningful chance for judicial review." *Jennings*, 583 U.S. at 293.

[15] In fact, Defendants' suggestion that Plaintiffs' claim can be raised in a petition for review, Opp. at 16, is fatal to their Section 1252(g) argument. If Section 1252(g) bars judicial review, it would do so even in a petition for review. *See, e.g.*, *Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012).

First, Defendants cite six cases for the uncontroversial proposition that "injunctive relief must be tailored to remedy the specific harm alleged." Opp. at 8. The proposed TRO does just that. Plaintiffs' proposed order contains two operative paragraphs: the first enjoins Defendants from committing the specific legal wrong that Plaintiffs allege they have experienced and are likely to experience absent intervention from the Court: "detentive stops" without the legally required "reasonable suspicion"; and the second specifically enjoins Defendants from relying solely on four factors. Dkt. 45-22 at 4–5, ¶¶ 1–2.[16] The TRO is tailored, concrete, and not difficult to construe.[17]

The proposed order is not boilerplate, as Defendants suggest, *see* Opp. at 9, but specifies the illegal behavior to be enjoined. *See Coal. on Homelessness v. City & Cnty. of San Francisco*, 2024 WL 3325655, at *1 (9th Cir. July 8, 2024) (upholding PI requiring City to comply with policy over objection to "obey the law" injunction); *Ortega-Melendres v. Arpaio,* 836 F. Supp. 2d 959, 994 (D. Ariz. 2011), *aff'd sub nom. Melendres v. Arpaio*, 695 F.3d 990 (9th Cir. 2012) (enjoining officers "from detaining any person based only on knowledge or reasonable belief, without more, that the person is unlawfully present"); *Black Lives Matter Seattle-King Cnty. v. City of Seattle, Seattle Police Dep't*, 466 F. Supp. 3d 1206, 1216 (W.D. Wash. 2020) (granting TRO enumerating weapons that could not be used for crowd control); *Anti Police-Terror Project v. City of Oakland*, 3:20-cv-03866-JCS, Dkt. 33 (N.D. Cal. Jun. 18, 2020) (similar). But even Defendants' own authorities explain that obey-the-law injunctions are permissible when the defendant "has taken some particular action . . . that convinces the court that voluntary compliance with the law will not be forthcoming." *E.E.O.C. v. AutoZone, Inc.*, 707 F.3d 824, 842–43 (7th Cir. 2013). As discussed above, that is certainly the case here.

Second, Defendants complain that Plaintiffs seek relief against too many Defendants, Opp. at 10, but their own brief acknowledges that, in addition to ICE, ERO, and CBP, "**any law enforcement**

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[16] Defendants complain about certain "other paragraphs" in Plaintiffs' proposed order concerning training, *see* Opp. at 9, but those paragraphs are actually in the proposed order to show cause.

[17] That discovery, motion practice, and requests for monitoring may follow at later stages of the case is irrelevant to the balance of equities for a TRO at this stage. *Cf.* Ds.' Opp. at 10. Defendants had the option to follow the law. They didn't. A court order is therefore necessary. If Plaintiffs' somehow misuse TRO enforcement procedures or litigation procedures more generally, the Court can always address that at the appropriate time. Defendants' attempt to stave off an order by speculating about the motives of Plaintiffs or Plaintiffs' counsel here is unconvincing.

officials within the Department of Justice" are now authorized to perform immigration enforcement activities. Opp. at 2 (emphasis added). DOJ agencies, including the FBI, are involved in enforcement in this District. TRO App. at 2; Dkt. 45-16. A TRO against all Defendants is necessary so that one agency does not respond to an order by simply transferring enforcement authority to another.[18]

Regarding *Trump v. CASA*, this Court has authority to issue a District-wide order to remedy the imminent and irreparable injury ***Plaintiffs and their members*** will otherwise suffer. *See* TRO App. at 24–25. Defendants do not respond to any of Plaintiffs' arguments on this issue. Plaintiffs are not required to establish class certification as a prerequisite for seeking such an injunction. See *Easyriders Freedom F.I.G.H.T. v. Hannigan*, 92 F.3d 1486, 1502 (9th Cir. 1996).

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs' TRO application. Further, the Court should deny Defendants' request to stay relief for any period of time as they will suffer no harm from an order requiring them to comply with the law.[19]

Dated: July 9, 2025

Respectfully submitted,

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

By: *Mohammad Tajsar*
Attorney for Stop/Arrest Plaintiffs

UC IRVINE SCHOOL OF LAW IMMIGRANT AND RACIAL JUSTICE SOLIDARITY CLINIC

By: *Anne Lai*

Attorney for Stop/Arrest Plaintiffs

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[18] Hamed Aleaziz & Todd Heisler, *Under Pressure From the White House, ICE Seeks New Ways to Ramp Up Arrests*, N.Y. Times (June 11, 2025), https://www.nytimes.com/2025/06/11/us/politics/ice-la-protest-arrests.html (in response to court order, directing DOJ law enforcement agencies to take over door knocking tasks).

[19] For similar reasons, no bond is appropriate here. *Cf.* Opp. at 23-24. *See Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003); *Taylor-Failor v. Cnty. of Hawaii*, 90 F. Supp. 3d 1095, 1102–03 (D. Haw. 2015); *see also Black Lives Matter Seattle-King Cnty. v. City of Seattle, Seattle Police Dep't*, 466 F. Supp. 3d 1206, 1216 (W.D. Wash. 2020) (waiving bond requirement on similar reasoning).

LR 11-6.2 Certificate of Compliance

The undersigned counsel certifies that this filing is ten (10) pages, which complies with this Court's standing order.

Date: July 9, 2025

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

By: *Mohammad Tajsar*
Attorney for Stop/Arrest Plaintiffs