

1 BRETT A. SHUMATE  
Assistant Attorney General  
2 Civil Division  
DREW C. ENSIGN  
3 Deputy Assistant Attorney General  
TIBERIUS DAVIS  
4 SEAN SKEDZIELEWSKI  
5 Counsel to the Assistant Attorney General  
JONATHAN K. ROSS  
6 Senior Litigation Counsel  
STEPHANIE L. GROFF  
7 JASON K. ZUBATA  
8 ANIELLO DESIMONE  
JACOB A. BASHYROV  
9 Trial Attorneys  
Office of Immigration Litigation  
10 Civil Division, U.S. Dept. of Justice  
P.O. Box 878, Ben Franklin Station  
11 Washington, DC 20044  
Tel: (202) 305-7662  
12 Email: Jonathan.K.Ross@usdoj.gov  
13 *Counsel for Defendants*

BILAL A. ESSAYLI  
Acting United States Attorney  
DAVID M. HARRIS  
Assistant United States Attorney  
Chief, Civil Division  
DANIEL A. BECK  
Assistant United States Attorney  
Chief, Complex and Defensive Litigation Section  
ALEXANDER L. FARRELL (SBN 335008)  
PAULINE H. ALARCON (SBN 345785)  
Assistant United States Attorneys  
Federal Building, Suite 7516  
300 North Los Angeles Street  
Los Angeles, California 90012  
Tel: (213) 894-5557 | 3992  
E-mail: Alexander.Farrell@usdoj.gov  
Pauline.Alarcon@usdoj.gov

14  
15 UNITED STATES DISTRICT COURT  
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
17 WESTERN DIVISION

18  
19 PEDRO VASQUEZ PERDOMO; *et al.*,  
20 Plaintiffs,  
21 v.  
22 KRISTI NOEM, in her official capacity as  
23 Secretary of Homeland Security; *et al.*,  
24 Defendants.

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

**DEFENDANTS' OPPOSITION TO  
INTERVENORS' NOTICE OF FILING OF  
FIRST AMENDED COMPLAINT [ECF No.  
141] AND OPPOSITION TO MOTION AND  
MOTION FOR LEAVE TO FILE FIRST  
AMENDED COMPLAINT [ECF No. 142]**

Hearing Date: October 9, 2025  
Hearing Time: 10:00 a.m.

Hon. Maame Ewusi-Mensah Frimpong  
United States District Judge

1 Although leave to amend should be granted “freely . . . when justice so requires,” Fed. R. Civ. P.  
2 15(a)(2), leave may be denied where amendment would be futile or prejudicial. *Hara v. Netflix, Inc.*, ---  
3 F.4th ---, No. 23-3768, 2025 WL 2102547, at \*9 (9th Cir. July 28, 2025). Intervenor seek leave to  
4 amend their complaint—or claim entitlement to do so as of right—to add thirteen additional  
5 municipalities as new parties. ECF Nos. 141, 142. But Intervenor cannot use Rule 15 to bypass Rule 24.  
6 *Nat’l Liab. & Fire Ins. Co. v. Pac. Window Corp.*, No. SACV 03-00608 JVS, 2008 WL 11340360, at \*3  
7 (C.D. Cal. May 12, 2008) (citing *Montgomery v. Rumsfeld*, 572 F.2d 250, 255 (9th Cir. 1978); Fed. R.  
8 Civ. P. 24(a), (b)); *see also Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003) (requiring that each  
9 intervenor must independently satisfy Rule 24).

10 The Court already granted intervention for a limited set of municipalities. *See* ECF No. 129. That  
11 ruling does not confer an automatic right to bootstrap additional governments into the litigation. Each  
12 new municipality must independently satisfy the requirements for intervention, including Article III  
13 standing. *See Almeida v. Google, Inc.*, No. C-08-02088 RMW, 2009 WL 3809808, at \*3 (N.D. Cal. Nov.  
14 13, 2009) (citing *Lidie v. State of California*, 478 F.2d 552, 555 (9th Cir. 1973)). Indeed, Rule 15 does  
15 not provide a backdoor to enlarge intervention beyond what the Court authorized. Courts require each  
16 additional intervenor to file a motion and make the Rule 24 showing on its own. *E.g.*, *Nat’l Liab. & Fire*  
17 *Ins. Co.*, 2008 WL 11340360, at \*3. Otherwise, municipalities could multiply litigation endlessly by  
18 “amending” to add dozens of governments, regardless of jurisdictional limits.

19 Amendment would also cause significant prejudice. The addition of thirteen new municipalities—  
20 each with separate factual allegations and purported harms—would greatly expand the scope of this case,  
21 require Defendants to address scores of localized factual disputes, and multiply the burden on the Court.  
22 The Ninth Circuit recognizes that such expansion constitutes prejudice sufficient to deny amendment.  
23 *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990). Rule 15’s “liberal” standard does not  
24 extend to amendments that dramatically alter the nature and scale of the litigation.

25 Nor is amendment saved by Intervenor’s claim that the Court’s June 11 injunction already  
26 confirmed municipal standing. Temporary restraining order findings are preliminary and do not bind the  
27 Court on Article III jurisdiction. *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981). The Supreme  
28



1 Court has made clear that municipalities may not sue the federal government as *parens patriae*, because  
2 “it is the United States, and not the state, which represents [its citizens] as *parens patriae*.” *Massachusetts*  
3 *v. Mellon*, 262 U.S. 447, 485-86 (1923). Here, Intervenor and proposed new Intervenor alike lack  
4 standing for this reason. See *Town of Chester v. Laroe Estates, Inc.*, 581 U.S. 433, 438-39 (2017)  
5 (intervenor must have Article III standing when seeking relief different from a party). Alleged loss of tax  
6 revenues or generalized disruption of municipal services is too speculative and attenuated to establish  
7 standing. *City of Oakland v. Lynch*, 798 F.3d 1159, 1164 (9th Cir. 2015). And the Fourth Amendment  
8 confers an individual right, not one that can be asserted vicariously by local governments.

9 For the reasons set out above, amendment is procedurally improper, prejudicial, and futile. The  
10 Court should strike or disregard Intervenor’s First Amended Complaint (ECF No. 141), deny Intervenor’s  
11 motion for leave (ECF No. 142), and decline to expand intervention. In the alternative, if the Court is  
12 inclined to consider adding any new municipal party, it should require each proposed municipality to file  
13 a separate motion to intervene under Rule 24 and to establish Article III standing, with any further  
14 proceedings as to those entities deferred unless and until that showing is made.

1 Dated: August 22, 2025

Respectfully submitted,

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3 BRETT A. SHUMATE  
Assistant Attorney General  
4 Civil Division

5 DREW C. ENSIGN  
6 Deputy Assistant Attorney General

7 TIBERIUS DAVIS  
8 SEAN SKEDZIELEWSKI  
Counsel to the Assistant Attorney General

9 STEPHANIE L. GROFF  
10 JASON K. ZUBATA  
11 ANIELLO DESIMONE  
12 JACOB A. BASHYROV  
Trial Attorneys

13 /s/ Jonathan K. Ross  
JONATHAN K. ROSS  
14 Senior Litigation Counsel  
Office of Immigration Litigation  
15 U.S. Department of Justice  
P.O. Box 878, Ben Franklin Station  
16 Washington, D.C. 20044  
Tel: (202) 305-7662  
17 Jonathan.K.Ross@usdoj.gov

18 *Counsel for Defendants*

**L.R. 11-6.2 CERTIFICATE OF COMPLIANCE**

The undersigned counsel of record certifies that this filing is less than twenty-five (25) pages, which complies with L.R. 11-6.1 and this Court's Standing Order, Part VIII.C.

Dated: August 22, 2025

Respectfully submitted,

/s/ Jonathan K. Ross  
JONATHAN K. ROSS  
Senior Litigation Counsel  
Office of Immigration Litigation  
U.S. Department of Justice

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Central District of California, by using the CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

Respectfully submitted,

/s/ Jonathan K. Ross  
JONATHAN K. ROSS  
Senior Litigation Counsel  
Office of Immigration Litigation  
U.S. Department of Justice

*Counsel for Defendants*