No. 25A

In the Supreme Court of the United States

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

v.

PEDRO VASQUEZ PERDOMO, ET AL.

APPLICATION TO STAY THE ORDER ISSUED BY THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY

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PARTIES TO THE PROCEEDING

Applicants (defendants-appellants below) are Kristi Noem, Secretary of Homeland Security; Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Rodney S. Scott, Commissioner, U.S. Customs and Border Patrol; Michael W. Banks, Chief, U.S. Border Patrol; Kash Patel, Director, Federal Bureau of Investigation; Pam Bondi, Attorney General; U.S. Immigration and Customs Enforcement; Ernesto Santacruz Jr., 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, Chief Patrol Agent for El Centro Sector, U.S. Border Patrol; Jeffrey D. Stalnaker, Acting Chief Patrol Agent, San Diego Sector, U.S. Border Patrol; Akil Davis, Assistant Director in Charge, Los Angeles Office, Federal Bureau of Investigation; and Bilal A. Essayli, U.S. Attorney for the Central District of California.

Respondents (plaintiffs-appellees below) are Pedro Vasquez Perdomo; Carlos Alexander Osorto; Isaac Villegas Molina; Jorge Hernandez Viramontes; Jason Brian Gavidia; Los Angeles Worker Center Network; United Farm Workers of America; Coalition for Humane Immigrant Rights; and Immigrant Defenders Law Center.

RELATED PROCEEDINGS

United States District Court (C.D. Cal.):

Perdomo v. *Noem*, No. 25-cv-5605 (July 11, 2025) (granting temporary restraining order)

United States Court of Appeals (9th Cir.):

Perdomo v. *Noem*, No. 25-4312 (Aug. 1, 2025) (denying motion for stay pending appeal)

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Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General—on behalf of applicants Kristi Noem, Secretary of Homeland Security, et al.—respectfully files this application to stay the July 11, 2025 order issued by the United States District Court for the Central District of California (App., *infra*, 62a-113a). In addition, the Solicitor General respectfully requests an administrative stay of the district court's order.

This case involves a district-court injunction that threatens to upend immigration officials' ability to enforce the immigration laws in the Central District of California by hanging the prospect of contempt over every investigative stop of suspected illegal aliens. Not only is the Central District the Nation's most populous district overall; at best estimate, it harbors some 2 million illegal aliens out of its total population of nearly 20 million people, making it by far the largest destination for illegal aliens. Given the Administration's commitment to enforcing the Nation's immigration laws—under which illegal aliens are subject to investigative stops and detention

to facilitate removal—it should be no surprise that the Los Angeles area is a top enforcement priority. When immigration-enforcement stops involve briefly detaining a suspected illegal alien, they must comply with the Fourth Amendment's reasonable-suspicion requirement—a low bar that "is considerably less than * * * a preponderance." *United States* v. *Sokolow*, 490 U.S. 1, 7 (1989). Like most Fourth Amendment tests, that context-specific inquiry requires considering the totality of the circumstances. And here, those circumstances necessarily include that illegal presence is widespread in the Central District, where 1 in every 10 people is an illegal alien; that many locations unlawfully employ illegal aliens and are known to hire them on a day-to-day basis; that certain types of jobs—like day labor, landscaping, and construction—are most attractive to illegal aliens because they often do not require paperwork; that the vast majority of illegal aliens in the District come from Mexico or Central America; and that many only speak Spanish.

Needless to say, no one thinks that speaking Spanish or working in construction *always* creates reasonable suspicion. Nor does anyone suggest those are the *only* factors federal agents ever consider. But in many situations, such factors—alone or in combination—can heighten the likelihood that someone is unlawfully present in the United States, above and beyond the 1-in-10 baseline odds in the District. U.S. Immigration and Customs Enforcement (ICE) agents are entitled to rely on these factors when ramping up enforcement of immigration laws in the District.

The district court's injunction now significantly interferes with federal enforcement efforts across a region that is larger and more populous than many countries and that has become a major epicenter of the immigration crisis. Respondents—a handful of individuals who allege they were previously stopped without reasonable suspicion, and various organizations purporting to represent some indefinite number

of unidentified aliens—alleged that federal agents have an unlawful pattern or practice of considering some combination of four factors (apparent race or ethnicity; speaking in Spanish or accented English; presence at a location where illegal aliens are known to gather; and working or appearing to work in a particular type of job) as sufficient for reasonable suspicion. The court then indefinitely and categorically enjoined federal agents from ever treating those four factors, alone or collectively, as sufficient to constitute reasonable suspicion of illegal presence as to any of the Central District's 20 million residents. The district court and the Ninth Circuit both refused to stay that order. Now, ICE agents, under threat of contempt, cannot detain anyone in the District solely based on those factors—not even after encountering someone who speaks only Spanish and works as a day laborer at a worksite that has been cited 30 times for hiring illegal aliens as day laborers.

That sweeping injunction defies a host of this Court's precedents. Start with Article III standing precedents. Even assuming *arguendo* that individual respondents or members of the organizational respondents were stopped previously without reasonable suspicion (a point the government contests), this Court has long held that allegations of *past* unlawful interactions with law enforcement do not show a sufficient risk of *future* unlawful interactions. *City of Los Angeles* v. *Lyons*, 461 U.S. 95 (1983). Just because respondents were previously detained does not mean that they, out of the Central District's 20 million people, will be detained again, let alone detained based *solely* on the four factors. The lower courts instead found standing based on a supposed pattern or practice of unlawful stops (which, to be clear, does not exist) and speculation about future harm, but neither supplies a sufficient, imminent, concrete risk that *respondents* will be unlawfully stopped in the future. And this Court has rejected the court of appeals' theory of standing based on mere "assessment of

statistical probabilities," *Summers* v. *Earth Island Inst.*, 555 U.S. 488, 498 (2009).

Meanwhile, on the merits, the injunction defies blackletter Fourth Amendment law, imposing a straitjacket on law-enforcement efforts that is inimical to the context- and case-specific totality-of-the-circumstances inquiry that this Court's precedents demand. The lower courts wrongly cabined the reasonable-suspicion inquiry by holding that no combination of the four factors can ever constitute reasonable suspicion, no matter how those factors present in a given stop, because the lower courts viewed those factors as too generalized and broadly applicable across the population. That framework narrows reasonable suspicion through the sort of "overlay of a categorical scheme on the general reasonableness analysis" that this Court has consistently rejected. *United States* v. *Banks*, 540 U.S. 31, 42 (2003); see *United States* v. *Arvizu*, 534 U.S. 266 (2002). The lower courts' approach also ignores the relevant factual context: in a District where about 10 percent of all residents are illegal aliens, reasonable suspicion to stop suspected illegal aliens will necessarily encompass a reasonably broad profile. The result is a self-contradictory injunction: the lower courts found standing based on the supposedly concrete likelihood that respondents—out of millions—might be stopped on impermissible grounds, yet refused to find reasonable suspicion because these grounds describe far too many people.

On top of all that, by imposing a universal, District-wide injunction applicable to millions of people, the district court flouted this Court's recent decision in *Trump* v. *CASA, Inc.*, 145 S. Ct. 2540 (2025), prohibiting such universal injunctions. Rather than limiting relief to the named respondents, the court enjoined the government as to *any* detentive stops of *anyone* among the 20 million inhabitants of the Central District of California—whether those stops affect respondents or not. The lower courts deemed a narrower injunction unworkable, but under their logic, universal injunc-

tions would be the norm whenever law-enforcement officers are alleged to have employed any practice violating the Fourth Amendment. *CASA* is not so easily evaded. Any one of these fatal flaws would warrant this Court's review.

This injunction inflicts manifest irreparable harm on the government. The injunction wrongly brands countless lawful stops as unconstitutional, thereby hampering a basic law-enforcement tool, while turning every single stop in the District into a potential contempt trap. No agent can confidently enforce the law and engage in routine stops when the district court may later refuse to credit that the stop reflected additional, permissible factors and instead treat virtually any stop as contemptuous misconduct. And that threat—unlike respondents' fears of future stops—is hardly speculative. The lower courts have already made clear that some obviously permissible additional factors—like law-enforcement officers' past experience—are not additional factors at all, but fold into the four factors those courts considered insufficient. And the district court has already ordered the government to show cause why it should not also be required to develop new policies, compel agents to undergo training, and even share records of every stop with plaintiffs' counsel going forward.

When lower courts have tried to stymie other areas of immigration enforcement with unlawful, blunderbuss injunctions, this Court has not hesitated to stay those orders. *E.g.*, *Noem* v. *Doe*, 145 S. Ct. 1524 (2025); *Noem* v. *National TPS Alliance*, No. 24A1059, 2025 WL 1427560 (May 19, 2025); *Trump* v. *Sierra Club*, 140 S. Ct. 1 (2019). This injunction warrants the same treatment. Absent this Court's intervention, a single district judge will micromanage immigration enforcement in the Central District by injunction, at the expense of Executive Branch enforcement priorities and the separation of powers. This Court should end this attempted judicial usurpation of immigration-enforcement functions and issue a stay forthwith.

STATEMENT

A. Background

Based on the latest census and Office of Homeland Security Statistics data, the government estimates that at least 15 million illegal aliens—and likely several million more—are unlawfully present in the United States.[1] Millions of them crossed into the country illegally within the last four years. From 2021 to 2024, federal agents encountered some 9 million illegal aliens along the border; many others illegally entered after evading detection entirely. See Office of Homeland Sec. Statistics, Dep't of Homeland Sec., *Immigration Enforcement and Legal Processes Monthly Tables* (Jan. 16, 2025), https://ohss.dhs.gov/topics/immigration/immigration-enforcement/monthly-tables. By current estimates, some 12.8 million aliens entered the country illegally during the previous administration.

The Immigration and Nationality Act (INA), ch. 477, 66 Stat. 163 (8 U.S.C. 1101 *et seq.*), consistent with statutes enacted throughout the Nation's history, authorizes immigration officers to search for and apprehend illegal aliens to facilitate their removal from the United States. See *Abel* v. *United States*, 362 U.S. 217, 233 (1960) (collecting statutes "authoriz[ing] the arrest of deportable aliens by order of an executive official"); see also, *e.g.*, Act of June 25, 1798, ch. 58, § 2, 1 Stat. 571 (authorizing the President to "cause to be arrested and sent out of the United States such of

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[1] See also Steven A. Camarota & Karen Zeigler, Ctr. for Immigration Studies, *Foreign-Born Number and Share of U.S. Population at All-Time Highs in January 2025* (Mar. 12, 2025) (estimate of 15.4 million as of January 2025), https://cis.org/Report/ForeignBorn-Number-and-Share-US-Population-AllTime-Highs-January-2025; Bryan Baker & Robert Warren, Office of Homeland Sec. Statistics, Dep't of Homeland Sec., *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2018-January 2022*, at 14 (Apr. 2024) (estimate of 11 million as of January 2022), https://ohss.dhs.gov/sites/default/files/2024-06/2024_0418_ohss_estimates-of-the-unauthorized-immigrant-population-residing-in-the-united-states-january-2018%25E2%2580%2593january-2022.pdf.

those aliens as shall have been ordered to depart therefrom * * * in all cases where, in the opinion of the President, the public safety requires a speedy removal"). The INA authorizes agents to "interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States" and arrest any alien if they have "reason to believe that the alien * * * is in the United States in violation of [immigration] law or regulation and is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. 1357(a)(1) and (2); see *Nielsen* v. *Preap*, 586 U.S. 392, 397 n.2 (2019) (noting statutes vesting immigration-enforcement powers in the Secretary of Homeland Security); see also 8 C.F.R. 287.5(a) and (c) (authorizing immigration officers to interrogate and arrest aliens).

Immigration officers can exercise those powers "without [a] warrant." 8 U.S.C. 1357(a). And they can detain individuals for questioning consistent with the Fourth Amendment based on "reasonable suspicion" of illegal presence in the United States, as this Court held in *United States* v. *Brignoni-Ponce*, 422 U.S. 873, 884 (1975); see *Terry* v. *Ohio*, 392 U.S. 1 (1968). Reasonable suspicion requires "aware[ness] of specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion" that the person is an "alien[] who may be illegally in the country." *Brignoni-Ponce*, 422 U.S. at 884. The reasonable-suspicion inquiry "turn[s] on the totality of the particular circumstances." *Id.* at 885 n.10.

Such investigative stops have been a critical component of day-to-day federal immigration-enforcement efforts for decades, across administrations. Federal regulations implementing the INA expressly contemplate such stops and codify the reasonable-suspicion requirement. 8 C.F.R. 287.8(b)(2) ("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."). ICE guidance for immigration officers likewise describes investigative stops supported by reasonable suspicion as one of the "principal levels of encounters" that agents initiate in enforcing the immigration laws. ICE, Homeland Sec. Investigations, *Search and Seizure Handbook* 16 (Sept. 14, 2012), https://www.ice.gov/doclib/foia/policy/hsi12-04_SearchSeizure_09.14.2012.pdf. Immigration officers receive training on what reasonable suspicion entails and are taught to form reasonable suspicion based on the totality of the circumstances rather than any particular facts or considerations in isolation. See D. Ct. Doc. 94-1, at 2-3 (July 14, 2025) (Quinones Decl.); 8 C.F.R. 287.1(g) (describing officers' "[b]asic immigration law enforcement training"); *Search and Seizure Handbook* 11.

B. Proceedings Below

1. The Los Angeles area is one of the most important regions for immigration enforcement in the country. According to estimates from Department of Homeland Security data, nearly 4 million illegal aliens are in California, and nearly 2 million are in the Central District of California. Los Angeles County alone had an estimated 951,000 illegal aliens as of 2019—by far the most of any county in the United States. About 75 percent of those illegal aliens hail from Mexico, El Salvador, and Guatemala. Migration Policy Inst., *Profile of the Unauthorized Population: Los Angeles County, CA*, https://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/6037. Illegal aliens form a significant proportion of California's workforce and are especially highly concentrated in certain sectors, such as agriculture, construction, food services, and transportation. See, *e.g.*, Bay Area Council Econ. Inst., *The Economic Impact of Mass Deportation in California* 24 (2025), https://www.bayareaeconomy.org/files/pdf/EconomicImpactOfMassDeportation-June2025.pdf.

ICE's Enforcement and Removal Operations (ERO) field office for Los Angeles, whose jurisdiction is coextensive with the Central District of California, comprises "over 290 law enforcement officers in six offices who are responsible for enforcing federal immigration laws in seven California counties with a combined population of over 20 million people." Quinones Decl. 2. Based on current estimates, illegal aliens comprise about 10 percent of the entire Central District population. Thus, while the previous administration carried out some 26,000 immigration arrests in the Central District, those efforts did little to alter the broader dynamics of illegal aliens entering the country and heading for the Central District, especially given its proximity to the border with Mexico.

Complicating federal efforts further, in December 2024, the Los Angeles City Council enacted a "sanctuary city" ordinance restricting Los Angeles law enforcement and other personnel from cooperating with federal immigration enforcement or participating in such enforcement. L.A. Admin. Code § 19.190 *et seq.* (Ord. No. 188441). For example, the law limits local officers' ability to "[i]nquire into or collect information about an individual's Citizenship or Immigration Status"; "[i]nvestigate, cite, arrest, hold, transfer, or detain any person for the purpose of Immigration Enforcement"; or "[p]articipate in Immigration Enforcement in any operation, joint operation, or joint task force involving any Immigration Agent." § 19.191(a), (b), and (f).

2. In early June, ICE and U.S. Customs and Border Protection (CBP) commenced efforts to intensify immigration enforcement in Los Angeles. See D. Ct. Doc. 94-2, at 3 (July 14, 2025) (Parra Decl.). Large crowds of protesters responded by "thr[owing] 'concrete chunks, bottles of liquid, and other objects' at [federal] officers" and launching "'mortar-style fireworks with multiple explosions' at them"; protesters also "heavily vandalized" a federal building. See, *e.g.*, *Newsom* v. *Trump*, 141 F.4th

1032, 1041 (9th Cir. 2025) (per curiam). The President deployed the National Guard to protect federal officers performing their duties. See *id.* at 1041-1042.

Despite these challenging conditions, from June 1 to mid-July, ERO "processed approximately 2,805 immigration arrests and numerous criminal arrests in the Los Angeles area." Quinones Decl. 4. The Mayor of Los Angeles responded by describing ICE's enforcement activities as a "reign of terror." Cheyanne M. Daniels, *Mayor Bass calls for end to ICE 'reign of terror' in Los Angeles*, Politico (July 20, 2025), https://www.politico.com/news/2025/07/20/karen-bass-ice-deployed-los-angeles-00464913. She directed all city departments to conduct trainings on compliance with the sanctuary-city law and "to report any federal immigration enforcement activity on City properties or facilities." L.A. Exec. Directive No. 12 (July 11, 2025).

This case began on June 20, when three illegal aliens who were arrested in the Los Angeles area filed a habeas corpus action in the United States District Court for the Central District of California seeking their release from immigration detention. D. Ct. Doc. 1. These three individual respondents work as day laborers; they were arrested in Pasadena on June 18 in connection with "a targeted enforcement action at a particular location" (a doughnut shop) "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." Quinones Decl. 3; see Gov't C.A. Stay Mot. 4; App., *infra*, 11a-12a. All three have since been released from immigration detention on bond. App., *infra*, 13a-14a.

On July 2, respondents filed an amended class-action complaint adding two U.S.-citizen individual plaintiffs and four organizational plaintiffs, plus several federal officials as defendants. D. Ct. Doc. 16. Respondents also filed an ex parte application for a temporary restraining order on July 3. D. Ct. Doc. 45. Respondents'

filings vastly expanded the scope of the suit to challenge the government's immigration-enforcement operations across the Los Angeles area. See D. Ct. Doc. 16, at 4-6. As relevant here, respondents alleged that federal immigration officers "have adopted a policy and practice of conducting immigration operations in violation of their obligation to stop individuals in public only if there is reasonable suspicion." *Id.* at 13; see *id.* at 58. Respondents in particular objected that ICE agents were targeting certain types of businesses, like car washes, which "past experiences have demonstrated" are likely to employ illegal aliens. D. Ct. Doc. 71-2, at 3 (July 8, 2025); see D. Ct. Doc. 16, at 6, 13-15. Respondents also complained that agents "have conducted indiscriminate immigration operations, flooding street corners, bus stops, parking lots, agricultural sites, day laborer corners, and other places." D. Ct. Doc. 16, at 4. The district court gave the government two business days to respond to the TRO application and held a hearing on July 10. See D. Ct. Dkt. 42 (July 3, 2025) (scheduling order).

3. The next day, July 11, the district court granted respondents' requested TRO and enjoined federal agents from conducting any detentive stops anywhere within the District without reasonable suspicion. App., *infra*, 62a-113a. The court specified that the prohibition means agents cannot "rely solely" on apparent race or ethnicity, use of Spanish or accented English, presence at a particular location, or type of work, either "alone or in combination," as grounds for reasonable suspicion. *Id.* at 111a. The court acknowledged that there was no evidence of any official policy authorizing stops solely on those bases, *id.* at 106a n.33, but inferred from anecdotal evidence that immigration officers were engaged in a practice of stops based solely on those four factors, *id.* at 100a-102a.

As to standing, the court reasoned that respondents "have standing for this putative class action" based entirely on respondent Gavidia's allegations that federal

agents had detained and questioned him based on his ethnicity. App., *infra*, 95a-96a. On the merits, the court concluded that respondents were likely to succeed on their claim that the four factors respondents had identified could not suffice to establish reasonable suspicion for a stop. See *id.* at 98a-106a. The court added that insofar as agents relied on other factors, such as a suspect's flight from federal officers, the government "do[e]s not show that they support reasonable suspicion." *Id.* at 102a n.30. As to the scope of relief, the court held that respondents were irreparably harmed by the prospect of future detentive stops, and concluded that "to provide complete relief to the named" respondents, the court "must enjoin the conduct of all law enforcement engaged in immigration enforcement throughout" the entire Central District of California. *Id.* at 97a.

The district court accordingly enjoined the government "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." App., *infra*, 111a. The order further provided that applicants, "except as permitted by law," "may not rely solely on" the following four factors, "alone or in combination, to form reasonable suspicion for a detentive stop":

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

Ibid.

The district court denied applicants' motion for a stay of the order pending appeal. D. Ct. Doc. 108 (July 17, 2025). It scheduled a hearing on whether to issue

a preliminary injunction for September 24, 2025, *id.* at 8, meaning the court's order will remain in effect for the foreseeable future.

4. The court of appeals largely declined to stay the district court's injunction pending appeal; the court only stayed one provision of the injunction authorizing reliance on the four factors "as permitted by law," which the court considered vague. App., *infra*, 38a; see *id.* at 1a-61a. The court acknowledged the lack of "evidence of an 'official policy' of making stops based only on the four factors and without reasonable suspicion," but shared the district court's view that officers "were routinely doing so" by citing, for instance, public statements by a CBP official generally referring to potential further enforcement operations in Los Angeles. *Id.* at 20a; see *id.* at 25a, 96a n.26.[2]

As to standing, the court of appeals held that all respondents could seek injunctive relief based on a "'realistic threat'" that the individual respondents and members of the associational respondents "will be stopped without reasonable suspicion" by immigration agents in the future. App., *infra*, 25a (brackets and citation omitted); see *id.* at 22a-33a.

On the merits, the court concluded that the injunction "prohibit[s] sole reliance on the four factors" identified by the district court but does "not prohibit reliance on those factors in combination with unlisted factors." App., *infra*, 40a-41a. The court did, however, find the "except as permitted by law" clause to be vague, and granted a stay as to that clause alone. *Id.* at 37a-39a, 61a.

The court then concluded that prohibiting the government from engaging in

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[2] The court of appeals also asserted that applicants "did not dispute that these detentive stops have been based solely on the four enumerated factors," App., *infra*, 21a, but that is incorrect—as the district court stated, "Defendants contest the idea that they relied solely on these factors." *Id.* at 101a.

detentive stops based solely on the four enumerated factors comports with the Fourth Amendment. App., *infra*, 39a-51a. The court held that such stops will *never* support reasonable suspicion within the Central District of California, because "the four enumerated factors at issue * * * describe only a broad profile and 'do not demonstrate reasonable suspicion for any particular stop.'" *Id.* at 45a; see *id.* at 45a-51a. The court added that, "[i]f future stops are based on additional, relevant facts" on top of the four prohibited factors, "those scenarios will be unaffected by the TRO." *Id.* at 41a. Yet the court then ruled out one particularly relevant factor, stating that additional knowledge obtained through an agent's experience is categorically insufficient to clear the reasonable-suspicion bar when paired with any or all of the prohibited factors. See *id.* at 44a ("'[E]xperience' does not in itself serve as an independent factor in the reasonable suspicion analysis.") (citation omitted); *id.* at 47a (disallowing location-targeting based on agents' "past experiences").

The court of appeals also held that a district-wide injunction was appropriate. App., *infra*, 51a-57a. The court described the scope-of-relief inquiry as "not whether there is some conceivable injunction that is *more* tailored while providing equal relief," but rather whether "'no reasonable person could take the view adopted by the trial court.'" *Id.* at 52a (citation omitted). The court concluded that although the order provides relief to millions of nonparties, it is not an impermissible "universal" injunction because it applies only in the Central District of California and because "enjoining Defendants from stopping *only the Plaintiffs* would not afford the Plaintiffs meaningful relief." *Id.* at 53a-54a. Finally, the court found that the injunction did not irreparably harm applicants, whereas a stay would substantially injure respondents. See *id.* at 57a-59a.

ARGUMENT

Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, this Court may stay a preliminary injunction entered by a federal district court. See, *e.g.*, *Brewer* v. *Landrigan*, 562 U.S. 996 (2010); *Brunner* v. *Ohio Republican Party*, 555 U.S. 5 (2008) (per curiam). To obtain such relief, an applicant must show a likelihood of success on the merits, a reasonable probability of obtaining certiorari, and a likelihood of irreparable harm. See *Hollingsworth* v. *Perry*, 558 U.S. 183, 190 (2010) (per curiam). In "close cases," "the Court will balance the equities and weigh the relative harms." *Ibid.* Those factors strongly support a stay here.

A. The Government Is Likely To Succeed On The Merits

The district court upended immigration-enforcement efforts throughout the entire Central District of California—a vast area encompassing some 20 million people and an estimated 2 million illegal aliens—by categorically enjoining immigration officers from conducting investigative stops that rest solely on any combination of four factors (*i.e.*, a suspect's apparent race or ethnicity; whether he speaks Spanish or accented English; whether he is at a location where illegal aliens are known to gather; and whether his job is prevalent among illegal aliens because of the lack of documentation required). That legally flawed injunction warrants this Court's review on several grounds. First, respondents—five individuals and four organizations—lack Article III standing to obtain an injunction barring investigative stops based on the prohibited factors, because no respondent faces any immediate risk of being subjected to such a stop. Second, the district court's order contravenes bedrock Fourth Amendment principles by imposing categorical rules that artificially limit inferences of reasonable suspicion, and by wrongly holding that the four factors—even in combination—can never amount to reasonable suspicion. Finally, the scope of this

injunction is plainly unlawful. By issuing an injunction encompassing anyone within the Central District of California—an injunction encompassing potentially millions of nonparties—the court defied *Trump* v. *CASA, Inc.*, 145 S. Ct. 2540 (2025).[3]

1. Respondents lack standing to seek injunctive relief restricting investigative stops for immigration enforcement

First, respondents lack Article III standing to seek prospective injunctive relief. See *Clapper* v. *Amnesty Int'l USA*, 568 U.S. 398, 412 (2013). To establish standing, "a plaintiff must demonstrate (i) that she has suffered or likely will suffer an injury in fact, (ii) that the injury likely was caused or will be caused by the defendant, and (iii) that the injury likely would be redressed by the requested judicial relief." *FDA* v. *Alliance for Hippocratic Med.*, 602 U.S. 367, 380 (2024). Only "actual or imminent" injuries count, *id.* at 381—not allegations that are "too speculative" or merely assert "'*possible* future injury,'" *Clapper*, 568 U.S. at 409 (citations omitted).

Here, respondents' allegations are entirely speculative. They claim that ICE has an unstated practice of relying on just four factors to supply reasonable suspicion for immigration stops, and that those factors could describe broad swaths of the population. But respondents offer nothing to substantiate their premise that they—out of the 20 million or so inhabitants of the Central District of California—would be stopped again. Respondents and the courts below also acknowledge that ICE at least sometimes relies on additional factors, and do not challenge stops that rely on the four factors plus even one additional factor as lacking reasonable suspicion. See Resp.

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[3] The court of appeals correctly concluded that the district court's order is likely appealable despite its styling as a TRO. App., *infra*, 34a-35a. The order lasts indefinitely; it was issued after briefing and an adversary hearing; the court's "basis for issuing the order is strongly challenged"; and the order imposes irreparable consequences in the meantime. *Department of Educ.* v. *California*, 145 S. Ct. 966, 968 (2025) (per curiam) (brackets and citation omitted).

C.A. Stay Opp. 17; App., *infra*, 40a-41a. That just aggravates the standing problem: even if respondents were stopped in the future, they have no basis for alleging that they would be stopped *solely* based on the four prohibited factors, not for some additional reasons.

a. This Court's decision in *City of Los Angeles* v. *Lyons*, 461 U.S. 95 (1983), forecloses respondents' past-is-prologue theory of standing. There, police officers stopped the plaintiff for a traffic violation, seized him, and placed him in a chokehold. *Id.* at 97. The Court held that, while the plaintiff could pursue a damages claim for that past injury, he lacked standing for prospective relief because he had not shown that "he was likely to suffer future injury from the use of the chokeholds by police officers." *Id.* at 105. There was no "immediate threat" that he would again be "choke[d] * * * without any provocation or resistance on his part." *Ibid.* That was so even though the Court accepted that the police department had a policy of "routinely apply[ing] chokeholds in situations where they are not threatened by the use of deadly force." *Ibid.*

Respondents' standing theory—particularly as embodied in the allegations by respondent Gavidia, the sole plaintiff for whom the district court found standing, see pp. 11-12, *supra*—is a redux of *Lyons*. As in *Lyons*, Gavidia alleges a past Fourth Amendment injury from law enforcement. Compare D. Ct. Doc. 45-9, at 2-3 (July 3, 2025) (Gavidia allegedly stopped based on his "skin color"), with *Lyons*, 461 U.S. at 97-98. As in *Lyons*, Gavidia seeks prospective relief to enjoin the challenged practice (here, reliance solely on the four factors in detentive stops). Compare App., *infra*, 111a, with *Lyons*, 461 U.S. at 99-100. And, as in *Lyons*, Gavidia cannot show standing because he has no basis beyond speculation to believe that he will be stopped again without reasonable suspicion based solely on the four factors. "Absent a suffi-

cient likelihood that he will again be wronged in a similar way," he is "no more entitled to an injunction than any other citizen of Los Angeles; and a federal court may not entertain a claim by any or all citizens who no more than assert that certain practices of law enforcement officers are unconstitutional." *Lyons*, 461 U.S. at 111.

The remaining individual respondents even more clearly lack standing. Respondent Viramontes, for example, alleged that agents visited the carwash where he works twice *without* stopping him, then detained him for about 20 minutes on their third visit until they could verify his citizenship status. D. Ct. Doc. 45-4, at 1-2. That single interaction provides no basis to believe Viramontes will be subject to any future stops, let alone wrongful ones. For two other respondents, Perdomo and Molina, the only specific "evidence" of their standing is respondent Perdomo's "belie[f]" that he will be stopped again (D. Ct. Doc. 45-1, at 3) and respondent Molina's "worr[y]" that he will be arrested again for "look[ing] like an immigrant" (D. Ct. Doc. 45-3, at 3). Subjective fear of a future allegedly illegal stop, however, "is not certainly impending" and "cannot manufacture standing." *Clapper*, 568 U.S. at 416.

The organizational respondents likewise lack standing to pursue prospective injunctive relief. Associational standing requires proof (*inter alia*) that an organization's "members would otherwise have standing to sue in their own right" and "neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Alliance for Hippocratic Med.*, 602 U.S. at 398 (Thomas, J., concurring) (quoting *Hunt* v. *Washington State Apple Adver. Comm'n*, 432 U.S. 333, 343 (1977)). But, just like the individual respondents, any risk of future harm for the organizations' members is speculative. See *id.* at 381 (citing *Clapper*, 568 U.S. at 409). Absent any nonspeculative probability of injury to their members, the organizations lack standing. "Fourth Amendment rights are personal rights which * * *

may not be vicariously asserted." *Alderman* v. *United States*, 394 U.S. 165, 174 (1969); see *Rakas* v. *Illinois*, 439 U.S. 128, 133-134 (1978).

b. The lower courts attempted to brush *Lyons* away by emphasizing "a real and immediate threat that the conduct complained of will continue." App., *infra*, 96a; see *id.* at 28a. But the courts failed to identify any realistic immediate threat *to respondents*—the essence of the standing inquiry. See *TransUnion LLC* v. *Ramirez*, 594 U.S. 413, 423 (2021). It was insufficient in *Lyons* that the police department was generally likely to continue to employ chokeholds; what mattered was whether the *plaintiff* there would likely be subject to a chokehold again. So too here, it is insufficient that the lower courts deemed federal agents likely to continue a general, unstated policy of relying solely on the four factors. What matters is that *respondents* cannot show they will likely be stopped and detained solely based on those factors again. Indeed, respondents and the lower courts elsewhere all but admit as much by alluding to other factors that federal officers sometimes rely on and acknowledging that adding those factors to the mix would not present the same Fourth Amendment problems. See, *e.g.*, App., *infra*, 102a n.29 (acknowledging that "the surveillance and intelligence data * * * share[d] with the agents" could give rise to reasonable suspicion but faulting the government for "fail[ing] to provide any concrete details" about that sensitive law-enforcement data).

The lower courts attempted to paper over this gap by invoking circuit precedent holding that harm inflicted by "a pattern of officially sanctioned behavior" is automatically likely to recur. App., *infra*, 25a (quoting *Melendres* v. *Arpaio*, 695 F.3d 990, 998 (9th Cir. 2012)). Never mind that, as the lower courts recognized, there is no evidence of such an official policy. See *id.* at 20a (acknowledging "there being no evidence of an 'official policy' of making stops based only on the four factors and with-

out reasonable suspicion"); *id.* at 106a n.33 ("Plaintiffs have not pointed to any 'official' policy that authorizes or ratifies the alleged 'roving patrols' for purposes of this TRO."). Even if the record were otherwise, *Lyons* rejected the court of appeals' reasoning. *Lyons* accepted *arguendo* allegations that "police officers, 'pursuant to the authorization, instruction and encouragement of [d]efendant City of Los Angeles, regularly and routinely appl[ied]'" the chokeholds that the plaintiff sued to enjoin. 461 U.S. at 98; see *id.* at 113-114 (Marshall, J., dissenting) (observing that "[t]he complaint clearly alleges that the officer who choked Lyons was carrying out an official policy"). Nonetheless, *Lyons* dismissed as irrelevant to standing whether the plaintiff "seeks to enjoin only an 'established,' 'sanctioned' police practice assertedly violative of constitutional rights." 461 U.S. at 108. The Court explained that, "to have a case or controversy with the City that could sustain [his claim for injunctive relief], Lyons would have to credibly allege that he faced a realistic threat from the *future application* of the City's policy." *Id.* at 107 n.7 (emphasis added).

This Court reinforced the point in *Clapper*. The plaintiffs there challenged a statutorily authorized surveillance program—a quintessential type of established, sanctioned program—but their assertion of "an objectively reasonable likelihood that their communications will be acquired under [that program] at some point in the future * * * [wa]s too speculative to satisfy the well-established requirement that threatened injury must be 'certainly impending.'" *Clapper*, 568 U.S. at 401 (citation omitted). Otherwise, under the lower courts' meritless approach, whenever a plaintiff alleges an "officially sanctioned" pattern or policy, he would have standing to seek to enjoin, say, a small-scale ICE program that would result in detentive questioning of a mere 100 Los Angeles residents per year, even though that plaintiff faced a vanishingly small chance of ever being affected by that program. Plaintiffs cannot circum-

vent the imminent-injury requirement just by alleging a pattern or policy.

The court of appeals also suggested that the individual respondents themselves, and at least some members of the organizational respondents, face an imminent threat of injury based on pure statistical inference. Because respondents are sufficiently numerous, and the enforcement action is sufficiently "high-volume," the court projected some overlap between the former and the latter. See App., *infra*, 28a, 30a-31a (comparing immigration agents' "high-volume, District-wide practice" with the organizational plaintiffs' "large scale of * * * Los Angeles-area memberships"). But this Court has never accepted such a statistical-probability theory of standing, particularly when the numbers involve thousands of unidentified organizational members across the entirety of California who assert some risk of being detained by immigration officers in a district populated by 20 million people. *Id.* at 14a, 16a, 18a. On the contrary, this Court has held that organizational standing based on the mere "statistical probability that some of [the organization's thousands of] members are threatened with concrete injury" would "make a mockery of [the Court's] prior cases," and it has instead required specific, concrete allegations of harm to one or more "*identified* member[s]" of an organizational plaintiff. *Summers* v. *Earth Island Inst.*, 555 U.S. 488, 498 (2009) (emphasis added).

Further, this "statistical probability" approach to standing contradicts respondents' theory of the merits. Respondents—and the lower courts—cannot have it both ways: to the extent "the four factors establish only a 'broad profile'" that encompasses too many people to justify individualized reasonable suspicion for Fourth Amendment purposes, App., *infra*, 41a; but see pp. 30-31, *infra*, it is unclear why any particular member of the large relevant population would have a nonspeculative likelihood of being encountered and detained again. Cf. Quinones Decl. 4 (noting ICE

ERO's processing of about "2,805 immigration arrests" from June to mid-July).

Even if respondents had a nonspeculative prospect of being stopped again in the future, they have made no showing whatsoever that they would likely be stopped *on the basis prohibited by the injunction—i.e.*, based solely on the four enumerated reasonable-suspicion factors, to the exclusion of any of the myriad other factors on which an agent might rely. The court of appeals thus wrongly found it "significant" that a single anonymous individual has allegedly been stopped "twice." App., *infra*, 26a. That only one anonymous person was stopped twice undercuts respondents' theory of recurrent stops. Moreover, the court of appeals failed to analyze whether either stop (much less both) lacked reasonable suspicion (much less was predicated on the prohibited factors). All agree that any future stops that included even one additional factor would not fall within the injunction—yet no one has offered any basis to think that the same individual will be stopped for the same purportedly impermissible reasons, and *only* those reasons, in any future stop. "Absent a sufficient likelihood that [they] will again be wronged *in a similar way*," *Lyons*, 461 U.S. at 111 (emphasis added), respondents cannot establish standing to seek an injunction.

2. The district court grossly misapplied the Fourth Amendment

Jurisdiction aside, the district court's injunction also misapprehends the Fourth Amendment by placing under judicial supervision all immigration-enforcement stops within the Central District and subjecting every such encounter between agents and potential illegal aliens to the threat of contempt.

Under the injunction, federal immigration officials "may not rely solely on" four factors, "alone or in combination, to form reasonable suspicion for a detentive stop" of any of the nearly 20 million people in the Central District of California. App., *infra*, 111a. Those factors are: "[a]pparent race or ethnicity"; "[s]peaking Spanish or speak-

ing English with an accent"; "[p]resence at a particular location (e.g. bus stop, car wash, tow yard, day laborer pick up site, agricultural site, etc.)"; or "[t]he type of work one does." *Ibid.* As the court of appeals confirmed, that injunction further bars consideration of officers' experience in connection with the enumerated factors—for example, experience "'demonstrat[ing] that illegal aliens utilize or seek work at the[] locations'" or that certain jobs are "more often performed by illegal immigrants than are other jobs"—because in the lower courts' view, past experience never adds anything to the calculus. *Id.* at 43a; see *id.* at 50a n.13, 105a. The injunction contravenes blackletter Fourth Amendment doctrine, which embraces a totality-of-the-circumstances, noncategorical approach that recognizes that the strength of particular factors may vary in context and that factors in combination can supply reasonable suspicion even if they do not individually.

a. The Fourth Amendment guarantee against unreasonable searches and seizures "extend[s] to brief investigatory stops of persons or vehicles that fall short of traditional arrest," including stops of individuals suspected of being in the United States illegally. *United States* v. *Arvizu*, 534 U.S. 266, 273 (2002). By virtue of "the limited nature of the intrusion," however, "stops of this sort may be justified on facts that do not amount to the probable cause required for an arrest." *United States* v. *Brignoni-Ponce*, 422 U.S. 873, 880 (1975). Instead, an officer may conduct such a stop based on reasonable suspicion—supported by "specific articulable facts, together with rational inferences from those facts"—that a person is an illegal alien. *Id.* at 884; see 8 C.F.R. 287.8(b)(2). Reasonable suspicion requires only "'some minimal level of objective justification' for making the stop," a standard that is "obviously less demanding than that for probable cause," *United States* v. *Sokolow*, 490 U.S. 1, 7 (1989) (citation omitted)—which is itself "not a high bar," *Kaley* v. *United States*, 571 U.S. 320,

338 (2014). Given that probable cause "is something more than a bare suspicion, but need not reach the fifty percent mark," reasonable suspicion requires even less certainty. See *United States* v. *Garcia*, 179 F.3d 265, 269 (5th Cir. 1999), cert. denied, 530 U.S. 1222 (2000).

The reasonable-suspicion inquiry "turn[s] on the totality of the particular circumstances." *Brignoni-Ponce*, 422 U.S. at 885 n.10; see *Arvizu*, 534 U.S. at 273. By definition, no particular circumstantial factor is categorically off-limits—whether that factor is a person's appearance, behavior, or the officer's past experience with the particular offense, location, or suspect. See, *e.g.*, Quinones Decl. 3 (collecting examples of reasonable-suspicion factors in the immigration-enforcement context). Reasonable suspicion is accordingly context-dependent and cannot be reduced to per se rules that treat certain factors as categorically insufficient. Indeed, this Court has repeatedly reversed decisions imposing such rules. In *Arvizu*, this Court rejected as too rigid the court of appeals' framework deeming seven particular factors as "carr[ying] little or no weight in the reasonable-suspicion calculus." 534 U.S. at 272; see *id.* at 274. In *Sokolow*, the Court rejected a rule allowing officers to rely on certain evidence of "ongoing criminal behavior" but not "probabilistic" evidence. 490 U.S. at 8. And in *United States v. Banks*, 540 U.S. 31 (2003), this Court similarly rejected a reticulated judicial framework governing the police's entry into a residence after knocking and announcing their presence. *Id.* at 34, 41-42.

b. The district court's injunction contravenes those basic principles.

i. To begin, the injunction ignores this Court's repeated instructions by categorically barring immigration officers in the Central District of California from forming reasonable suspicion for an investigative stop based on the four enumerated factors. App., *infra*, 111a. The court of appeals denied that the district court's in-

junction "create[s] a categorical rule," noting that it applies only in the Central District of California and does not prohibit stops based on the four enumerated factors in conjunction with others. *Id.* at 41a. Those responses are non sequiturs. A categorical rule for a district the size of a small country is still categorical. So is a rule providing that stops based solely on four identified factors are never permissible. This Court considered the rule in *Arvizu* categorical because the Ninth Circuit refused to consider seven factors as relevant to reasonable suspicion; it was irrelevant there that other factors might support a stop. 534 U.S. at 272-273.

The court of appeals defended the injunction's categorical approach by contending that "[c]ourts routinely assess specific groupings of factors to determine whether those factors together give rise to reasonable suspicion," then apply that holding across like circumstances. App., *infra*, 42a. But courts cannot convert those like circumstances into a per se rule prohibiting particular factors from supporting reasonable suspicion as to any one of millions of people just based on ipse dixit, least of all when the relevant circumstances themselves can vary (*e.g.*, one suspect may not speak English at all and be at a workplace known to have hired 100 illegal aliens the prior week; another may simply be bilingual at a workplace known to have hired one illegal alien years ago). Nor does the court of appeals' cited authority, *Ornelas* v. *United States*, 517 U.S. 690 (1996), hold otherwise. *Ornelas* simply observes that different cases can occasionally, despite the intensely fact-dependent nature of the reasonableness inquiry, turn on the same specific factors and require the same result. See *id.* at 698; see *ibid.* (comparing two cases in both of which "the defendant traveled under an assumed name; paid for an airline ticket in cash with a number of small bills; traveled from Miami, a source city for illicit drugs; and appeared nervous in the airport"). *Ornelas* was not referring to broadly framed factors like "location" and

"type of work," App., *infra*, 111a, and does not endorse broad categorical limitations of the kind imposed here. In *Arvizu*, this Court warned against similar overextension of "the reasoning of *Ornelas*." 534 U.S. at 275. The injunction exemplifies the kind of categorical and discretion-limiting framework that "runs counter to [this Court's] cases and underestimates the usefulness of the reasonable-suspicion standard in guiding officers in the field." *Ibid.*

ii. The injunction also violates basic Fourth Amendment principles and common sense in evaluating the relevancy of the four factors here. Here, the question is what constitutes reasonable suspicion for illegal presence in the United States—a status that renders that alien subject to detention and removal under the INA, and a status shared by an estimated 10 percent of the population of the Central District of California, or about 2 million people within the district. In that context, the four factors enumerated in the district court's injunction are plainly relevant. To take one example, if officers know based on their experience or past enforcement history that a particular business has a history of employing illegal aliens and has, for instance, been cited 20 times for failing to verify employees' identification, officers may well have reasonable suspicion to stop people gathering to seek employment there, especially given the concentration of illegal aliens in the Central District. See, *e.g.*, *United States* v. *Montrero-Camargo*, 208 F.3d 1122, 1138 (9th Cir.) (en banc) (describing relevance of location to reasonable suspicion), cert. denied, 531 U.S. 889 (2000).

Similarly, if agents know that particular jobs are attractive to illegal aliens because they do not require documentation or verification, that too can support reasonable suspicion. See, *e.g.*, *Maldonado* v. *Holder*, 763 F.3d 155, 161 (2d Cir. 2014) (noting that day labor is "an occupation that is one of the limited options for workers without documents"). The district court practically acknowledged as much by identi-

fying specific jobs and locations that are often associated with illegal aliens. *E.g.*, App., *infra*, 111a (referring to "day laborer pick up site[s]"). Thus, if officers know from past experience that illegal aliens seeking construction jobs congregate in a particular parking lot to meet prospective employers, they may well have reasonable suspicion for investigative stops of non-English-speaking persons congregated there.

Likewise, apparent ethnicity can be a factor supporting reasonable suspicion in appropriate circumstances—for instance, if agents know that the members of a criminal organization under investigation are disproportionately members of one ethnic group—even if it would not be relevant in other circumstances. See *Brignoni-Ponce*, 422 U.S. at 885-886 ("apparent Mexican ancestry" did not "alone" supply reasonable suspicion). And, in context, officers might reasonably rely on the fact that someone exclusively speaks Spanish to support reasonable suspicion that the person is here illegally, not least because a disproportionate percentage of illegal aliens in the Central District speak Spanish and do not speak English fluently or at all. See, *e.g., United States* v. *Manzo-Jurado*, 457 F.3d 928, 937 (9th Cir. 2006) (fact that group was "speaking to each other only in Spanish" was "relevant to the reasonable suspicion inquiry"). All of this reflects common sense: the reasonable-suspicion threshold is low, and the number of people who are illegally present and subject to detention and removal under the immigration laws in the Central District is extraordinarily high and starts off at a 1 in 10 probability just among the general population. In that context, the four factors at issue—especially when 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—can obviously support reasonable suspicion for a brief investigative stop in at least some circumstances.

The lower courts instead wrongly dismissed the four factors (individually or

collectively) as categorically insufficient to supply reasonable suspicion in this context. The courts ticked off the four factors listed in the injunction, deemed each one only marginally probative of reasonable suspicion, and then concluded that "[e]ven taken together, the four enumerated factors describe only a 'broad profile' that does not supply the reasonable suspicion required to justify a detentive stop." App., *infra*, 48a (quoting *Manzo-Jurado*, 457 F.3d at 939); see *id.* at 103a-104a.

Just because the four factors may not supply reasonable suspicion in *some* circumstances, however, does not mean they will *never* do so. Take *Manzo-Jurado*, which the lower courts relied on heavily. App., *infra*, 45a-50a, 101a-105a. There, the Ninth Circuit gave little weight to the suspects' location (a football stadium in Montana) and work-crew status because their particular location and employer were not associated with illegal aliens—not because those factors can never combine to establish reasonable suspicion. 457 F.3d at 936, 938. By contrast, in *Maldonado*, the Second Circuit declined to suppress evidence from a stop in a park where groups of Latinos were known to gather to "to offer themselves for day labor, an occupation that is one of the limited options for workers without documents." 763 F.3d at 161; see *id.* at 160.

Here, that the four factors—even in combination—might describe a "broad profile" is inevitable and unremarkable, given that 10 percent of the population in the Central District, some 2 million people, are illegally present in the United States. See pp. 8-9, *supra*. Again, reasonable suspicion is a low bar—lower than probable cause—and the high prevalence of illegal aliens *should* enable agents to stop a relatively broad range of individuals (even if the probability of any particular person actually being stopped remains low, as discussed above). "[A] large segment" of the relevant population is engaged in violating the law, and an even larger portion may validly

trigger reasonable suspicion—a standard that requires far less than 50-percent certainty. App., *infra*, 50a; see *Sokolow*, 490 U.S. at 7. By ignoring the context-dependent nature of the Fourth Amendment standard, the lower courts categorically dismissed factors that are relevant to this basis for detentive stops in this jurisdiction. See *Ornelas*, 517 U.S. at 696.

Further, the lower courts wrongly dismissed the four factors in combination. Reasonable suspicion, like probable cause, requires consideration of "the sum total of layers of information and the synthesis of what the police have heard, what they know, and what they observe as trained officers," not particular factors in isolation. *Smith* v. *United States*, 358 F.2d 833, 837 (D.C. Cir. 1966) (Burger, J.), cert. denied, 368 U.S. 1008 (1967). Yet, here, the district court's injunction forecloses officers from conducting even highly targeted stops based on factors that would not apply to most of the population: for instance, the injunction forecloses reasonable suspicion to stop an individual observed at length speaking exclusively Spanish, wearing the uniform of an employer known to employ illegal aliens, and shopping at a business known to be frequented by illegal aliens—simply because suspicion in such a case would be furnished by the suspect's language, job type, and location. On top of that, the injunction bars consideration of officers' experience in connection with the enumerated factors. App., *infra*, 43a, 50a n.13; see *id.* at 105a; cf. Quinones Decl. 3 (three original respondents apprehended in connection with "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"). That drastically raises the reasonable-suspicion bar and defies the commonsense, totality-of-the-circumstances approach that governs investigative stops. That certain factors "alone" may be too generalized—*e.g.*, Hispanic

ethnicity, the factor solely relied upon in *Brignoni-Ponce*, 422 U.S. at 885-886—does not mean that the factors are always so "in combination." App., *infra*, 5a, 111a. The lower courts thus grievously misinterpreted the Fourth Amendment to invent improper limitations on reasonable suspicion.

3. The Central District-wide injunction vastly exceeds the district court's equitable powers

If nothing else, the district court's grant of district-wide relief flagrantly violates this Court's recent holding in *CASA*, forbidding the issuance of universal (*i.e.*, non-party-specific) injunctions. The district court did not merely enjoin the government from detaining *respondents* without reasonable suspicion; it enjoined the government from conducting such stops of any of the 20 million people within the Nation's most populous federal judicial district. That extreme mismatch between respondents' asserted injuries and the district court's universal relief flouts *CASA*, which the lower courts barely addressed. See, *e.g.*, App., *infra*, 91a n.21 (obliquely acknowledging "the Supreme Court's recent holding that district courts do not have equitable power to issue a 'universal injunction'").

a. In *CASA*, this Court held that the statutory grant of jurisdiction over suits "'in equity'" "encompasses only those sorts of equitable remedies 'traditionally accorded by courts of equity' at our country's inception." 145 S. Ct. at 2551 (citations omitted); see *Grupo Mexicano de Desarrollo, S.A.* v. *Alliance Bond Fund, Inc.*, 527 U.S. 308, 319 (1999). "Neither the universal injunction nor any analogous form of relief was available * * * at the time of the founding." *CASA*, 145 S. Ct. at 2551. Rather, "suits in equity were brought by and against individual parties." *Ibid.* At most, a court granting equitable relief "may administer complete relief *between the parties*." *Id.* at 2557 (citation omitted). Thus, "the question is not whether an injunc-

tion offers complete relief to *everyone* potentially affected by an allegedly unlawful act; it is whether an injunction will offer complete relief *to the plaintiffs before the court*." *Ibid.* Even then, "[c]omplete relief is not a guarantee—it is the maximum a court can provide." *Id.* at 2558.

The district court's injunction violates those limits on federal courts' equitable powers. Under *CASA*, any injunctive relief should have applied *only* to named respondents. Instead, the district court broadly enjoined applicants "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," defining reasonable suspicion to preclude sole reliance on the four factors. App., *infra*, 111a. The district court was not shy about the ultimate scope of its order: its intent was avowedly to "enjoin the conduct of all law enforcement engaged in immigration enforcement throughout the District." *Id.* at 97a. That injunction triggers all the classic problems with universal injunctions that *CASA* warned against. By covering millions of nonparties, this injunction broadly "halt[s] the enforcement of federal policy" across the Nation's most populous District. *CASA*, 145 S. Ct. at 2559. The inevitable disruptions necessitate emergency appellate relief. And the district court's micromanagement of Executive Branch policy and enforcement decisions effects an intolerable transfer of core executive functions to the Judiciary, generating needless and avoidable interbranch friction. See *id.* at 2561.

b. The lower courts defended the scope of this injunction as "only District-wide and not nationwide," App., *infra*, 91a n.21; see *id.* at 53a-54a, but that misses the point. Whether the injunction extends to the entire population of the United States or merely the 20 million residents of the Central District of California, the injunction goes well beyond providing complete relief *to respondents*.

The court of appeals went far astray starting with the basic legal standards. The court conditioned the government's ability to obtain relief on "establish[ing] that 'no reasonable person could take the view adopted by the trial court'" as to the scope of the injunction. App, *infra*, at 52a. But "[a] district court by definition abuses its discretion when it makes an error of law," such as ignoring an authoritative holding of this Court. *Koon* v. *United States*, 518 U.S. 81, 100 (1996). The court then went so far as to say that the inquiry cannot even consider whether there is an "injunction that is *more* tailored while providing equal relief." App., *infra*, 52a. That too is wrong. "A plaintiff's remedy must be tailored to redress the plaintiff's particular injury," *Gill* v. *Whitford*, 585 U.S. 48, 73 (2018), and "no more burdensome to the defendant than necessary" to provide such redress, *Califano* v. *Yamasaki*, 442 U.S. 682, 702 (1979). Hence, this Court in *CASA* directed the lower courts on remand to consider "whether a narrower injunction is appropriate." 145 S. Ct. at 2558. Fashioning injunctive relief of appropriate scope is the first duty of courts sitting in equity, not an irrelevant sideshow.

The lower courts also justified the injunction's breadth on the ground that "it would be a fantasy to expect that law enforcement could and would inquire whether a given individual was" a plaintiff in this case "before proceeding with a seizure," citing only a pre-*CASA* circuit case arising in a completely different factual context. App., *infra*, 97a; see *id.* at 54a (similar). But other courts have granted party-limited injunctions in similar contexts. See, *e.g.*, *Kentucky* v. *Biden*, 57 F.4th 545, 557 (6th Cir. 2023) ("Because an injunction limited to the parties can adequately protect the plaintiffs' interests while the case is pending disposition on the merits, the district court abused its discretion in extending the preliminary injunction's protection to non-party contractors in the plaintiff States."); *Philadelphia Yearly Meeting of Reli-*

gious Soc'y of Friends v. *United States Dep't of Homeland Sec.*, 767 F. Supp. 3d 293, 336 (D. Md. 2025) ("Plaintiffs have provided no basis to conclude that they could not provide to DHS, for purposes of enforcement of the injunction, a list of the locations of their places of worship and of other sites at which they may hold their worship services."). Otherwise, a single plaintiff challenging similar law-enforcement practices could invariably get district-wide (or presumably even broader) relief. Under that rule, federal courts would once again "exercise general oversight of the Executive Branch" in a manner this Court deemed—just weeks ago—to "exceed [their] power." *CASA*, 145 S. Ct. at 2562.

The court of appeals was particularly concerned that "a list-of-protected-people injunction" could not realistically or appropriately "include all of the members of the plaintiff associations." App., *infra*, 55a. If accurate, that is a feature, not a bug: courts may not grant relief to members who were not identified in the complaint and who did not agree to be bound by an adverse judgment. See *FDA* v. *Alliance for Hippocratic Med.*, 602 U.S. 367, 399, 403 (2024) (Thomas, J., concurring). On the contrary, to establish standing in the first place, organizational plaintiffs must "make specific allegations establishing that at least one *identified* member has suffered harm," and "[t]his requirement of *naming the affected members* has never been dispensed with in light of statistical probabilities." *Summers*, 555 U.S. at 498-99 (emphasis added). In any event, the court of appeals failed to grapple with the experience of courts that *have* effectively tailored injunctive relief to only the organizational parties actually before them. See p. 32, *supra*. And any inconvenience of applying the injunction on an associational basis follows directly from the fundamental unlawfulness of granting relief to a vast number of unidentified members, contrary to this Court's instructions in *Summers*, 555 U.S. at 498-499. Nothing in the record suggests

that it would be impracticable or unworkable to limit injunctive relief to the parties. Cf., *e.g.*, *Gomez* v. *Vernon*, 255 F.3d 1118, 1130 (9th Cir.) (holding that a district court "appropriately tailored" and "properly limited" injunctive relief against retaliatory prison practices "to just six inmates"), cert. denied, 534 U.S. 1066 (2001).

B. The Remaining Stay Factors Support Relief

In deciding whether to grant emergency relief, this Court also considers whether the underlying issues warrant its review; whether the applicant likely faces irreparable harm; and, in close cases, the balance of the equities. See *Hollingsworth*, 558 U.S. at 190. Those factors tilt decisively in favor of a stay here.

1. This Court would likely grant certiorari

The issues presented in this application manifestly warrant this Court's review under its traditional certiorari criteria. See *John Does 1-3* v. *Mills*, 142 S. Ct. 17, 18 (2021) (Barrett, J., concurring in the denial of application for injunctive relief). To start, this Court often grants review when lower courts contravene this Court's precedent, and the decisions below do so in spades, violating this Court's foundational precedents on individual standing, organizational standing, Fourth Amendment principles, and the scope of injunctive relief. See Sup. Ct. R. 10(c). Indeed, the Court has repeatedly granted certiorari to review (and reversed) Ninth Circuit decisions that limited consideration of the totality of circumstances in Fourth Amendment analysis. See, *e.g.*, *Banks*, 540 U.S. at 41-42; p. 24, *supra*.

This Court has also consistently granted stays when lower courts unduly interfered with enforcement of the immigration laws, which the Constitution and federal statutes commit to the Executive Branch. See, *e.g.*, *Noem* v. *Doe*, 145 S. Ct. 1524 (2025) (granting stay of district-court order enjoining categorical revocation of parole for aliens); *Noem* v. *National TPS Alliance*, No. 24A1059, 2025 WL 1427560 (May 19,

2025) (granting stay of district-court order barring partial termination of temporary protected status for Venezuelan nationals); *Trump* v. *Sierra Club*, 140 S. Ct. 1 (2019) (granting stay of district-court order enjoining the Department of Defense from undertaking any border-wall construction using funding the Acting Secretary transferred pursuant to statutory authority); see also *INS* v. *Legalization Assistance Project*, 510 U.S. 1301, 1305-1306 (1993) (O'Connor, J., in chambers) (granting stay of district-court order requiring INS to engage in certain immigration procedures, as "an improper intrusion by a federal court into the workings of a coordinate branch of the Government"). This case fits that bill. The Los Angeles area is a crucial priority for immigration enforcement where millions of aliens have broken the law and remain illegally. Yet the injunction has thrown a central element of immigration enforcement—investigative stops—into intolerable uncertainty.

2. The district court's order inflicts irreparable harm on the government

The injunction inflicts irreparable harm on the government and public, whose interests "merge" here, *Nken* v. *Holder*, 556 U.S. 418, 435 (2009). Most immediately, the district court's order irreparably harms the government by thwarting enforcement of the immigration laws in a critically important region containing about 2 million illegal aliens. "The problems posed * * * by illegal immigration," from "'crime'" and "'safety risks'" to the consumption of limited public resources, "must not be underestimated." *Arizona* v. *United States*, 567 U.S. 387, 398 (2012) (citation omitted). Because illegal aliens "create significant economic and social problems" and are "themselves * * * vulnerable to exploitation because they cannot complain of substandard working conditions without risking deportation," "the public interest demands effective measures to prevent the illegal entry of aliens." *Brignoni-Ponce*, 422

U.S. at 878-879. "To implement its immigration policy, the Government must be able to decide (1) who may enter the country and (2) who may stay here after entering." *Jennings* v. *Rodriguez*, 583 U.S. 281, 286 (2018). Preventing the Executive Branch from implementing a major enforcement priority and effectuating the immigration laws Congress enacted constitutes irreparable harm. The universal injunction here also inflicts irreparable harm by supplanting the political Branches' judgments and intruding on the separation of powers. See *CASA,* 145 S. Ct. at 2561.

Further, the injunction gravely chills enforcement efforts by improperly threatening federal officers with contempt and extensive judicial second-guessing even if they comply with its terms. Cf. *Harlow* v. *Fitzgerald*, 457 U.S. 800, 807 (1982) (noting the "public interest in encouraging the vigorous exercise of official authority") (citation omitted). Under federal law, the government conducts investigative stops of suspected illegal aliens only where officers have reasonable suspicion based on specific articulable facts. See 8 C.F.R. 287.8(b)(2); Quinones Decl. 2-3; Parra Decl. 5-6. But the injunction deters officers from stopping suspects even when they have reasonable suspicion on other grounds to believe the individual is here illegally. As ICE and CBP officials explained below, the injunction "fails to provide clear instructions to the Defendant law enforcement agencies as to how reasonable suspicion must be developed going forward, how the enumerated factors such as location or employment can be used under the [injunction] and what additional information, if any, would be needed if those factors are used." Quinones Decl. 4. Uncertainty over how the court might later view an agent's reliance on a mix of factors will "likely cause hesitation and delay in the field, which in turn increases the risk of assaults on officers, escalations during volatile encounters, and injuries to both officers and the public, particularly in the already high-risk and unpredictable environment of Los Angeles." Parra Decl.

4; cf. *International Longshoremen's Ass'n* v. *Philadelphia Marine Trade Ass'n*, 389 U.S. 64, 76 (1967) ("The judicial contempt power is a potent weapon. When it is founded upon a decree too vague to be understood, it can be a deadly one.").

The court of appeals dismissed these concerns by stating that "[t]he 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." App., *infra*, 39a. And the courts below contended that the injunction does not harm the government because it merely bars agents from violating the Fourth Amendment. *Id.* at 57a-58a, 108a-109a. But those rejoinders are empty assurances. They rest on a misapprehension of the Fourth Amendment, and they overlook that agents will obviously be deterred from conducting stops when they may have to show after the fact that they relied on other factors, above and beyond the four factors the lower courts deemed insufficient. Exposing agents to such judicial micromanagement places extraordinary burdens on agents and will inevitably deter *valid* investigative stops.

Illustrating—and vastly compounding—the problem, the court of appeals preemptively concluded that a detentive stop relying on (any or all of) the four prohibited factors *plus additional knowledge obtained through the agent's experience* remains prohibited by the injunction—and thus subject to the threat of contempt. See App., *infra*, 44a ("'[E]xperience' does not in itself serve as an independent factor in the reasonable suspicion analysis." (citation omitted)); *id.* at 47a (disallowing location-targeting based on agents' "'past experiences'" due to a purported lack of "evidence * * * 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"). And it is anyone's guess, based on that reasoning, what other factors might get rolled

into the four prohibited factors. The only safe harbor for an immigration agent in the Central District of California would be to ignore the apparent race or ethnicity, language, location, and occupation of a suspected illegal alien—and thus to ignore factors that may often support reasonable suspicion in context.

The contempt-trap risk is no mere hypothetical, and the prospect of inter-branch friction is extraordinary. The district court has already directed the government to show cause why the government should not be further enjoined—by, for instance, being compelled to engage in court-supervised training of ICE officers; to develop "guidance" on reasonable suspicion; and (remarkably) to maintain and share with respondents' counsel, on a "regular schedule," "documentation of detentive stops" showing "factors supporting reasonable suspicion." App., *infra*, 112a. The upshot of such flyspecking will be to overwhelm agents with onerous oversight and increase the risk of judicial second-guessing on pain of contempt until enforcement efforts are greatly curtailed. The court of appeals' assurance that the district court's injunctive oversight "does not expose Defendants to the threat of contempt," *id.* at 39a, rings hollow in light of this preview of coming injunctive actions.

3. The balance of the equities weighs in the government's favor

On the other side of the ledger, respondents' asserted harms rehash their flawed theories of standing and the merits and rest on conjecture that they will again be stopped in alleged violation of their Fourth Amendment rights. App., *infra*, 36a; see *id.* at 107a. But irreparable harm requires a showing that immediate, concrete injury is "*likely* in the absence of an injunction." *Winter* v. *Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). Respondents' allegations of past injury cannot show irreparable harm or provide an adequate basis for the "imposition of systemwide relief." *Lewis* v. *Casey*, 518 U.S. 343, 359 (1996). Even if another future stop were reasonably

likely, moreover, the district court's injunction is not designed to prevent such a stop because it *permits* investigative stops that are based on more than the enumerated four factors. The probability of any respondent being subjected to a future stop based solely on those four factors is even lower. Because respondents cannot even show Article III standing to seek an injunction, they necessarily cannot show irreparable harm sufficient to warrant injunctive relief. See *Monsanto Co.* v. *Geertson Seed Farms*, 561 U.S. 139, 162 (2010).

Nor do respondents need a sweeping injunction to protect them from speculative future stops. The Fourth Amendment already applies by its own terms to all law-enforcement actions, and existing law already provides remedies for violations, including monetary damages for wrongful detentions where appropriate. See generally *Muehler* v. *Mena*, 544 U.S. 93 (2005). Those existing remedies suffice to protect both respondents' interests and the public interest. Isolated past interactions are no basis for a universal, forward-looking injunction. The district court egregiously erred—and needlessly upended immigration enforcement in the most populous district in the country—by concluding otherwise.

C. An Administrative Stay Is Warranted

The Solicitor General also respectfully requests that this Court grant an administrative stay of the district court's July 11 order while the Court considers this application. Every day that the district court's order remains in effect, law-enforcement officers throughout the most populous district in the country are laboring under the threat of judicial contempt, daunted by the prospect that their good-faith efforts to enforce federal law will be retrospectively deemed to violate a far-reaching, unlawful, and ill-defined injunction. In these circumstances, an administrative stay is warranted while this Court assesses the government's entitlement to a stay.

CONCLUSION

This Court should stay the district court's July 11 order enjoining applicants from conducting detentive investigative stops in the Central District of California based on the four enumerated reasonable-suspicion factors. In addition, the Solicitor General respectfully requests an immediate administrative stay of the district court's order pending the Court's consideration of this application.

Respectfully submitted.

D. JOHN SAUER
Solicitor General

AUGUST 2025

APPENDIX

FOR PUBLICATION

FILED

AUG 1 2025

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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

> 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

[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

[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.

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

[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*

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[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.