

No. 25-4047

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

UNITED FARM WORKERS OF AMERICA, *et al.*,  
PLAINTIFFS-APPELLEES,

v.

KRISTI NOEM, *et al.*,  
DEFENDANTS-APPELLANTS

**On Appeal from the United States District Court  
for the Eastern District of California**  
No. 1:25-cv-00246-JLT-CDB

**BRIEF OF AMICI CURIAE CALIFORNIA, ARIZONA,  
CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, HAWAI'I,  
ILLINOIS, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN,  
MINNESOTA, NEW JERSEY, NEW YORK, OREGON, RHODE  
ISLAND, VERMONT, AND WASHINGTON IN SUPPORT OF  
PLAINTIFFS-APPELLEES AND AFFIRMANCE**

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## INTRODUCTION

In January 2025, Defendants-Appellants embarked on a nearly weeklong operation, dubbed “Operation Return to Sender,” in Kern County, California, and surrounding areas (“the Central Valley”). Deemed a model for future enforcement operations by Border Patrol officials, “Operation Return to Sender” sent agents nearly 300 miles from the southern border to the Central Valley’s agricultural areas, Latino neighborhoods, and businesses frequented by day laborers, like Home Depot and a Chevron gas station. Those agents then conducted suspicionless stops demanding that residents show their papers, and made warrantless arrests without probable cause that the individual posed a flight risk.

Not only did these practices violate the Fourth Amendment and federal law,<sup>1</sup> but “Operation Return to Sender” has also shattered the rhythms of daily life. During and following the operation, school attendance dropped, people stopped going to work, local business suffered, and civic participation was curtailed. This marked the first—but certainly not the last—large-scale immigration enforcement operation of this kind in 2025.

As Defendants-Appellants continue their campaign of similar raids in cities and states across the country, the consequences of their practices in this case have become readily apparent—once-bustling communities turn to ghost towns, with

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<sup>1</sup> *E.g.*, 8 U.S.C. § 1357(a)(2); 8 C.F.R. § 287.5(c)(1).

devastating impacts on Amici States’ peace and prosperity. The preliminary injunction granted to Plaintiffs-Appellees is strongly in the public interest and should be upheld.

### **BACKGROUND AND INTEREST OF AMICI**

Amici States have a profound interest in safeguarding the rights and well-being of their residents, regardless of where they were born, and immigrants are an integral part of Amici States’ social fabric. California alone is the proud home of 10.6 million immigrants, and Amici States together are home to over 25.9 million immigrants.<sup>2</sup> Almost half of all California children have at least one immigrant parent.<sup>3</sup> Immigrants in California, with and without legal status, are “students, teachers, artists, chefs, business owners, religious leaders, colleagues, neighbors, family members, and more.”<sup>4</sup> Immigrants also stimulate the economy as entrepreneurs, STEM workers, taxpayers, and consumers.<sup>5</sup>

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<sup>2</sup> Marisol Cuellar Mejia, Cesar Alesi Perez & Hans Johnson, *Immigrants in California*, Public Policy Institute of California (Jan. 2025), <https://www.ppic.org/publication/immigrants-in-california/>; *U.S. Foreign-Born Population*, U.S. Census Bureau (April 9, 2024), <https://www.census.gov/library/visualizations/interactive/foreign-born-population-2018-2022.html>.

<sup>3</sup> Cuellar Mejia, Perez & Johnson, *supra* note 2.

<sup>4</sup> Kayla Kitson, *California’s Undocumented Residents Make Significant Tax Contributions*, Cal. Budget & Pol’y Ctr. (Oct. 2024), <https://calbudgetcenter.org/resources/californias-undocumented-residents-make-significant-tax-contributions/>.

<sup>5</sup> *Immigration and California Families*, State of California, <https://www.ca.gov/immigration/> (last visited Dec. 29, 2025).

In carrying out suspicionless stops and warrantless arrests, Defendants-Appellants target California’s diverse communities and chill civic and economic participation. Indeed, although this case concerns Defendants-Appellants’ practices in the Eastern District of California, Defendants-Appellants have conducted similar operations in other cities and counties in California and throughout the country, including in other Amici States.<sup>6</sup> Thus, California and its fellow Amici States have a significant interest in the district court’s injunction being upheld, and Defendants-Appellants being enjoined from conducting stops and arrests that violate federal law.

Amici States’ interest in this litigation is particularly acute in light of the Trump administration’s stated intent to prioritize widespread immigration enforcement (both while campaigning and after taking office), for which “Operation Return to Sender” has served as the blueprint. David Kim, assistant chief patrol agent of the U.S. Border Patrol El Centro Sector, who was involved in planning the raid under U.S. Border Patrol Commander at Large Gregory Bovino, referred to “Operation Return to Sender” as “a proof of concept” and a “very

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<sup>6</sup> See, e.g., Guy Oron, *ICE Ramps Up Attacks on Immigrant Communities in Washington*, Real Change News (Apr. 9, 2025), <https://www.realchangenews.org/news/2025/04/09/ice-ramps-attacks-immigrant-communities-washington>; Jeff Coltin, *ICE Will ‘Flood the Zone’ in NYC*, Politico (July 21, 2025), <https://www.politico.com/news/2025/07/21/ice-new-york-city-enforcement-00465313>.

successful” test of the agency’s capabilities.<sup>7</sup> Kim also stated that the agency knows it “can push beyond that limit now as far as distance goes.”<sup>8</sup> It was reported that Bovino views the Central Valley operation as a model for immigration enforcement across California; as he stated in April, “It’s game on—anywhere.”<sup>9</sup>

And indeed, Defendants-Appellants have carried out large-scale immigration raids across California and nationwide for the last several months—in Los Angeles, Chicago, the District of Columbia, Charlotte, New Orleans, and the Twin Cities.<sup>10</sup> These operations were consistent with President Trump’s June declaration

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<sup>7</sup> Sofia Mejías-Pascoe, *inewssource Talked to El Centro’s Border Patrol Chief Now Being Sued over Bakersfield Arrests. Here’s What He Said*, inewssource (Mar. 14, 2025), <https://inewssource.org/2025/03/14/lawsuit-border-patrol-el-centro-chief-kern-county-operation/>.

<sup>8</sup> *Id.*

<sup>9</sup> Sergio Olmos & Wendy Fry, *Border Patrol Said It Targeted Known Criminals in Kern County. But It Had No Record on 77 of 78 Arrestees*, CalMatters (June 27, 2025), <https://calmatters.org/economy/2025/04/border-patrol-records-kern-county/>.

<sup>10</sup> *E.g.*, Dani Anguiano, ‘Living an American Nightmare’: LA Hearing Details Lasting Trauma of ICE Raids, Guardian (Nov. 26, 2025), <https://www.theguardian.com/us-news/2025/nov/25/los-angeles-congressional-hearing-ice-raids> (discussing “disastrous effects” of “ICE raids across southern California”); *What to Know About Immigration Enforcement Raids in Chicago*, Chi. Trib. (Dec. 16, 2025), <https://www.chicagotribune.com/2025/12/16/chicago-immigration-enforcement-raids/> (discussing ongoing Border Patrol operations in Chicago); Hameed Aleaziz, Brent McDonald & Amogh Vaz, *How Washington Became a Testing Ground for ICE*, N.Y. Times (Oct. 1, 2025), <https://www.nytimes.com/2025/10/01/us/politics/washington-dc-ice.html> (noting pattern of “masked officers detaining people in sometimes aggressive encounters” in D.C.); Alexandria Sands, *Border Patrol Reports over 250 Charlotte Arrests, but Most Detainees Are Unidentified*, Axios (Nov. 19, 2025),

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on Truth Social: “we must expand efforts to detain and deport Illegal Aliens in America’s largest Cities, such as Los Angeles, Chicago, and New York, where Millions upon Millions of Illegal Aliens reside. These, and other such Cities, are the core of the Democrat Power Center . . . .”<sup>11</sup> And this has also been consistent with “border czar” Tom Homan’s statements that there would be an “expansion” of immigration actions in “every neighborhood and every city,” that the administration was going to “flood the zone,” and that sanctuary cities “will get exactly what they don’t want—more agents in their neighborhoods” and “more

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<https://www.axios.com/local/charlotte/2025/11/19/border-patrol-ice-operation-immigration-web>; Lucy Campbell, *Several People Arrested in New Orleans amid ICE ‘Siege’: ‘It’s Racial Profiling’*, Guardian (Dec. 4, 2025), <https://www.theguardian.com/us-news/2025/dec/04/new-orleans-ice-immigration-raid> (noting “immigrant communities” in New Orleans “terrified and traumatized” by “sweeping federal immigration crackdown”); Katelyn Vue et al., *‘Creating Fear and Chaos’: ICE Officials Target Somali Neighborhoods, Scoop Up U.S. Citizens in Sweep*, Sahan Journal (Dec. 22, 2025), <https://sahanjournal.com/immigration/ice-enforcement-somali-immigrants-minnesota-twin-cities-sweep/> (reporting “series of [immigration] actions across the Twin Cities”).

<sup>11</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Jun. 15, 2025), <https://truthsocial.com/@realDonaldTrump/posts/114690267066155731>; see also Zolan Kanno-Youngs & Shawn McCreesh, *Trump Calls Somalis ‘Garbage’ He Doesn’t Want in the Country*, N.Y. Times (Dec. 2, 2025), <https://www.nytimes.com/2025/12/02/us/politics/trump-somalia.html> (noting President Trump called Somali immigrants “‘garbage’ he does not want in the United States . . . as he started a new ICE operation targeting Somalis in the Minneapolis-St. Paul region”).

worksite enforcement.”<sup>12</sup> From the administration’s actions and statements, it is apparent that California, and other Amici States, will remain the focus of immigration raids like “Operation Return to Sender” in the future.

This is not the first time that California has been at the center of mass deportation efforts. The “La Placita sweep” was one of the largest such raids that roiled the country during the Great Depression.<sup>13</sup> During this time, Mexican farm workers were indiscriminately blamed for job shortages and shrinking public benefits.<sup>14</sup> The Depression-era campaign resulted in the deportation of nearly two million Mexican Americans, more than half of whom were U.S. citizens, without due process.<sup>15</sup> Families were separated, and many children never again saw their parents.<sup>16</sup> And in 1954, California was one of the first two states targeted under President Dwight Eisenhower’s “Operation Wetback,” a mass deportation

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<sup>12</sup> Forbes Breaking News, *Tom Homan Asked: ‘What’s the Reason Why ICE Is Apparently Targeting Martha’s Vineyard & Nantucket?’*, at 4:52, (YouTube, May 30, 2025), <https://www.youtube.com/watch?v=2q2Q3Jr7Rzw&t=292s>.

<sup>13</sup> Claire Wang, *Millions of Mexican Americans Were Deported in the 1930s. Are We About to Repeat This ‘Ethnic Cleansing’?*, Guardian (Dec. 3, 2024), <https://www.theguardian.com/us-news/2024/dec/03/trump-mass-deportation-plan-1930s-repatriation-program>; Becky Little, *The Deportation Campaigns of the Great Depression*, History (May 27, 2025), <https://www.history.com/articles/great-depression-repatriation-drives-mexico-deportation>.

<sup>14</sup> Wang, *supra* note 13.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

campaign that took its name from an ethnic slur.<sup>17</sup> Historians and scholars have condemned these discriminatory raids as inhumane terror campaigns.<sup>18</sup>

Yet it has been reported that Bovino, the architect of the Central Valley operation and many of the raids in urban areas over the last few months, “likes to praise President Dwight Eisenhower, who led the largest deportation in American history.”<sup>19</sup> And President Trump has also praised “Operation Wetback” as an enforcement model and hailed the Eisenhower administration for setting the record for deportations—a record he said his administration would break.<sup>20</sup> It is unsurprising, then, that the raids that started as “proof of a concept” in the Central Valley, and now have spread to locations across the United States, appear to bear

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<sup>17</sup> *Depression, War, and Civil Rights*, U.S. House of Representatives, <https://history.house.gov/Exhibitions-and-Publications/HAIC/Historical-Essays/Separate-Interests/Depression-War-Civil-Rights/> (last visited Dec. 29, 2025).

<sup>18</sup> Kate Linthicum, *The Dark, Complex History of Trump’s Model for His Mass Deportation Plan*, L.A. Times (Nov. 13, 2015), <https://www.latimes.com/nation/la-na-trump-deportation-20151113-story.html>; Adriana Gomez Licon, *Trump’s Vow to Deport Millions Is Undercut by History*, PBS News (Jan. 3, 2024), <https://www.pbs.org/newshour/politics/trumps-vow-to-deport-millions-is-undercut-by-history>.

<sup>19</sup> Olmos & Fry, *supra* note 9.

<sup>20</sup> See Licon, *supra* note 18; Forbes Breaking News, *Trump Promises to Use the Alien Enemies Act of 1798 to Launch Mass Deportation Effort*, at 0:13-0:40 (YouTube, Oct. 26, 2024), <https://www.youtube.com/watch?v=Qug9CnUlKyg&t=13s>.

many of the same hallmarks as the earlier mass deportation efforts that are now shameful chapters of American history.<sup>21</sup>

California and Amici States thus have a critical interest in ensuring that the district court's injunction remains in place, such that Defendants-Appellants cannot engage in unlawful stops and arrests of California's residents that harm its communities, local economies, and civic society.<sup>22</sup>

### ARGUMENT

Amici States file this brief in support of the preliminary injunction issued below. We focus here on one of the four factors at issue: whether preliminary relief is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). The public interest is particularly relevant where the impact of the dispute reaches beyond the parties and carries the potential for public consequences. *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1139 (9th Cir. 2009); *Golden Gate Rest. Ass'n v. City and County of San Francisco*, 512 F.3d 1112, 1126-27 (9th Cir. 2008). Third-party harms that are relevant to the public interest analysis include economic and employment-based harms, public safety harms, and harms to public services. *E.g.*, *Nat'l Ass'n of Mfrs. v. U.S. Dep't of Homeland Sec.*, 491 F. Supp. 3d 549, 571 (N.D. Cal. 2020) (enjoining limitation on certain nonimmigrant work visas and

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<sup>21</sup> See Linthicum, *supra* note 18; Licon, *supra* note 18.

<sup>22</sup> Amici States are authorized to file this brief under Federal Rule of Appellate Procedure 29(a)(2).

noting harms to “hundreds of thousands of American businesses of all sizes and economic sectors”); *City and County of San Francisco v. USCIS*, 981 F.3d 742, 762 (9th Cir. 2020) (affirming injunction and acknowledging that enjoined rule would have “adverse effects on the health and welfare of the immigrant as well as general population”); *Earth Island Inst. v. Elliott*, 290 F. Supp. 3d 1102, 1125-26 (E.D. Cal. 2017) (considering public safety implications of proposed injunction against Forest Service tree removal project); *City and County of San Francisco v. Trump*, 897 F.3d 1225, 1244 (9th Cir. 2018) (“[T]he public interest cannot be disserved by an injunction that brings clarity to all parties and to citizens dependent on public services.”). As discussed below, the injuries suffered due to the practices deployed in “Operation Return to Sender” extend beyond the State’s residents subject to these unlawful actions. They are felt in children’s education and health, the economy and food supply, civic society, and community safety. As such, Amici States demonstrate that the lower court’s injunction is in the public interest.

**I. DEFENDANTS-APPELLANTS’ UNLAWFUL CONDUCT HAS INTIMIDATED COMMUNITIES, SCARRED CIVIL SOCIETY, AND SHAKEN LOCAL ECONOMIES**

Although Defendants-Appellants claimed to be conducting a targeted operation aimed at criminals without legal status in “Operation Return to Sender,” they instead engaged in a pattern and practice of indiscriminate stops without

reasonable suspicion and warrantless arrests without probable cause of flight risk. ER077. This harmed residents and the community at large in at least four ways.

*First*, “Operation Return to Sender” appears to have had a profound impact on children’s education and health in the Central Valley. A study evaluating daily student attendance in five school districts over three school years found a 22% increase in absences after immigration raids in the Central Valley region in January and February 2025.<sup>23</sup> “In the aggregate, this increase implies over 725,000 student days lost in the four-county region due to the raids.”<sup>24</sup> “The impact was particularly pronounced among the youngest students, with pre-kindergarten children showing a 32 percent absence rate, even higher than the overall average of all K-12 students.”<sup>25</sup> All five school districts analyzed in the study are in or near agricultural regions that were impacted by the raids, and the districts closest to the raids had the highest absentee rates.<sup>26</sup> The author of the study noted that the results

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<sup>23</sup> Thomas S. Dee, *Recent Immigration Raids Increased Student Absences*, 122 PNAS art. no. e2510395122, at 2 (Nov. 4, 2025), <https://www.pnas.org/doi/epdf/10.1073/pnas.2510395122>.

<sup>24</sup> *Id.* at 3.

<sup>25</sup> Thomas S. Dee, *Immigration Raids in Central California Increased Student Absences for Months: Study*, Hoover Inst. (June 16, 2025), <https://www.hoover.org/news/immigration-raids-central-california-increased-student-absences-months-study>.

<sup>26</sup> Diana Lambert and Lasherica Thornton, *‘There Was a Lot of Fear’: Central Valley Immigration Raids Drive Up Absences in Schools, Study Finds*, EdSource (June 19, 2025), <https://edsource.org/2025/immigration-ice-raids-impact-student-attendance/734892>.

are not only an indication of “lost learning opportunities” but also “a leading indicator of the distress that these raids place on families and children.”<sup>27</sup> These findings build on research documenting how aggressive immigration enforcement can negatively impact educational outcomes, including increased school absences and lower academic engagement.<sup>28</sup>

The impacts extend beyond the classroom. For example, one elementary school student complained in class in February that he did not have food at home, and upon investigation, volunteers found that the adults in the family had not left the house since the January immigration raid in Kern County and were asking neighbors to pick up their kids from school.<sup>29</sup> Experts say that “[c]onstant vigilance and worry puts children at greater risk of developing chronic anxiety and depression.”<sup>30</sup> One child psychologist observed that “the stress, anxiety, and

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<sup>27</sup> *Id.*

<sup>28</sup> Carolyn Jones, *‘Afraid to Go to School’: Immigrant Families in the Salinas Valley Are Gripped by Fear*, CalMatters (Feb. 20, 2025), <https://calmatters.org/education/k-12-education/2025/02/deportation/>; Ana Martinez-Donate et al., *Between the Lines: A Mixed-Methods Study on the Impacts of Parental Deportation on the Health and Well-Being of U.S. Citizen Children*, 9 J. Migration & Health art. no. 100233, at 5, 7 (2024), <https://doi.org/10.1016/j.jmh.2024.100233>.

<sup>29</sup> Nigel Duara, *Raid or Rumor? Reports of Immigrations Sweeps Are Warping Life in California’s Central Valley*, CalMatters (Mar. 31, 2025), <https://calmatters.org/justice/2025/03/immigration-raids-rumors/>.

<sup>30</sup> Ana B. Ibarra, *‘Can I Just Be a Kid?’ Students Shaken by Immigration Raids Seek Help from School Counselors*, CalMatters (Oct. 3, 2025), <https://calmatters.org/health/mental-health/2025/10/immigration-raids-kids-mental-health/>.

trauma that develop in this climate of fear and uncertainty surrounding immigration enforcement can become chronic, leading to immediate and long-term damage to children’s mental and physical health.”<sup>31</sup>

*Second*, these actions disrupted the local economy because both workers and customers, regardless of immigration status, have been afraid to leave their homes. The California Farm Bureau reported that fear caused agricultural workers to stay home, which “virtually halted the area’s citrus harvest.”<sup>32</sup> One sixth-generation farmer estimated that “70% of the workers are gone.”<sup>33</sup> Another farmworker who has worked in U.S. agricultural fields for thirty years said that “most of his colleagues have stopped showing up for work.”<sup>34</sup> One mother and her husband who work as farm laborers were asked by their sons, who were “traumatized” by the raids, “not to go out to the agricultural fields where [they] work.”<sup>35</sup> Two

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<sup>31</sup> Alfonso Sierra, ‘*Devastating for Our Youth*’ — ICE Raids Leave Lasting Scar on Central Valley Students, Families, Am. Cmty. Media (Sep. 3, 2025), <https://americancommunitymedia.org/immigration/devastating-for-our-youth-lasting-scar-of-ice-raids-for-central-valley-students-families/>.

<sup>32</sup> Damian Trujillo, *Central Valley Farmworkers Scared to Show Up to Work over Deportation Fear*, NBC Bay Area (Jan. 25, 2025), <https://www.nbcbayarea.com/news/california/central-valley-farm-workers-deportation-fear/3763233/>; accord Duara, *supra* note 29.

<sup>33</sup> Tim Reid et al., *Immigration Raids Leave Crops Unharvested, California Farms at Risk*, Reuters (June 30, 2025), <https://www.reuters.com/business/immigration-raids-leave-crops-unharvested-california-farms-risk-2025-06-30/>.

<sup>34</sup> *Id.*

<sup>35</sup> Sierra, *supra* note 31.

farmers, two field supervisors, and four immigrant farmworkers told Reuters in June that immigration raids have led “a majority of workers” in California’s agricultural lands “to stop showing up.”<sup>36</sup>

The consequences of farmworkers being too afraid to go to work can have profound downstream effects. The faculty director of the largest rural labor center in the United States explained that if “a worker doesn’t go to work on a farm, that’s produce that may end up rotting in the field and might never find its way to grocery store shelves.”<sup>37</sup> And the director of operations at a local table grape cold storage facility said if a raid were to happen during the region’s harvest season, it would cost companies and the industry millions of dollars.<sup>38</sup>

Other businesses also saw impacts. For example, flea markets saw a “sharp decline” in business.<sup>39</sup> A resident who leads the Big Fresno Flea Market said “[a]ll the markets have had some impact,” including one that saw his business decline by

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<sup>36</sup> Reid et al., *supra* note 33.

<sup>37</sup> Jennifer Bamberg, *California—World’s Fourth-Largest Economy—Hit Hard by Fed Immigration Raids*, Investigate Midwest (July 30, 2025), <https://investigatamidwest.org/2025/07/30/california-worlds-fourth-largest-economy-hit-hard-by-fed-immigration-raids/>.

<sup>38</sup> Lauren Irwin, *California’s Undocumented Farmworkers Built Families and Communities. Now They Face an Uncertain Future*, Deseret News (Sep. 23, 2025), <https://www.deseret.com/politics/2025/09/23/farmworkers-respond-fear-ice-deportation-rural-california/>.

<sup>39</sup> Bryant-Jon Anteola, *Threats of ICE Raids Sweep Through Fresno’s Flea Markets. It’s ‘Fear Mongering,’ Owner Says*, Fresno Bee (Mar. 5, 2025), <https://www.fresnobee.com/news/local/article300334134.html>.

50%.<sup>40</sup> Another resident who operates a toy store at one of the flea markets said sales dropped 20% compared to the year prior.<sup>41</sup>

*Third*, following the raids, Central Valley residents have been afraid to seek medical treatment. Local advocates say residents are choosing to stay home rather than risk being detained on a drive to the doctor's office.<sup>42</sup> According to the University of California San Francisco ("UCSF"), which has been fielding clinics in rural Fresno County for almost a decade, "visits to their mobile clinics dropped by around 36% as enforcement activity increased in California."<sup>43</sup> The director of the mobile health unit for UCSF-Fresno said people are less willing to sign up for Medi-Cal, the state's health insurance program for lower-income households, "because they fear giving the government their data if they aren't authorized to be in the country."<sup>44</sup> A resident physician who works in one of the mobile clinics said, "They did feel comfortable before coming here because they knew it was safe. Now I think patients are more scared to come in general just because they don't

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<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Irwin, *supra* note 38; *see also, e.g.*, Mohamud Farah, *As Immigration Raids Target Minnesota Somalis, Bustling Community Hubs Fall Silent*, Sahan Journal (Dec. 22, 2025), <https://sahanjournal.com/immigration/immigration-enforcement-somali-community-impact/> (reporting that "[p]eople have skipped medical appointments" in fear of ICE raids in Twin Cities).

<sup>43</sup> Larry Valenzuela, *'They Still Need Care': Why California Migrant Workers Are Avoiding Medical Clinics*, CalMatters (Dec. 1, 2025), <https://calmatters.org/economy/2025/12/immigrant-farmworker-medical-clinic/>.

<sup>44</sup> *Id.*

know who can show up.”<sup>45</sup> The chief resident physician with Fresno St. Agnes Rural Mobile Health said visits to the van have dropped by 15% to 20% this year, attributing the decline to “the issues with immigration at this time.”<sup>46</sup> A similar decrease was seen at United Health Centers, which operates about three dozen individual clinic sites in Fresno, Kings, and Tulare counties.<sup>47</sup> These accounts are in keeping with studies showing that aggressive enforcement tactics deter residents from seeking medical treatment.<sup>48</sup> That deterrence, in turn, impacts the broader health of the community because “[p]ublic health is served when individuals freely seek preventive care and do not stave off care until they need emergency room treatment in the midst of a health crisis.” *City of Philadelphia v. Sessions*, 280 F.

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<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> Tim Sheehan, *Valley’s Undocumented Concerned over Potential Health Benefits Cuts, amid Deportation Fears*, Merced Focus (July 25, 2025), <https://themercedfocus.org/valleys-undocumented-concerned-over-potential-health-benefits-cuts-amid-deportation-fears/>.

<sup>48</sup> See, e.g., Sezer Kisa & Adnan Kisa, “No Papers, No Treatment”: *A Scoping Review of Challenges Faced by Undocumented Immigrants in Accessing Emergency Healthcare*, 23 Int’l J. for Equity in Health art. no. 184, at 2, 6, 8 (2024), [https://pmc.ncbi.nlm.nih.gov/articles/PMC11401389/pdf/12939\\_2024\\_Article\\_2270.pdf](https://pmc.ncbi.nlm.nih.gov/articles/PMC11401389/pdf/12939_2024_Article_2270.pdf); Scott D. Rhodes et al., *The Impact of Local Immigration Enforcement Policies on the Health of Immigrant Hispanics/Latinos in the United States*, 105 Am. J. Pub. Health 329, 332 (Feb. 2015), <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2014.302218> (finding that immigrants reported that they “did not access or utilize health services for which they were eligible, including preventive services,” because “[t]hey worried that . . . their lack of documentation . . . would put them at risk for detention and deportation”).

Supp. 3d 579, 609 (E.D. Pa. 2017), *subsequent judgment aff'd in relevant part*, 916 F.3d 276 (3d Cir. 2019).<sup>49</sup>

*Fourth*, Defendants-Appellants' actions chilled participation in countless other activities of daily life. Residents report being afraid when they are "driving to the grocery store or parking at the movie theater."<sup>50</sup> One resident "no longer takes trips to Los Angeles or plays pickup soccer with his friends" due to what he describes as a "dramatic" change in the community.<sup>51</sup> Other residents describe a local Walmart "as a ghost town compared to what it was previously like."<sup>52</sup> The president of the California Farmworker Foundation, which hosts food distribution services and mobile health centers for farmworkers, said "[p]eople are afraid to go get a gallon of milk."<sup>53</sup> Attendance at church services also saw a decline.<sup>54</sup> A

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<sup>49</sup> See also, e.g., Cassandra D. Kelly-Cirino et al., *Importance of Diagnostics in Epidemic and Pandemic Preparedness*, 4 *BMJ Glob. Health* art. no. e001179, at 1, 6-7 (2019), [https://gh.bmj.com/content/bmjgh/4/Suppl\\_2/e001179.full.pdf](https://gh.bmj.com/content/bmjgh/4/Suppl_2/e001179.full.pdf); Mark Perkins et al., *Diagnostic Preparedness for Infectious Disease Outbreaks*, 390 *Lancet* 2211, 2211 (2017); Alejandro Portes, Donald Light & Patricia Fernández-Kelly, *The U.S. Health System and Immigration: An Institutional Interpretation*, 24 *Socio. Forum* 487, 501-502, 506 (2009).

<sup>50</sup> Duara, *supra* note 29.

<sup>51</sup> Irwin, *supra* note 38.

<sup>52</sup> *Id.*; see also, e.g., Farah, *supra* note 42 (reporting that in Twin Cities, "customer counts have dropped sharply" in "restaurants and shopping corridors," and "small businesses curtailed their hours," in wake of "Operation Metro Surge").

<sup>53</sup> Irwin, *supra* note 38.

<sup>54</sup> Duara, *supra* note 29; Carolina Estrada, *Stockton Church Sees Drop in Attendance over Immigration Raid Fears*, *KCRA 3* (Apr. 17, 2025),

<https://www.kcra.com/article/stockton-church-attendance-drop-immigration-raid->

(continued...)

spokesman for the Diocese of Fresno said that Catholic masses began shrinking after immigration raids in Bakersfield in January, and that the attendance drop has been especially pronounced “in parishes that fall within the rural areas of our diocese.”<sup>55</sup>

In short, the conduct challenged in this litigation has wrought harms throughout California’s Central Valley region. The impacts to education, local economies, public health, and other core features of civil society counsel in favor upholding the district court’s grant of preliminary relief.

## **II. DEFENDANTS-APPELLANTS’ UNLAWFUL PRACTICES HAVE SOWN DISTRUST AND CONFUSION THAT IMPEDE LOCAL LAW ENFORCEMENT**

The authority and duty to enforce criminal codes is integral to state sovereignty. *See, e.g., Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 601 (1982). “Operation Return to Sender,” and raids born of its blueprint, make local law enforcement’s work more difficult. And immigration agents’ routine efforts to hide their identities and affiliations—via ski masks,

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[fears/64519509](#) (discussing church with “fewer than one-fifth of the usual congregation” in attendance due to “heightened concerns over immigration raids in places of worship”); Farah, *supra* note 42 (noting that fear of ICE raids in Twin Cities has led to “far lower than usual” attendance at mosques).

<sup>55</sup> Duara, *supra* note 29; *see also* Russell Contreras & Avery Lotz, *2 Catholic Dioceses Say Immigrants Can Skip Mass over ICE Raid Fears*, Axios (July 9, 2025), <https://www.axios.com/2025/07/09/catholic-nashville-san-bernardino-immigrants-ice> (discussing “rare dispensations from the dioceses of Nashville and San Bernardino” in response to immigration raids).

plainclothes, and unmarked vehicles, along with other escalating practices—have illustrated why it is all the more important that they conduct stops and arrests in a manner that abides by the law rather than carrying out dragnet raids.

During “Operation Return to Sender,” masked Border Patrol agents jumped out of unmarked vehicles at a Home Depot parking lot to swarm day laborers and demand that they show their documents. ER008, 348. The use of masks and the concealment of agents’ identities has become commonplace during immigration operations across the country that followed—such as in Sacramento, Los Angeles, Chicago, and Minneapolis.<sup>56</sup> The regular hiding of agents’ faces and identities

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<sup>56</sup> *E.g.*, Video posted by Gregory K. Bovino (@CMDROpAtLargeCA), X (July 17, 2025), <https://x.com/CMDROpAtLargeCA/status/1945965126009381287> (on file with Amici States) (showing numerous masked agents during Sacramento raids); Nathan Solis & Richard Winton, *‘Who Are These People?’ Masked Immigration Agents Challenge Local Police, Sow Fear in L.A.*, L.A. Times (June 24, 2025), <https://www.latimes.com/california/story/2025-06-24/masked-immigration-agents-local-law-enforcement-tension> (“Increasingly aggressive immigration raids carried out by masked federal agents, sometimes using unmarked vehicles, are creating problems for local law enforcement agencies.”); Matt Masterson, *Border Patrol Chief Greg Bovino Back in Chicago as Federal Immigration Operations Ramp Back Up*, WTTW (Dec. 16, 2025), <https://news.wttw.com/2025/12/16/border-patrol-chief-greg-bovino-back-chicago-federal-immigration-operations-ramp-back> (“Border Patrol Chief Greg Bovino and masked federal agents have resumed immigration operations in and around Chicago . . . .”); *see also* Matt Sepic, *ICE Agents Tackle, Arrest American Citizen in Minneapolis*, MPR News (Dec. 12, 2025), <https://www.mprnews.org/story/2025/12/10/ice-agents-tackle-arrest-american-citizen-in-minneapolis> (discussing arrest of U.S. citizen by “masked” ICE agents in Minneapolis, who put him in “unmarked SUV”); Vue et al., *supra* note 10 (noting use of masks and reports of federal immigration agents “showing up in cars with Uber stickers” in Minneapolis).

while they are stopping people in places like parking lots and shops, demanding their papers, and arresting them with no warrant, creates chaos and confusion, burdening local law enforcement. As an example of the confusion that Defendants-Appellants' tactics have sown, the Pasadena Police Department had to investigate reports of a man stepping out of an unmarked car, pointing a firearm at a group of pedestrians, then speeding off after activating red and blue emergency lights. While the police later determined "to the best of [their] estimation he was an ICE agent," the Pasadena police chief admitted that "[t]here's no way for us to verify."<sup>57</sup> Local law enforcement has also responded to reports of kidnappings and hit-and-run incidents, only to later determine that the incidents were part of immigration operations.<sup>58</sup> The frequency of such incidents prompted Pasadena's mayor to note: "One question is [whether] this [is] a law enforcement agent or someone pretending to be a law enforcement agent, and there is no good answer here."<sup>59</sup>

These practices have also made it easier for criminals to commit crimes by impersonating immigration agents. In the Central Valley, for example, individuals

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<sup>57</sup> Solis & Winton, *supra* note 56.

<sup>58</sup> Alex Stone, *Los Angeles Police Responded to a Kidnapping Call. But Instead Found an ICE Operation*, ABC News (June 25, 2025), <https://abcnews.go.com/US/los-angeles-police-responded-kidnapping-call-found-ice/story?id=123204661>.

<sup>59</sup> Solis & Winton, *supra* note 56.

posing as federal immigration agents harassed “nearly a dozen” local businesses, and police have had to advise community members on how to verify whether they are being pulled over by a law enforcement officer or an impersonator.<sup>60</sup> Similar incidents have occurred elsewhere in California and across the country, in which individuals have posed as immigration agents and wielded the threat of deportation to commit robbery, kidnapping, and rape.<sup>61</sup>

Defendants-Appellants’ practices have also eroded trust between local law enforcement agencies and the communities they protect.<sup>62</sup> Those without legal

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<sup>60</sup> Nathan Solis & Ruben Vives, *FBI Urges ICE Agents to Identify Themselves After String of Impersonators Commit Crimes*, L.A. Times (Nov. 6, 2025), <https://www.latimes.com/california/story/2025-11-06/fbi-alerts-police-agencies-about-masked-criminals-posing-as-ice-recommends-they-show-id>; Duara, *supra* note 29.

<sup>61</sup> *E.g.*, Solis & Vives, *supra* note 60; José Olivares, *US Sees Spate of Arrests of Civilians Impersonating ICE Officers*, Guardian (June 28, 2025), <https://www.theguardian.com/us-news/2025/jun/28/civilians-impersonating-ice-officers>; Leila Fadel et al., *Masked Immigration Agents Are Spurring Fear and Confusion Across the U.S.*, NPR (July 10, 2025), <https://www.npr.org/2025/07/09/nx-s1-5440311/ice-raids-masked-agents>; Kyung Lah et al., *Fake ICE Agent Cases on the Rise*, at 0:00-0:53 (CNN, Oct. 3, 2025), <https://www.cnn.com/2025/10/03/us/video/ice-impersonators-investigation-lah-digvid>. California recently enacted two laws prohibiting all law enforcement officers from using face coverings (with certain exceptions) and requiring more visible forms of identification. *See* S.B. 627, 2025-2026 Sess. (Cal. 2025); S.B. 805, 2025-2026 Sess. (Cal. 2025).

<sup>62</sup> *See, e.g.*, Meg Anderson, *Police Say ICE Tactics Are Eroding Public Trust in Local Law Enforcement*, NPR (Mar. 30, 2025), <https://www.npr.org/2025/03/30/nx-s1-5304236/police-say-ice-tactics-are-eroding-public-trust-in-local-law-enforcement>; Sepic, *supra* note 56 (“[Minneapolis] Police Chief Brian O’Hara called it embarrassing to the law enforcement profession that the [ICE] agents were wearing vests that said ‘POLICE.’”).

status are already less likely to report crime—even crimes in which they themselves are victims—out of fear that officials will ask them about their immigration status.<sup>63</sup> This reluctance to contact local law enforcement has worsened after Defendants-Appellants’ similar operations; for example, in the wake of the June immigration raids in Los Angeles, emergency calls to the Los Angeles Police Department fell by 28% (an average of 1,200 calls per day).<sup>64</sup> Moreover, recent immigration arrests outside of courthouses in Fresno and Los Angeles have likely increased immigrants’ fear of engaging with the criminal justice system and deterred victims of crime from coming forward.<sup>65</sup> In response, the Chief Justice of the California Supreme Court stated: “Making courthouses a focus of immigration enforcement hinders, rather than helps, the administration of

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<sup>63</sup> E.g., Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, Univ. of Ill. at Chi. 1, 6 (May 2013), [https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure\\_Communities\\_Report\\_FINAL.pdf](https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure_Communities_Report_FINAL.pdf); see also *id.* at 6 (“Among US-born Latinos [i.e., citizens], 29 percent reported they are less likely to voluntarily offer information about crimes they know have been committed, and 26 percent indicated they are less likely to report a crime, because they fear that police will ask them or someone they know about their immigration status . . . or [that] of people they know.”).

<sup>64</sup> Libor Jany & Hailey Wang, *As ICE Raids Surged This Summer, Emergency Calls to LAPD Plummeted*, L.A. Times (Sep. 20, 2025), <https://www.latimes.com/california/story/2025-09-20/ice-raids-911-calls>.

<sup>65</sup> See James Queally, *Fearing Deportation, Many Domestic Violence Victims Are Steering Clear of Police and Courts*, L.A. Times (Oct. 9, 2017), <https://www.latimes.com/local/lanow/la-me-ln-undocumented-crime-reporting-20171009-story.html>.

justice by deterring witnesses and victims from coming forward and discouraging individuals from asserting their rights.”<sup>66</sup> This development further illustrates why it is important that this injunction remains in place—if the injunction is lifted, the practices at issue in this case may well extend to courthouses or similar locations, where they could cause even more troubling consequences.

In sum, Defendants-Appellants’ unlawful practices have not only created a culture of fear that has disrupted community life, but have also impeded the operations of local law enforcement. It is therefore in the public interest that the preliminary injunction remain in place.

## CONCLUSION

For the reasons discussed above, the public interest counsels in favor of preliminary relief, and Amici States urge the Court to affirm the preliminary injunction.

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<sup>66</sup> Nigel Duara, *California Law Forbids ICE from Making Arrests at Courthouses. Officers Are Showing Up Anyway*, CalMatters (Sep. 23, 2025), <https://calmatters.org/justice/2025/09/ice-courthouse-arrests/>. The Presiding Judge of the Los Angeles Superior Court responded similarly to immigration arrests at courthouses: “These actions create a chilling effect, silencing victims, deterring witnesses, discouraging community members from seeking protection and deterring parties from being held accountable for their crimes or participating in legal proceedings critical to the rule of law.” James Queally, *ICE Arrests at L.A. Courthouse Met with Alarm: ‘Absolutely Blindsided’*, L.A. Times (June 25, 2025), <https://www.latimes.com/california/story/2025-06-25/ice-arrests-los-angeles-courthouse>.

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Respectfully submitted,

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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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**9th Cir. Case Number(s)**

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