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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 DENYING DEFENDANTS'
MOTION TO DISMISS FIRST AMENDED
INTERVENORS' COMPLAINT [DKT. NO.
236]**

The Court does not have to repeat in detail what it has already said in this case. The short story is that a number of people and organizations who brought this lawsuit are asking this Court to put a stop to the roving patrols that began last summer and ensure that everyone detained by ICE can speak to a lawyer.

Several cities across this district—Anaheim, Bell Gardens, Beverly Hills, Carpinteria, Culver City, Huntington Park, Long Beach, Lynwood, Los Angeles, Montebello, Monterey Park, Oxnard, Paramount, Pasadena, Pico Rivera, Pomona, Santa Ana, Santa Barbara, Santa Monica, South Gate, and West Hollywood—and one county—the County of Los Angeles—asked to be part of this

lawsuit, and the Court has allowed them to because they have stated that they have been harmed—and continue to be harmed—by the roving patrols.

The Government has asked this Court to dismiss all of them from this lawsuit for a number of reasons. But all of the Government’s arguments are wrong. Probably most significant, the Government accuses these cities and the County of Los Angeles of being against lawful immigration enforcement. According to the Government, these cities and the County of Los Angeles are not being harmed by the roving patrols, but rather by their “sanctuary city policies.” None of this aligns with what is laid out in the legal filings.

And for that reason, this Court decides that these cities and the County of Los Angeles can continue their lawsuit.

I. Introduction

Before this Court is the Motion to Dismiss Intervenor’s First Amended Complaint filed by Defendants, Dkt. No. 235, which incorporates a Request for Judicial Notice. For the reasons given below, the Motion is DENIED.

II. Factual Allegations

This Court’s Order on the Motion to Dismiss Plaintiffs’ Complaint provides more detailed factual and procedural background information as to this case. *See* Order Denying Defendants’ Request for Judicial Notice and Denying Defendants’ Motion to Dismiss as to All Claims Except Count Eight. This Court details additional factual and procedural background here only to the extent that it is relevant to this Motion.

Unless stated otherwise, the following factual background is derived from the allegations in Intervenor’s operative Amended Complaint in Intervention for Declaratory and Injunctive Relief. Dkt. No. 141 (“Intervenor’s 1AC”). For the purposes of this Motion, the Court treats these factual allegations as true, but at this stage of the litigation, the Court makes no finding on the truth of these allegations, and is therefore not—at this stage—finding that they *are* true.

A. The Parties

1. Plaintiffs

Plaintiffs Pedro Vasquez Perdomo (“Vasquez Perdomo”), Carlos Alexander Osorto (“Osorto”), and Isaac Villegas Molina (“Villegas Molina”) are residents of Pasadena, California. Plaintiffs’ First Amended Complaint, Dkt. No. 16 ¶¶ 12–14 (“Plaintiffs’ 1AC”). They were arrested at a bus stop as they were waiting to be picked up for a job on June 18, 2025. *Id.* ¶¶ 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. *Id.* Immigration agents have visited the car wash three times. *Id.* On June 18, 2025, agents questioned and detained him, 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 is a U.S. citizen. *Id.* Though he explained this to immigration agents multiple times, immigration agents stopped and questioned Gavidia at a tow yard in Los Angeles County on June 12, 2025. *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 centers as organizational members; they, 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

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

3 Plaintiff Coalition for Humane Immigrant Rights (“CHIRLA”) is a nonprofit organization
4 with its principal place of business in Los Angeles, California. *Id.* ¶ 19. CHIRLA was founded in
5 1986 to advance the human and civil rights of immigrants and refugees. *Id.* As a membership
6 organization, CHIRLA has approximately 50,000 members across California, including both U.S.
7 citizens and noncitizens of varying immigration statuses. *Id.* CHIRLA has members in every county
8 in the District. *Id.*

9
10 Plaintiff Immigrant Defenders Law Center (“ImmDef”) is a nonprofit organization with its
11 principal place of business in Los Angeles, California. *Id.* ¶ 20. Besides Los Angeles, ImmDef has
12 offices in Riverside, Santa Ana, and San Diego, California, and works across the U.S.–Mexico
13 border in Tijuana. *Id.* ImmDef was founded in 2015 to protect the due process rights of immigrants
14 facing deportation. *Id.*

15
16 The Court refers to the five individual plaintiffs, LAWCN, UFW, and CHIRLA collectively
17 as “Stop/Arrest Plaintiffs.” The Court refers to ImmDef and CHIRLA collectively as
18 “Access/Detention Plaintiffs.” The Court addresses all plaintiffs collectively as “Plaintiffs.”

19
20 2. Defendants

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

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

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

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

8
9 Defendant Kash Patel (“Patel”) is Director of the U.S. Federal Bureau of Investigation
10 (“FBI”). *Id.* ¶ 25. In that capacity, Patel is responsible for the direction and oversight of all
11 operations of the FBI. *Id.* Patel is sued in his official capacity. *Id.*

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

15
16 Defendant Ernesto Santacruz Jr. (“Santacruz Jr.”) is the Acting Field Office Director for the
17 Los Angeles Field Office of ICE. *Id.* ¶ 27. Santacruz Jr. is responsible for the supervision of
18 personnel within ICE’s Enforcement and Removal Operations (“ERO”) in the geographic area
19 covered by the Los Angeles Field Office, which comprises the seven counties in the District, and
20 facilities within the District, including B-18. *Id.* Santacruz Jr. is sued in his official capacity. *Id.*

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

25
26 Defendant Gregory K. Bovino (“Bovino”) is the Chief Patrol Agent for the El Centro Sector
27 of the CBP. *Id.* ¶ 29. In that capacity, Bovino is responsible for the supervision of agents in the El
28 Centro Sector. *Id.* Bovino is sued in his official capacity. *Id.*

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

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

7
8 Defendant Bilal A. Essayli (“Essayli,” and together with all other defendants, “Defendants”) is the U.S. Attorney for the Central District of California. *Id.* ¶ 32. Essayli has authority over federal
9 law enforcement operations within the District. *Id.* Essayli is sued in his official capacity. *Id.*

10
11 3. Intervenors

12 Intervenor City of Los Angeles is a municipality organized under California law.
13 Intervenor’s 1AC ¶ 20. As a result of Defendants’ immigration enforcement, Los Angeles law
14 enforcement officers’ relationships with the city’s communities have suffered. *Id.* ¶ 20–26.
15 Defendants’ actions have also chilled economic activity in Los Angeles. *Id.* ¶ 28. As a result, Los
16 Angeles has lost business and sales tax income. *Id.* Defendants’ enforcement efforts interfere with
17 Los Angeles’ efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶ 21.

18
19 Intervenor Los Angeles County is a subdivision of the State of California. *Id.* ¶ 29.
20 Defendants’ enforcement actions have created distrust between County employees and members of
21 the public, hampering the County’s law enforcement, social work, and public health efforts. *Id.* ¶¶
22 35–38. Because of Defendants’ enforcement actions, the County has diverted resources to managing
23 the fallout. *Id.* And the County’s economy has experienced a chilling effect that has decreased the
24 County’s revenue. *Id.* ¶¶ 39–40, 43. Defendants’ enforcement efforts interfere with the County’s
25 efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶ 30–33.

26
27 Intervenor City of Anaheim is a municipality organized under California law. *Id.* ¶ 44. As a
28 result of Defendants’ immigration enforcement efforts, Anaheim has diverted resources to address

community safety concerns. *Id.* ¶ 47. The Anaheim economy has experienced a chilling effect with negative impacts on Anaheim’s revenue. *Id.* ¶¶ 46, 48. Defendants’ enforcement efforts interfere with Anaheim’s efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 45–56.

Intervenor City of Bell Gardens is a municipality organized under California law. *Id.* ¶ 49. As a result of Defendants’ immigration enforcement efforts, Bell Gardens has diverted resources to address community safety concerns. *Id.* ¶ 52. The Bell Gardens economy has experienced a chilling effect with negative impacts on Bell Gardens’ revenue. *Id.* ¶ 54. Defendants’ enforcement efforts interfere with Bell Gardens’ efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 51, 53.

Intervenor City of Beverly Hills is a municipality organized under California law. *Id.* ¶ 55. As a result of Defendants’ immigration enforcement efforts, Beverly Hills has diverted resources to address community safety concerns. *Id.* ¶ 59. The Beverly Hills economy has experienced a chilling effect with negative impacts on Beverly Hills’ revenue. *Id.* ¶¶ 57–58. Defendants’ enforcement efforts interfere with Beverly Hills’ efforts in protecting the public health, safety, and well-being of its residents. *Id.*

Intervenor City of Carpinteria is a municipality organized under California law. *Id.* ¶ 60. As a result of Defendants’ immigration enforcement efforts, Carpinteria has diverted resources to address community safety concerns. *Id.* ¶ 66. The Carpinteria economy has experienced a chilling effect with negative impacts on Carpinteria’s revenue. *Id.* ¶¶ 65–66. Defendants’ enforcement efforts interfere with Carpinteria’s efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 61, 66–67.

Intervenor City of Culver City is a municipality organized under California law. *Id.* ¶ 68. As a result of Defendants’ immigration enforcement efforts, Culver City has diverted resources to address community safety concerns. *Id.* ¶ 70. The Culver City economy has experienced a chilling

1 effect with negative impacts on Culver City's revenue. *Id.* ¶ 71. Defendants' enforcement efforts
2 interfere with Culver City's efforts in protecting the public health, safety, and well-being of its
3 residents. *Id.* ¶¶ 69–70.

4 Intervenor City of Huntington Park is a municipality organized under California law. *Id.* ¶
5 72. As a result of Defendants' immigration enforcement efforts, Huntington Park has diverted
6 resources to address community safety concerns. *Id.* ¶¶ 77–78. The Huntington Park economy has
7 experienced a chilling effect with negative impacts on Huntington Park's revenue. *Id.* ¶ 80.
8 Defendants' enforcement efforts interfere with Huntington Park's efforts in protecting the public
9 health, safety, and well-being of its residents. *Id.* ¶¶ 76–79.

11 Intervenor City of Long Beach is a municipality organized under California law. *Id.* ¶ 81. As
12 a result of Defendants' immigration enforcement efforts, Long Beach has diverted resources to
13 address community safety concerns. *Id.* ¶ 84. Defendants' enforcement efforts interfere with Long
14 Beach's efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 82–83.

16 Intervenor City of Lynwood is a municipality organized under California law. *Id.* ¶ 85. As a
17 result of Defendants' immigration enforcement efforts, Lynwood has diverted resources to address
18 community safety concerns. *Id.* ¶¶ 88–90. The Lynwood economy has experienced a chilling effect
19 with negative impacts on Lynwood's revenue. *Id.* ¶ 87. Defendants' enforcement efforts interfere
20 with Lynwood's efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶
21 89–91.

23 Intervenor City of Montebello is a municipality organized under California law. *Id.* ¶ 93. As
24 a result of Defendants' immigration enforcement efforts, Montebello has diverted resources to
25 address community safety concerns. *Id.* ¶¶ 100, 103. The Montebello economy has experienced a
26 chilling effect with negative impacts on Montebello's revenue. *Id.* ¶¶ 102, 104. Defendants'
27 enforcement efforts interfere with Montebello's efforts in protecting the public health, safety, and
28 well-being of its residents. *Id.* ¶¶ 96–99.

Intervenor City of Monterey Park is a municipality organized under California law. *Id.* ¶ 105. As a result of Defendants’ immigration enforcement efforts, Monterey Park has diverted resources to address community safety concerns. *Id.* ¶¶ 110, 113. Defendants’ enforcement efforts interfere with Monterey Park’s efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 112–13.

Intervenor City of Oxnard is a municipality organized under California law. *Id.* ¶ 114. As a result of Defendants’ immigration enforcement efforts, Oxnard has diverted resources to address community safety concerns. *Id.* ¶¶ 116–17, 119–20. Defendants’ enforcement efforts interfere with Oxnard’s efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 115, 121–23.

Intervenor City of Paramount is a municipality organized under California law. *Id.* ¶ 124. As a result of Defendants’ immigration enforcement efforts, Paramount has diverted resources to address community safety concerns. *Id.* ¶ 126. The Paramount economy has experienced a chilling effect with negative impacts on Paramount’s tax revenue. *Id.* ¶¶ 128–29. Defendants’ enforcement efforts interfere with Paramount’s efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶ 126.

Intervenor City of Pasadena is a municipality organized under California law. *Id.* ¶ 130. As a result of Defendants’ immigration enforcement efforts, Pasadena has diverted resources to address community safety concerns. *Id.* ¶¶ 132, 134–35. The Pasadena economy has experienced a chilling effect with negative impacts on Pasadena’s tax revenue. *Id.* ¶¶ 134, 137. Defendants’ enforcement efforts interfere with Pasadena’s efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 132–33, 136.

Intervenor City of Pico Rivera is a municipality organized under California law. *Id.* ¶ 138. As a result of Defendants’ immigration enforcement efforts, Pico Rivera has diverted resources to address community safety concerns. *Id.* ¶¶ 144–45. The Pico Rivera economy has experienced a

1 chilling effect with negative impacts on Pico Rivera's tax revenue. *Id.* ¶¶ 148–49. Defendants'
2 enforcement efforts interfere with Pico Rivera's efforts in protecting the public health, safety, and
3 well-being of its residents. *Id.* ¶¶ 145–47.

4 Intervenor City of Pomona is a municipality organized under California law. *Id.* ¶ 150. As a
5 result of Defendants' immigration enforcement efforts, Pomona has diverted resources to address
6 community safety concerns. *Id.* ¶¶ 151, 153. Defendants' enforcement efforts interfere with
7 Pomona's efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 151–
8 53.

10 Intervenor City of Santa Ana is a municipality organized under California law. *Id.* ¶ 154. The
11 Santa Ana economy has experienced a chilling effect with negative impacts on Santa Ana's revenue.
12 *Id.* ¶ 157. Defendants' enforcement efforts interfere with Santa Ana's efforts in protecting the public
13 health, safety, and well-being of its residents. *Id.* ¶¶ 155–56.

15 Intervenor City of Santa Barbara is a municipality organized under California law. *Id.* ¶ 158.
16 As a result of Defendants' immigration enforcement efforts, Santa Barbara has diverted resources to
17 address community safety concerns. *Id.* ¶¶ 144–45. The Santa Barbara economy has experienced a
18 chilling effect with negative impacts on Santa Barbara's tax revenue. *Id.* ¶¶ 162, 164–66.
19 Defendants' enforcement efforts interfere with Santa Barbara's efforts in protecting the public
20 health, safety, and well-being of its residents. *Id.* ¶¶ 164–66.

21 Intervenor City of Santa Monica is a municipality organized under California law. *Id.* ¶ 174.
22 As a result of Defendants' immigration enforcement efforts, Santa Monica has diverted resources to
23 address community safety concerns. *Id.* ¶¶ 177, 179. The Santa Monica economy has experienced a
24 chilling effect with negative impacts on Santa Monica's tax revenue. *Id.* ¶¶ 175–76. Defendants'
25 enforcement efforts interfere with Santa Monica's efforts in protecting the public health, safety, and
26 well-being of its residents. *Id.* ¶¶ 177, 179–80.

Intervenor City of South Gate is a municipality organized under California law. *Id.* ¶ 181. As a result of Defendants’ immigration enforcement efforts, South Gate has diverted resources to address community safety concerns. *Id.* ¶ 184. The South Gate economy has experienced a chilling effect with negative impacts on South Gate’s tax revenue. *Id.* ¶ 185. Defendants’ enforcement efforts interfere with South Gate’s efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶¶ 182–83.

Intervenor City of West Hollywood (together with all other intervenors, “Intervenors”) is a municipality organized under California law. *Id.* ¶ 186. As a result of Defendants’ immigration enforcement efforts, West Hollywood has diverted resources to address community safety concerns. *Id.* ¶¶ 190–92. The West Hollywood economy has experienced a chilling effect with negative impacts on West Hollywood’s tax revenue. *Id.* ¶¶ 188–89. Defendants’ enforcement efforts interfere with West Hollywood’s efforts in protecting the public health, safety, and well-being of its residents. *Id.* ¶ 193.

B. Factual Background

Throughout the summer of 2025, Defendants engaged in the use of unlawful searches and seizures to “terrorize [Intervenors’] residents under the guise of federal immigration enforcement.” *Id.* ¶ 194. In communities throughout the Los Angeles region, in the weeks leading up to the Intervenors’ filing of the 1AC, Defendants carried out increasingly aggressive and unlawful immigration enforcement raids. *Id.* Their enforcement actions have included mass arrests without probable cause—leading Intervenors’ residents to infer that the detentions are based on residents’ appearance alone. *Id.* ¶ 198–99. And they have led to the detention, arrest, and use of force against individuals with legal status, including U.S. citizens. *Id.* In carrying out this conduct, Defendants “have sparked terror throughout the region.” *Id.* ¶ 194.

The immigration agents performing these raids carry firearms, wear masks, and often do not visibly identify themselves as law enforcement. *Id.* ¶ 197. So, from Intervenors’ residents’

1 perspective, many of these activities resemble criminal activity. *Id.* Witnesses to these immigration
2 raids have called 911 to report their observations as kidnappings. *Id.* As a result, local law
3 enforcement agencies have been required to divert their limited resources to determining “whether
4 armed and masked individuals jumping out of unmarked vehicles are federal agents or individuals
5 committing crimes.” *Id.* Conversely, at least one local law enforcement agency has arrested a
6 civilian, posing as a border patrol agent, who carried a list of purported undocumented immigrants
7 and loaded firearms. *Id.*

8
9 Defendants’ unlawful raids impair Intervenor’s maintenance of law and order. *Id.* ¶ 195.
10 Defendants, in a departure from longstanding practices, are carrying out their roving raids without
11 prior notice to the Los Angeles County Sheriff’s Department or any of the Intervenor cities’ police
12 departments. *Id.* As a result, local authorities do not know when and where immigration enforcement
13 actions will occur in their jurisdictions. *Id.* And local authorities are left to address “the aftermath of
14 Defendants’ actions”—including protests and hostility from Intervenor’s residents. *Id.* ¶ 200.
15 Defendants’ immigration actions strain the relationship between Intervenor’s law enforcement and
16 Intervenor’s residents. *Id.* ¶ 201. Intervenor’s police officers, social workers, firefighters, and
17 building inspectors are being confused with federal agents. *Id.* As a result, they face increased
18 hostility, confrontations, and difficulty in tasks like victim outreach. *Id.*

19
20 Defendants’ unlawful raids also drain Intervenor’s revenue. *Id.* ¶¶ 202–06. Intervenor’s rely
21 on revenue from business, sales, and hospitality taxes to fund municipal operations. *Id.* ¶ 202.
22 Defendants’ raids impact citizens and noncitizens alike. *Id.* So people who live or work in
23 Intervenor’s jurisdiction increasingly choose to stay home. *Id.* ¶¶ 202–03. So are international
24 tourists. *Id.* ¶ 202. The result has been a de facto lockdown of neighborhoods throughout the region.
25 *Id.* ¶¶ 204–05. Shops and restaurants have seen a decrease in business, akin to that of the COVID-19
26 pandemic. *Id.* ¶ 205. Intervenor’s, in turn, lose vital tax revenue. *Id.* ¶ 206.
27
28

And Defendants’ unlawful raids threaten the functioning of California’s courts. *Id.* ¶ 207. California law prohibits the civil arrest of any person in a courthouse who is attending a court proceeding or attending to legal business. *Id.* (citing Cal. Civ. Code § 43.54). And federal common law forbids civil arrests in or near courthouses. *Id.* ¶ 208. But Defendants’ immigration enforcement raids have seized Intervenor’s residents in and near courthouses, including the arrest of two women immediately after they attended a scheduled court appearance. *Id.* ¶¶ 208–09. And prosecutors in Intervenor’s jurisdiction report that some victims and witnesses have been reluctant to come to court, citing fears of detention at the hands of immigration enforcement. *Id.* ¶ 210.

As described in the Plaintiffs’ 1AC, Defendants’ indiscriminate enforcement efforts violate the rights of Intervenor’s community members under the Fourth and Fifth Amendments, as well as the Immigration and Nationality Act. *Id.* ¶ 195. Those same actions violate Intervenor’s Tenth Amendment rights. *Id.*

C. Procedural History

Plaintiffs Vasquez Perdomo, Villegas Molina, and Osorto initiated this action by filing a Petition for Writ of Habeas Corpus on June 20, 2025. Dkt. No. 1. They, along with the other Plaintiffs, filed the operative First Amended Complaint on July 2, 2025. Plaintiffs’ 1AC. Plaintiffs’ 1AC alleges the following claims:

<u>Claim</u>	<u>Plaintiff(s)</u>	<u>Defendant(s)</u>
Count One: Violation of Fourth Amendment: Unreasonable Seizures	Stop/Arrest Plaintiffs	All Defendants
Count Two: Violation of 8 U.S.C. 1357(a)(2)— Warrantless Arrests Without Probable Cause of Flight Risk	LAWCN, UFW, and CHIRLA	All Defendants

Count Three: Violation of 8 C.F.R.(c)(2)(ii)—Standards for Stops and Warrantless Arrests	LAWCN, UFW, and CHIRLA	All Defendants
Count Four: Violation of 8 C.F.R. § 287.8(c)(2)(iii)—Failure to Identify Authority and Reason for Arrest	LAWCN, UFW, and CHIRLA	All Defendants
Count Five: Violation of Fifth Amendment—Access to Counsel	Access/Detention Plaintiffs	Noem, Lyons, and Santacruz Jr.
Count Six: Violation of 8 U.S.C. § 1362—Access to Counsel	Access/Detention Plaintiffs	Noem, Lyons, and Santacruz Jr.
Count Seven: Violation of Fifth Amendment—Conditions of Confinement	Access/Detention Plaintiffs	Noem, Lyons, and Santacruz Jr.
Count Eight: Violation of Fifth Amendment—Due Process	Perdomo, Osorto, and Villegas Molina	Noem, Lyons, and Santacruz Jr.

See Plaintiffs’ 1AC. Plaintiffs seek declaratory and injunctive relief, as well as fees and costs. *Id.* at 64–65.

On July 8, 2025, the original Intervenors¹ filed a Motion to Intervene in this matter. Dkt. No. 61. On July 29, 2025, this Court granted that motion.² Dkt. No. 129 (“Intervention Order”). There, it

¹ These are 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. Dkt. No. 130 at 2.

² Although the Defendants assert that this Court “permitted Intervention[] without [Defendants] being able to oppose their intervention,” Motion at 1, this is inaccurate. Defendants had the same opportunity of every other party to oppose a duly filed Motion. As the Defendants themselves acknowledge, they failed to file an opposition on time, despite having the *ability* to do so. *See* Dkt. No. 136 (noting “the government’s mistake regarding the deadline for opposition”).

The Court notes another mischaracterization by the Defendants in their motion—their statement that Justice Kavanaugh “*held* that the Government demonstrated a strong prospect of reversal of this Court’s TRO.” Motion at 3 (emphasis added). Justice Kavanaugh’s concurring opinion was not a holding of the Supreme Court and this Court is unaware that an individual Supreme Court justice can have her own holding. At the hearing, Defendants confirmed that they understand the concurring opinion to be persuasive, not binding, authority.

found that the original Intervenor had established that they could, pursuant to Rule 24, intervene as of right. *Id.* at 3.

Also on July 29, 2025, the original Intervenor filed their Complaint in Intervention. Dkt. No. 130. On August 8, 2025, they filed the operative Intervenor's First Amended Complaint, which added the rest of the Intervenor. *See* Intervenor's 1AC. The Intervenor, at that time, moved this Court for leave to file the First Amended Complaint. Dkt. No. 142. On September 19, 2025, this Court granted that motion. Dkt. No. 202.

Intervenor's 1AC alleges the following claims against all Defendants:

<u>Claim</u>	<u>Plaintiff(s)</u>
Count One: Violation of Fourth Amendment: Detention Stops Without Reasonable Suspicion	Intervenor and Stop/Arrest Plaintiffs
Count Two: Violation of 8 U.S.C. § 1357(a)(2)— Warrantless Arrests Without Probable Cause of Flight Risk	Intervenor and LAWCN, UFW, and CHIRLA
Count Three: Violation of 8 C.F.R. § (c)(2)(ii)— Standards for Stops and Warrantless Arrests	Intervenor and LAWCN, UFW, and CHIRLA
Count Four: Violation of 8 C.F.R. § 287.8(c)(2)(iii)— Failure to Identify Authority and Reason for Arrest	Intervenor and LAWCN, UFW, and CHIRLA
Count Five: Administrative Procedure Act—Agency Action Exceeding Statutory Authority	Intervenor
Count Six: Administrative Procedure Act—Agency Action Contrary to Constitutional Right, Power, Privilege, or Immunity	Intervenor

Count Seven: Administrative Procedure Act—Arbitrary and Capricious Action	Intervenors
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Count Eight: Tenth Amendment	Intervenors
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See Intervenors’ 1AC. Intervenors’ claims generally cover two sets of facts. Counts One through Four allege claims stemming from the practice of unlawful immigration stops and arrests (“Unlawful Stops Claims”). *Id.* ¶¶ 218–33. Counts Five through Eight allege claims stemming from Defendants’ courthouse arrests (“Courthouse Arrests Claims”). *Id.* ¶¶ 234–60.

On October 29, 2025, Defendants filed the instant Motion to Dismiss Intervenors’ First Amended Complaint. Dkt. No. 236 (“Motion”). On November 12, 2025, Intervenors filed their Opposition. Dkt. No. 254 (“Opp.”). On November 19, 2025, Defendants filed their Reply. Dkt. No. 265 (“Reply”).

This Court held a hearing on the Motion on January 15, 2026.

III. Applicable Law

A. Rule 12(b)(1)

A court must have subject matter jurisdiction to resolve a claim. Fed. R. Civ. P. 12(b)(1). A plaintiff’s standing under Article III is a necessary component of subject matter jurisdiction. *Chandler v. State Farm Mut. Auto. Ins.*, 598 F.3d 1115, 1121 (9th Cir. 2010); *TransUnion LLC v. Ramirez*, 594 U.S. 413, 417 (2021). “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 v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992)).

For a plaintiff to show they have Article III standing, they must demonstrate that (1) they have suffered an injury in fact that is (a) concrete and particularized, (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the

1 defendant; and (3) it is likely, as opposed to merely speculative, that the plaintiff's injury will be
2 redressed by a favorable decision. *Friends of the Earth v. Laidlaw Env'tl. Servs. (TOC), Inc.*, 528
3 U.S. 167, 180–81 (2000). A plaintiff “must demonstrate standing for each claim that they press and
4 for each form of relief that they seek (for example, injunctive relief and damages).” *TransUnion*, 594
5 U.S. at 431. “[A] person exposed to a risk of future harm may pursue forward-looking, injunctive
6 relief to prevent the harm from occurring, at least so long as the risk of harm is sufficiently imminent
7 and substantial.” *Id.* at 435. But, when “there is no finding that [a plaintiff] face[s] a real and
8 immediate threat” of recurring harm, the plaintiff lacks standing to seek injunctive relief.” *City of*
9 *Los Angeles v. Lyons*, 461 U.S. 95, 110 (1983).

11 “For all relief sought, there must be a litigant with standing, whether that litigant joins the
12 lawsuit as a plaintiff, a coplaintiff, or an intervenor of right.” *Town of Chester v. Laroe Ests., Inc.*,
13 581 U.S. 433, 439 (2017). So, when an intervenor of right seeks relief not requested by a plaintiff,
14 the intervenor must have Article III standing. *Id.* at 435, 439. “[A]n intervenor whose claims arise
15 under a different legal theory ‘seeks different relief.’ *Washington v. U.S. Food & Drug Admin.*, 108
16 F.4th 1163, 1173 (9th Cir. 2024) (quoting *Chester*, 581 U.S. at 439). By contrast, “intervenors that
17 seek the same relief sought by at least one existing party . . . need not [establish independent Article
18 III standing].” *Cal. Dep’t of Toxic Substances Control v. Jim Dobbas, Inc.*, 54 F.4th 1078, 1085 (9th
19 Cir. 2022).

21 **B. Rule 12(b)(6)**

22 Federal Rule of Civil Procedure 12(b)(6) allows a party to seek to dismiss a complaint for
23 “failure to state a claim upon which relief can be granted.” “To survive a motion to dismiss, a
24 complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is
25 plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v.*
26 *Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads
27 factual content that allows the court to draw the reasonable inference that the defendant is liable for
28

1 the misconduct alleged.” *Id.* Labels, conclusions, and “formulaic recitation of a cause of action’s
2 elements” are insufficient. *Twombly*, 550 U.S. at 545.

3 The determination of whether a complaint satisfies the plausibility standard is a “context-
4 specific task that requires the reviewing court to draw on its judicial experience and common sense.”
5 *Iqbal*, 556 U.S. at 679. Generally, a court must accept the factual allegations in the pleadings as true
6 and view them in the light most favorable to the plaintiff. *Soo Park v. Thompson*, 851 F.3d 910, 918
7 (9th Cir. 2017); *Lee*, 250 F.3d at 679. But a court is “not bound to accept as true a legal conclusion
8 couched as a factual allegation.” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555).
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10 Leave to amend a dismissed complaint should be freely granted unless it is clear the
11 complaint could not be saved by any amendment. Fed. R. Civ. P. 15(a); *Manzarek v. St. Paul Fire &*
12 *Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008).

13 ///

14 **IV. Discussion**

15 Defendants move to dismiss the 1AC on four grounds. First, under Rule 12(b)(1), they argue
16 Intervenor lack standing to seek prospective relief. Motion at 5. Second, under Rule 12(b)(6), they
17 argue Intervenor have not stated a Fourth Amendment claim, both because Intervenor improperly
18 seek to sue the United States as *parens patriae* and because Intervenor cannot show a past or future
19 Fourth Amendment violation. *Id.* at 10–11. Third, under Rule 12(b)(6), they argue Intervenor’s APA
20 claims must all fail because they have not identified any discrete actions subject to judicial review.
21 *Id.* at 15. Fourth, under Rule 12(b)(6), they argue that federal preemption forecloses Intervenor’s
22 Tenth Amendment claim. *Id.* at 16.
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25 For the reasons below, the Motion is denied.

26 **A. Intervenor have sufficiently established Article III standing.**

27 Defendants first argue that Intervenor lack Article III standing as to all of their claims,
28 including Intervenor’s Fourth Amendment claim. They argue that Intervenor fail to establish injury

1 in fact, causation, or redressability. Motion at 6–9. In Opposition, Intervenor argue that they need
2 not establish independent Article III standing for the Fourth Amendment claim, and that they have
3 sufficiently alleged independent standing to the extent that Intervenor’s unique claims require it.
4 Opp. at 4–5. In Reply, Defendants respond that Intervenor are impermissibly attempting to
5 vicariously assert their residents’ personal Fourth Amendment rights. Reply at 1–6.

6 This Court first defines the scope of the claims for which Intervenor need to demonstrate
7 standing, then evaluates whether they have done so.

8
9 1. Intervenor need not establish Article III standing for claims properly
10 brought by Plaintiffs.

11 The parties disagree as to how much standing Intervenor need to establish. Intervenor argue
12 that, because they are joining Plaintiffs’ Unlawful Stops Claims, they need not establish standing to
13 bring those claims. Opp. at 4. They argue that this is because intervenor who seek the same relief
14 sought by at least one existing party to the case need not separately show Article III standing. *Id.*
15 (citing *Cal. Dep’t of Toxic Substance Control*, 54 F.4th at 1085). Defendants respond that
16 Intervenor’s argument “turns a foundational principle of standing on its head,” Reply at 1, as it
17 contradicts the general rule that parties “must demonstrate standing for each claim [they] seek[] to
18 press and for each form of relief that is sought.” *Chester*, 581 U.S. at 439. For the reasons below, the
19 Court finds that Intervenor need not show standing for claims identical to Plaintiffs. But even if
20 they did, as explained in Section III.B, *infra*, Intervenor have shown they have standing.

21
22 Plaintiffs’ 1AC and Intervenor’s 1AC, as to their respective first four claims, are identical.
23 They state the same four legal theories of recovery: (1) violations of the Fourth Amendment, (2)
24 violations of 8 U.S.C. § 1357(a)(2), (3) violations of 8 C.F.R. § 287.8(c)(ii), and (4) violations of 8
25 C.F.R. § 287.8(c)(2)(iii). *Compare* Intervenor’s 1AC at 57–61 *with* Plaintiffs’ 1AC at 58–61. And
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Intervenors do not appear to seek any relief under these four claims that Plaintiffs do not seek.³ To that end, on the first four claims, Intervenors' claims and sought relief mirror those of Plaintiffs.

Because Intervenors' first four claims seek no relief beyond that sought by the Plaintiffs, this Court finds that Intervenors need not independently demonstrate standing to maintain them. "For all relief sought, there must be a *litigant* with standing, whether that litigant joins the lawsuit as a plaintiff, a coplaintiff, or an intervenor of right." *Id.* (emphasis added). The Supreme Court in *Chester* established that an intervenor need only show standing to the extent that they "wish[] to pursue relief not requested by a plaintiff." *Id.* at 435. This is also consistent with this Court's prior finding on the same question. *See* Intervention Order at 3 (noting that Intervenors must have constitutional standing where their claims, or sought forms of relief, do not overlap with Plaintiffs').

Defendants' arguments to the contrary are unavailing. Defendants note that "[p]arties 'must demonstrate standing for each claim [they] seek [] to press and for each form of relief that is sought.'" Reply at 1 (quoting *Chester*, 581 U.S. at 439). But the quote in its fuller context undercuts Defendants' argument. The *Chester* Court stated:

Our standing decisions make clear that standing is not dispensed in gross. To the contrary, a *plaintiff* must demonstrate standing for each claim he seeks to press and for each form of relief that is sought. The same principle applies when there are multiple plaintiffs. At least one plaintiff must have standing to seek each form of relief requested in the complaint. . . .

The same principle applies to intervenors of right. Although the context is different, the rule is the same: For all relief sought, there must be a litigant with standing, whether that litigant joins the lawsuit as a plaintiff, a coplaintiff, or an intervenor of right. Thus, at the least, an intervenor of right must demonstrate Article III standing when it seeks additional relief beyond that which the plaintiff requests.

³ Intervenors do seek some forms of relief that Plaintiffs do not. For example, Intervenors seek declaratory relief that Defendants' courthouse arrests policy is unconstitutional. Intervenors' 1AC at 65. But none of those forms of relief appear to relate to Intervenors' and Plaintiffs' shared first four claims. Instead, this Court understands that this is relief sought in connection with Intervenors' sixth, seventh, and eighth causes of action. *Id.* ¶¶ 246–60.

1 581 U.S. at 439 (citations, footnotes, and internal quotation marks omitted) (emphasis added). In
2 context, *Chester* noted that it is not all parties, as Defendants suggest, who must demonstrate
3 standing for each claim they support. Instead, a *plaintiff* who seeks to bring a claim must
4 demonstrate Article III standing to do so. And, given that the plaintiff has standing, an intervenor of
5 right need not demonstrate independent standing to joint in plaintiff’s relief sought. Defendants’
6 reliance on *Lujan* is similarly unpersuasive. They quote *Lujan* for the proposition that, because “[t]he
7 party invoking federal jurisdiction bears the burden of establishing [standing] elements” as “an
8 indispensable part of the plaintiff’s case.” 504 U.S. at 561. But none of this suggests that
9 Intervenor—as parties *joining* an existing claim—bear this burden independently from Plaintiffs.
10

11 For these reasons, the standing Intervenor must establish pertains specifically to Counts
12 Five, Six, Seven, and Eight, as these theories of relief are distinct from Plaintiffs’ causes of action.
13

14 2. Intervenors have sufficiently alleged they have the required Article III
15 standing.

16 At issue next is whether Intervenor have sufficiently shown standing to bring their four
17 separate causes of action. For the reasons below, this Court finds that they have done so.

18 i. *Intervenors have alleged an injury in fact.*

19 First, Intervenor have sufficiently demonstrated an injury in fact. Intervenor, as discussed
20 above, all allege that they have suffered a tangible harm in connection with Intervenor’s actions as
21 alleged in Counts Five through Eight. The Ninth Circuit has, at least twice, endorsed the view that
22 “[a]n expected loss of tax revenue can constitute a sufficient injury for purposes of Article III
23 standing.” *City of Oakland v. Lynch*, 798 F.3d 1159, 1164 (9th Cir. 2015); *see also City of Sausalito*
24 *v. O’Neill*, 386 F.3d 1186, 1194–99 (9th Cir. 2004) (affirming an asserted harm of increased
25 congestion, crime, and lost tax revenue as “cognizable as both an aesthetic injury and . . . an
26 economic injury”). Such injuries confer standing when the losses are “not an ‘indirect’ effect on state
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1 spending that relies on a chain of causation with multiple links, or assumptions about the effects of
2 [other causal links], or the unpredictable actions of third parties.” *Washington*, 145 F.4th at 1023.

3 The injuries as alleged are “concrete and particularized.” *Friends of the Earth*, 528 U.S. at
4 180–81. In *Washington*, states sought to challenge an Executive Order that would deny citizenship to
5 children born in the United States to parents who were unlawfully present. 145 F.4th at 1019. The
6 Court found that the harm was sufficiently concrete where state plaintiffs showed “that the loss of
7 reimbursements, funding, and additional expenses incurred by the development of a new system to
8 determine eligibility” for state-run programs such as Medicaid. *Id.* at 1022–23. Applying the
9 *Washington* and *Friends of the Earth* standards, Intervenor’s injuries as alleged are concrete;
10 Intervenor allege (and provide supporting evidence of) the resources they have used, in the form of
11 “personnel hours and funds,” due to Defendants’ conduct. *See Opp.* at 6.

13 And the injuries as alleged are “actual or imminent.” *Friends of the Earth*, 528 U.S. at 180–
14 81. Intervenor detail at length the expenses that they have incurred in response to Defendants’
15 actions threatening Intervenor’s exercise of their police powers. Several of them have attached
16 supporting declarations to this extent; one Intervenor, the City of Los Angeles, estimates substantial
17 personnel labor days and additional costs. *Opp.* at 6. In response to Defendants’ allegedly unlawful
18 immigration raids, Los Angeles estimates that the LAPD has devoted tens of thousands of labor
19 days, and incurred \$27 million in additional costs. *Id.* (citing Dkt. No. 147-4 ¶ 5). These diversions
20 of resources frustrate Intervenor’s ability to respond to high-priority calls, including violent crimes
21 and other emergencies, and carry out efforts in crime prevention and other public safety initiatives.
22 *Id.* (citing Dkt. No. 147-21 ¶ 9).

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25 Defendants dispute the idea that these allegations create a qualifying injury in fact. Motion at
26 6 (citing *Clapper*, 568 U.S. at 409–16). It is true that a claim for standing “can become more
27 attenuated” when a state plaintiff asserts that federal policy has generated indirect effects on state
28 revenues or state spending. *United States v. Texas*, 599 U.S. 670, 674 (2023). But Defendants do not

1 appear to question that Intervenor’s allegations of harm—stemming from adverse impacts to their
2 tax revenues and frustration of law enforcement plans—*could* confer Article III standing. Instead,
3 Defendants challenge Intervenor’s evidence on this theory, calling Intervenor’s allegations of lost
4 tax revenue “speculative at best.” Motion at 6. The Motion cites two of Intervenor’s supporting
5 declarations as examples. *Id.* at 6–7. Once a defendant has contested the truth of a plaintiff’s
6 jurisdictional allegations—including allegations of standing—the plaintiff bears the burden of
7 supporting their jurisdictional allegations with competent proof. *Bowen v. Energizer Holdings, Inc.*,
8 118 F.4th 1134, 1142 (9th Cir. 2024). Applying this rule to Intervenor, this Court finds that they
9 have sufficiently supported their jurisdictional allegations with competent proof. Defendants’
10 arguments challenging Intervenor’s jurisdictional allegations are not persuasive, as Defendants do
11 not accurately characterize the dozens of declarations that Intervenor have filed in support of
12 standing, as discussed below. Moreover, even if their arguments *did* suffice, a finding of no Article
13 III standing would not necessarily follow: Intervenor only challenge the sufficiency of two of
14 Intervenor’s declarations on standing. *See* Motion at 6–7. Intervenor have filed dozens. *See* Dkt.
15 No. 147 (collecting thirty-two declarations from Intervenor); *see also* Opp. at 5 (“Intervenor have
16 dozens of allegations—backed up by more than 75 fact declarations and news reports—detailing the
17 irreparable harm Defendants’ illegal raids are currently inflicting on Intervenor[]”); Reply at 5
18 (acknowledging Intervenor’s “flood of declarations”). And, though Intervenor generally call the
19 declarations into question as “self-serving” and “speculative,” *see* Reply at 6, they present no
20 evidence of their own to dispute that of Intervenor.⁴ To that end, Defendants’ challenge to standing
21 only calls into question a small subset of Intervenor’s supporting evidence, does so insufficiently,
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28 ⁴ Defendants do provide this Court with extrinsic evidence that purports to challenge Intervenor’s showing of causation. This Court addresses that evidence in the following section.

1 and does not actually refute Intervenor’s substantial evidence on injury in fact. So Defendants’
2 challenge fails.

3 Defendants also argue, relying upon *Clapper*, that this Court should not allow Intervenor’s to
4 “manufacture a concrete, imminent injury to themselves.” Motion at 6 (citing 568 U.S. at 409–16).
5 They argue that Intervenor’s alleged harms amount to “voluntary expenditure of municipal funds in
6 furtherance of their sanctuary city policies.” Motion at 7; Reply at 3. This argument fails for several
7 reasons.

8
9 First, it fails to account for the Intervenor’s 1AC’s allegations that the “loss of tax revenue”
10 and “threats to core police powers,” Intervention Order at 3, have arisen despite no action by
11 Intervenor. Put another way, Defendants suggest without evidence that Intervenor *chose* to
12 experience decreases in their tax revenue, or that they elected to face the threats to their police
13 powers—by planning protest actions, decreasing public trust, and increasing suspicion that local law
14 enforcement may be working in tandem with ICE. Defendants, however, offer no argument as to
15 *how* Intervenor can fairly be deemed to have opted into the downstream effects of Defendants’ own
16 actions.

17
18 Second, Defendants’ theory largely tracks one that the defendants argued—and the Ninth
19 Circuit rejected—in *Washington v. Trump*. There, the Court found that defendants claimed that they
20 would suffer economically from an executive action by losing reimbursements and incurring
21 additional expenses. *Id.* at 1024. Defendants argued that “any economic losses would be self-
22 inflicted, because the State need not provide social services to an individual who is ineligible under
23 the federal program unless they so choose.” *Id.* (internal quotation marks omitted). But the Ninth
24 Circuit found that “it was not a voluntary choice by the States . . . to assume the costs that follow”
25 from the executive action. *Id.* To that end, a municipality’s undertaking of costs stemming from
26 executive action are not self-inflicted injuries. And *Washington* is plainly more instructive than
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1 Defendants' nonbinding authority. Motion at 7 (citing *Int'l Primate Prot. League v. Inst. for Behav.*
2 *Rsch., Inc.*, 799 F.2d 934 (4th Cir. 1986)). There, the Court held that the plaintiffs—individuals and
3 organizations, not municipalities—voluntarily contributed to the maintenance of animals only after
4 the contested conduct, which did not confer a stake in the litigation sufficient to confer standing.
5 *Int'l Primate Prot. League*, 799 F.2d at 938.

6
7 Third, it is not clear from where Defendants' claims of Intervenor's "sanctuary city policies"
8 arise.⁵ But, in any event, the argument is not relevant to this Court's present Order, because it rests
9 its finding of Article III standing on Intervenor's loss of tax revenue and police power frustration,
10 not on any of Intervenor's responsive programs that, for example, offer legal support to immigrants.
11 To that end, Defendants' citations on these purported "sanctuary city policies" are a red herring that
12 do not bear on this Court's decision. *See* Motion at 7.

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14 This Court is, therefore, not persuaded that there is anything self-inflicted or manufactured
15 about Intervenor's relevant injuries.

16 Moreover, Defendants mischaracterize Intervenor's supporting declarations. The first they
17 reference is the Declaration of Matthew Crawford. Dkt. No. 147-3 ("Crawford Decl."). They say that
18 it "elucidates the speculative nature of Intervenor's[] alleged injury: his office 'may see a decrease'
19 in tax collection but is 'unable to make this determination with any semblance of it being a likely
20 outcome.'" Motion at 6 (quoting Crawford Decl. ¶ 10). But that is not what the declaration states.

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25 ⁵ Based on Defendants' arguments at the hearing, this Court understands their arguments regarding Intervenor's
26 "sanctuary city policies" to be bipartite. First, Defendants appear to argue that, because Intervenor has enacted
27 sanctuary city policies, they have offered an incentive to undocumented immigrants to move to their communities—such
28 that Intervenor cannot challenge the Government's efforts to enforce immigration law. But, even if this were true, this
argument misses the mark. As this Court has already explained, Intervenor and Plaintiffs do not challenge immigration
enforcement broadly; they challenge *allegedly unlawful conduct* within immigration enforcement. Second, Defendants
appear to argue that the Intervenor, as cities pursuing "sanctuary city" status, are self-inflicting monetary harm in
response to Defendants' enforcement activities. But, as this Court has discussed, it does not rest its finding of standing
on the voluntary programs that Intervenor allege they have initiated.

1 Instead, it offers evidence that in June and July of 2025, one tax that the City of Los Angeles
2 collects—the Transient Occupancy Tax—*did* measurably decrease. *Id.* ¶¶ 7–9. And, in the paragraph
3 Defendants quote, Crawford states:

4 While the Office of Finance may see a decrease in Business Tax and Sales Tax
5 collection during this same period, due to the structure and timing of those taxes, the
6 City is unable to make this determination at the time of the preparation of this
7 declaration. As noted earlier, Sales Tax is remitted to the City roughly three months in
8 arrears[]. Similarly, because the City's Business Tax is due each year on the last day of
February, the Office of Finance does not know a business's gross receipts for the
previous year until a business submits their filing.

9 *Id.* ¶ 10. In other words, the City of Los Angeles *has* offered evidence that their tax revenue has
10 decreased as Defendants' immigration enforcement has allegedly occurred—it just cannot currently
11 establish that *all forms* of its tax revenue have decreased. And Defendants do nothing to call into
12 question the City of Los Angeles's four other concurrently filed declarations, all offering some
13 evidence of the harm that Los Angeles has suffered due to Defendants' actions. *See* Dkt. No. 147-1;
14 Dkt. No. 147-2; Dkt. No. 147-4; Dkt. No. 147-5; Dkt. No. 147-6.

15 The second declaration to which Defendants cite is the Declaration of Steve Carmona, City
16 Manager for the City of Pico Rivera. Dkt. No. 147-22 (“Carmona Decl.”). Defendants state that this
17 “similarly makes speculative allegations of declining sales and tax revenues.” Motion at 6–7 (citing
18 Carmona Decl.). But the declaration does not convey uncertainty about the harm that Pico Rivera
19 has suffered due to Defendants. Instead, it states: Defendants' immigration enforcement has resulted
20 in “injury to the operations of [Pico Rivera's] police department, management of its community
21 programs, and production of its tax revenue.” Carmona Decl. ¶ 13. And it explains: “Pico Rivera
22 depends on local taxes to fund its municipal operations. Federal immigration enforcement has
23 harmed and produced chilling effects on Pico Rivera businesses, causing declines in businesses'
24 sales revenue and a corresponding decrease in Pico Rivera's tax revenue.” *Id.* ¶ 15. This suffices as
25 competent evidence in support of Intervenor Pico Rivera's concrete harm. And Defendants cite no
26 authority for the idea that, to demonstrate standing at this stage, the city would need to give concrete
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1 amounts of tax revenue that they have lost due to Defendants’ actions. *See* Motion at 7 (citing no
2 authority for the proposition that a concrete, particularized injury must be evidenced by “concrete
3 numbers” at the motion to dismiss stage). Moreover, even if this Court were to accept Defendants’
4 arguments on both declarations, they would do little to show that all other Intervenors similarly lack
5 standing.

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7 Moreover, this Court has already considered this question and found that Intervenors’
8 pleadings sufficiently demonstrated injury in fact.⁶ Intervention Order at 3 (“[T]he court finds that
9 the Proposed Intervenors have sufficiently alleged such injury [in fact] due to loss of tax revenue,
10 threats to core police powers, or both.”). Defendants argue that this Court should decide differently,
11 noting that this Court’s earlier determination of standing is not necessarily binding law of the case.
12 Reply at 2. This Court agrees that it is not bound to follow its earlier determination, given courts’
13 continuing duty to ascertain subject-matter jurisdiction exists throughout the controversy. *Ctr. for*
14 *Biological Diversity*, 894 F.3d at 1011. Defendants do not, however, offer compelling justifications
15 as to why this Court should adopt their view.
16

17 In sum, relying on *Lynch* and *O’Neill*—and noting that Defendants’ argument that is not
18 responsive to Intervenors’ 1AC, their Opposition, or this Court’s prior ruling—this Court remains
19 satisfied that Intervenors have sufficiently alleged they suffered an injury in fact.

20
21 ii. *Intervenors have alleged causation.*

22 Intervenors have sufficiently alleged a causal link between Defendants’ actions and the harm
23 Intervenors are suffering.
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27 ⁶ Defendants do not argue that a different standard of proof applies to Article III standing on a motion to intervene and
28 on a motion to dismiss. This Court, in the Intervention Order and now, focused on the allegations in the operative
Complaint and construed them as true.

1 As Intervenor note, causation is established at the standing stage when the defendants’
2 unlawful conduct is “at least a substantial factor motivating the third parties’ actions.” *Mendia v.*
3 *Garcia*, 786 F.3d 1009, 1013 (9th Cir. 2004). As the *Lujan* Court explained:

4 When the suit is one challenging the legality of government action or inaction, the
5 nature and extent of facts that must be averred . . . in order to establish standing depends
6 considerably upon whether the plaintiff is himself an object of the action (or forgone
7 action) at issue. If he is, there is ordinarily little question that the action or inaction has
8 caused him injury, and that a judgment preventing or requiring the action will redress
9 it. When, however, as in this case, a plaintiff’s asserted injury arises from the
10 government’s allegedly unlawful regulation (or lack of regulation) of someone else,
11 much more is needed. In that circumstance, causation and redressability ordinarily
12 hinge on the response of the regulated (or regulable) third party to the government
13 action or inaction—and perhaps on the response of others as well. The existence of one
14 or more of the essential elements of standing depends on the unfettered choices made
15 by independent actors not before the courts and whose exercise of broad and legitimate
16 discretion the courts cannot presume either to control or to predict, and it becomes the
17 burden of the plaintiff to adduce facts showing that those choices have been or will be
18 made in such manner as to produce causation and permit redressability of injury.

19 504 U.S. at 561–62 (citations and internal quotation marks omitted). The Court ultimately concluded
20 that the plaintiffs in *Lujan* could not establish redressability: The sought resolution would not bind
21 the nonparty agencies, who were more directly responsible for the plaintiffs’ injury in fact, and who
22 had the power to take action that would remedy respondents’ alleged harm. *Id.* at 569–70. So “any
23 relief the District Court could have provided . . . was not likely to produce that action.” *Id.* at 571.

24 Not so here. Though Intervenor’s alleged harm stems from enforcement actions taken against
25 third parties—not themselves—standing is not precluded when “the plaintiff is not himself the object
26 of the government action” he challenges. *Id.* at 562. But it appears likely, and not overly attenuated,
27 that the sought relief would redress Intervenor’s harms. The connection between Intervenor’s alleged
28 harm and Intervenor’s sought injunctive relief is apparent.

29 To that end, Intervenor sufficiently allege causation relating to the Courthouse Arrests
30 Claims. Intervenor allege harm based on the “daily onslaught of armed, unidentified, often masked,
31 and openly hostile forces appearing at workplaces, schools, courthouses, churches, parks, homes,
32 baseball games, neighborhoods, and other public and private places where families and other

1 residents live, work, worship and recreate.” Intervenors’ 1AC ¶ 6. “This has left many of
2 Intervenors’ residents, regardless of immigration status, frightened to go to work, shop, visit,
3 recreate, pray, study, seek Intervenors services, or even venture outside.” *Id.* As alleged, Defendants’
4 enforcement actions have caused that fear. *Id.* ¶¶ 6–7. In particular, Intervenors allege that
5 Defendants’ practice is to seize Intervenors’ residents while they are in courthouses and while they
6 travel into (or out of) courthouses. *Id.* ¶ 209. This practice, Intervenors state, is contrary to federal
7 and state law. *Id.* ¶¶ 207–08.

8
9 Taking Intervenors’ allegations as true, Defendants’ courthouse arrest policy causes
10 Intervenors harm. *Id.* ¶ 252. They have struggled to prosecute cases because Defendants are
11 unlawfully⁷ using county courthouses as “staging grounds for federal immigration enforcement.” *Id.*
12 ¶¶ 12, 209. As a result, undocumented immigrant witnesses are afraid to appear in county
13 courthouses. *Id.* Victims of crimes have also declined to come to court or cooperate with law
14 enforcement, citing fears stemming from Defendants’ actions. *Id.* ¶¶ 27, 201. In response,
15 Intervenors seek declaratory judgment that Defendants’ actions are unlawful, and an injunction
16 preventing Defendants from “civilly arresting parties, witnesses, and any other individual coming to,
17 attending, or returning from state courthouses or court-related proceedings.” *Id.* at 65.

18
19 Nor do Defendants appear to contest the core factual allegations grounding the Courthouse
20 Arrests Claims. Instead, they state that they have a “duty to enforce immigration law in the Central
21 District of California—including courthouses among other locations.” Motion at 16. But, crucially,
22 Defendants do not contest that their policy of conducting arrests in and around courthouses ensues in
23 harm to Intervenors.
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⁷ Defendants do not dispute that their conduct violates California law. Motion at 17. They do not address Intervenors’
argument that their conduct also violates federal law.

1 This Court has explained, before this Order and again now, that Intervenor’s allegations
2 sufficiently state that they suffer a cognizable injury from loss of tax revenue and/or threats to core
3 police powers. Intervention Order at 3; *see also* Section II.A.2, *supra*. Though Intervenor
4 themselves are not the targets of the challenged government actions, this Court is satisfied that there
5 is a clear causal link between Defendants’ actions as alleged, Intervenor’s residents’ reaction, and
6 Intervenor’s harm. Intervenor’s 1AC makes allegations that establish that causal link. To put it
7 plainly, (1) Defendants are conducting unlawful courthouse arrests, so (2) Intervenor’s residents are
8 not willing to appear in courthouses, so (3) Intervenor’s own efforts to enforce laws and secure
9 justice are frustrated. This causal chain has been sufficiently pleaded at every step. So this Court
10 finds that this standing requirement is met.
11

12 Defendants’ arguments against causation miss the mark. They note that “Intervenor fail[ed]
13 to consider” other relevant factors that might have influenced their decrease in business or tax
14 revenue. Motion at 9. Defendants cite declining tourism, increasing natural disasters, a rising cost of
15 living, and inflation as alternate reasons that business and tax revenues may be lower than expected.
16 *Id.* And Defendants cite a series of news articles to propose that alternate causes may explain
17 Intervenor’s alleged loss of tax revenue. *See* Motion at 9 nn.4–6. Though they correctly note that this
18 Court may consider extrinsic material on a Rule 12(b)(1) challenge, their evidence does not
19 challenge the existence of a causal link between Intervenor’s harm and Defendants’ actions; it
20 merely suggests that other causes may also have contributed. It may well be true that these other
21 causes have, in fact, contributed to Intervenor’s decline in tax revenue. But none of these theories of
22 economic downturn negate the fact that Intervenor’s 1AC—taking all relevant allegations as true—
23 sufficiently states and explains a causal link between Defendants’ actions and Intervenor’s harm. As
24 it need not be the only causal link to be a substantial one, Defendants’ arguments lack support.
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27 Nor do Defendants cite cases in support of the proposition that, at the motion to dismiss
28 stage, this Court should find a lack of standing merely because Defendants can point to other

possible contributors to Intervenor’s harm. On Reply, Defendants argue that the existence of alternate causes defeat causation because “[a]ny of these intervening factors could disrupt Intervenor’s unrealistic causal narrative.” Reply at 5. But Defendants offer no evidence that what they term “intervening factors” are not merely other factors working alongside the harm that Defendants have caused Intervenor. And the authority they cite on this point, *Food & Drug Admin v. All. for Hippocratic Med.*, 602 U.S. 367 (2024), is consistent with this Court’s ruling. As this Court has explained, Intervenor has pleaded (and offered support) for every causal link in their theory, and Defendants’ arguments do not create “speculative links” where it is not sufficiently predictable how third parties would react to government action or cause Intervenor downstream injury. *Id.* at 383. At most, Defendants have suggested other causes that, together with their alleged conduct, caused Intervenor harm. None of this warrants dismissal.

Moreover, Intervenor’s supporting declarations (which Defendants do not address on causation) *do* substantiate the link between Defendants’ actions and Intervenor’s harm. *See, e.g.*, Dkt. No. 147-4 ¶¶ 7–8 (LAPD Deputy Chief stating that victims of crimes have reported fear of coming to court or cooperating with law enforcement due to concerns about federal immigration enforcement); Dkt. No. 147-6 ¶ 4 (noting City of Los Angeles public spaces “experiencing heavy ICE activity have been visibly less utilized”); Dkt. No. 147-8 ¶¶ 10–11 (noting County of Los Angeles residents’ fears of going to work because of the ongoing immigration raids, resulting in losses of income and decreased economic participation); Dkt. No. 147-12 ¶¶ 9–16 (detailing increases in hostility and decreases in cooperation facing employees of County of Los Angeles Department of Children and Family Services). So, to the extent that Intervenor must rebut a factual Rule 12(b)(1) attack with competent evidence, this Court finds that they have done so.

Intervenor, therefore, have sufficiently pleaded causation.

iii. *Intervenor have alleged redressability.*

Intervenors have sufficiently alleged that the relief they seek will redress their injuries. For an injury to be redressable, it must be “likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” *Lujan*, 504 U.S. at 561. For similar reasons that this Court finds causation, applying the *Lujan* framework, redressability has been established.

The injunction request surrounding the Courthouse Arrests Claims would likely redress Intervenors’ harm. It appears likely that enjoining Defendants from conducting allegedly unlawful arrests in and near courthouses would reduce individuals’ fear of participating in court proceedings. This, in turn, would help alleviate the harm that Intervenors face in the frustration of their local law enforcement efforts. Though it is not clear that this would wholly alleviate Intervenors’ alleged harms, that is not the standard: “[T]he ability ‘to effectuate a partial remedy’ satisfies the redressability requirement.” *Uzuegbunam v. Preczewski*, 592 U.S. 279, 292 (2021) (quoting *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 13 (1992)).

* * *

In sum, Intervenors allege injuries that are concrete, traceable, and redressable. To that end, on their pleadings, and as to all claims, Intervenors have standing.

B. Intervenors have sufficiently stated their Fourth Amendment claim.

Defendants next argue that, even if this Court finds that Intervenors have the requisite standing under Article III, Intervenors’ Fourth Amendment claim still fails for two reasons. First, they argue that claim is impermissible, as local municipalities and counties may not sue the United States as *parens patriae*. Motion at 10. Second, they argue that Intervenors’ Fourth Amendment claim impermissibly attempts to enforce individual Fourth Amendment rights vicariously.

The Supreme Court has long “recognized the legitimacy of *Parens patriae* suits.” *Pennsylvania v. New Jersey*, 426 U.S. 660, 675 (1976). A suit brought *parens patriae* allows the plaintiff to pursue certain claims based on their citizens’ harm. *Id.* A *parens patriae* plaintiff must “articulate an interest apart from the interest of particular private parties.” *Missouri ex rel. Koster v.*

1 *Harris*, 847 F.3d 646, 651 (9th Cir. 2017). And it requires the plaintiff to “express a quasi-sovereign
2 interest.” *Id.* But municipal subdivisions, “such as cities and counties,” cannot sue as parents patriae.
3 *City of Rohnert Park v. Harris*, 601 F.2d 1040, 1044 (9th Cir. 1979) (quoting *In re Multidistrict*
4 *Vehicle Air Pollution*, 481 F.2d 122, 130 (9th Cir. 1973)).

5 Intervenor’s 1AC and the Opposition, however, make clear that Defendants do not intend to
6 join in the Fourth Amendment claim merely to vindicate the rights of Intervenor’s residents’
7 constitutional rights. Just as in *Washington v. Trump*, Intervenor’s “are not asserting standing based
8 on the rights of their citizens; instead, they assert injuries to their own pocketbooks” based on
9 Defendants’ actions. 145 F.4th at 1024. To that end, Intervenor’s are suing to vindicate their own
10 property interests; as Intervenor’s have alleged, Defendants’ encroachment upon some individuals’
11 Fourth Amendment claims causes independent injury to Intervenor’s. This is because Defendants’
12 enforcement actions are causing Intervenor’s to experience reduced tax revenue, increased necessary
13 expending of resources into addressing Defendants’ raids’ aftermath, and individual hardships in
14 advocating for the public health and community within their respective municipalities. To that end,
15 this Court does not find compelling authority to term this an impermissible parens patriae suit, so
16 Defendants’ argument is unavailing.

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19 Second, Defendants argue that Intervenor’s cannot state their Fourth Amendment claim
20 because it is an impermissible attempt to vicariously enforce individuals’ Fourth Amendment rights.
21 In support of this proposition, Defendants cite three cases: *Lyons*, *Alderman v. United States*, and
22 *Rakas v. Illinois*. Motion at 5 (first citing *Lyons*, 461 U.S. at 101–11; then citing *Alderman v. United*
23 *States*, 394 U.S. 165, 174 (1969); and then citing *Rakas v. Illinois*, 439 U.S. 128, 133–34 (1978)).
24 But these authorities do not establish that intervention in Plaintiffs’ valid Fourth Amendment claim⁸
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⁸ This Court has already denied Defendants’ Motion to Dismiss Plaintiffs’ 1AC. *See* Dkt. No. _____. Defendants’
motion, inter alia, attacked the 1AC’s ability to state the Fourth Amendment claim. *See id.* at 27–29.

1 is improper. First, the citation to *Lyons* is of unclear relevance: *Lyons* discusses neither intervention
2 nor the vicarious assertion of Fourth Amendment claims. 461 U.S. at 101–11. As for *Alderman* and
3 *Rakas*, neither case appears to weigh on whether intervention is appropriate here. *Alderman* and
4 *Rakas* were criminal matters, where the Court considered—and rejected—the theory that a *criminal*
5 *defendant* can “assert that a violation of the Fourth Amendment rights of a third party entitled him to
6 have evidence suppressed at his trial.” *Rakas*, 439 U.S. at 132–33. In effect, *Alderman* and *Rakas*
7 clarified that a criminal defendant may not raise a Fourth Amendment challenge to the unlawful
8 search of a third party’s property. But the criminal defendant–third party relationship plainly differs
9 from the one between a civil plaintiff and an intervenor. Moreover, as Intervenors note, their suit
10 does not merely intend to volunteer to vindicate their residents’ individual rights; Intervenors have
11 sufficiently alleged that Defendants’ actions that violated the Fourth Amendment independently
12 caused Intervenors harm. Intervenors, in short, “are not asserting standing based on the rights of their
13 citizens; instead, they assert injuries to their own pocketbooks that will be caused by enforcement of
14 the Executive Order.” *Washington*, 145 F.4th at 1024.

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17 To that end, this Court reads none of these authorities to suggest that a municipality’s
18 intervention in Fourth Amendment cases, where it alleges independent qualifying harms, is
19 impermissible. The Motion on this basis is therefore denied.

20 **C. Intervenors’ APA claims are sufficiently stated.**

21 This Court next turns to Counts Five, Six, and Seven, which allege violations of the APA.
22 Defendants argue that these claims must fail because Intervenors have failed to “identify any discrete
23 agency action, including any individual stops or arrests, subject to judicial review.” Motion at 15.
24 Citing *Lujan* and *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55 (2004), Defendants
25 argue that Intervenors’ APA claims challenging Defendants’ courthouse arrests policy impermissibly
26 seek to mount a “programmatic challenge to how immigration enforcement operations have been
27 carried out in the Central District of California.” *Id.* at 15–16; *see also* Reply at 7. Intervenors
28

1 respond that their claims target “a series of concrete, unlawful actions that fall squarely within the
2 scope of APA review.” Opp. at 16.

3 The APA permits a range of challenges to agency action. Under the APA, courts may
4 “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).
5 Separately, courts may “hold unlawful and set aside agency action, findings, and conclusions” when
6 they are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” *Id.* §
7 706(2)(A), “contrary to constitutional right, power, privilege, or immunity,” *id.* § 706(2)(B), or “in
8 excess of statutory jurisdiction, authority, or limitations, or short of statutory right,” *id.* § 706(2)(C).
9 To prevail on an APA claim, the plaintiff “must direct its attack against some particular ‘agency
10 action’ that causes it harm.” *Lujan*, 497 U.S. at 891. “Thus, a claim under § 706(1) can proceed only
11 where a plaintiff asserts that an agency failed to take a discrete agency action that it is required to
12 take.” *Norton v. S. Utah Wilderness All.*, 542 U.S. at 64.

14 But Intervenors here *have* directed a challenge to a discrete set of agency actions—the
15 allegedly sanctioned practice of arresting individuals in, entering, or exiting courthouse proceedings.
16 This is not, unlike *Norton*, an instance where the challenged conduct falls within the ambit of agency
17 discretion. Defendants suggest that this practice⁹ is simply a “decision committed to agency
18 discretion and thus not reviewable.” Motion at 15. They suggest their practice is downstream of
19 immigration officers’ decisions to “interrogate any alien or person believed to be an alien as to his
20 right to be or remain in the United States.” *Id.* (citing 8 U.S.C. § 1357(a)). But the fact that
21 Defendants may conduct such interrogations does not mean that Congress granted the relevant
22 agencies the discretion conduct these interrogations *in any location of their choosing*, or to detain
23

26 ⁹ Defendants’ suggestion that no final agency action exists because no official courthouse arrest policy document exists,
27 *see* Reply at 17, is unavailing. The Court has already explained that allegations of a pattern of conduct are sufficient
28 evidence even absent an explicit agency directive. *See* TRO Order at 45 n. 33. And a policy “need not be written, or even
made known to the public, to be judicially reviewable.” *Washington v. U.S. Dep’t of Homeland Sec.*, 614 F. Supp. 3d
863, 872 (W.D. Wash. 2020) (collecting cases). Defendants cite no authority to the contrary.

1 them *at any time of their choosing*. Nowhere do Intervenor suggest that Defendants should be
2 precluded from conducting stops; they merely challenge the policy of arresting individuals in the
3 courthouse. Intervenor allege—and Defendants do not appear to dispute—that this practice violates
4 both federal and state law. To find in Defendants’ favor at this time would be tantamount to saying
5 that Congress, without explicitly saying so, sanctioned unlawful conduct from the relevant agencies.

6 As such, Defendants have not established that the APA claims impermissibly launch
7 programmatic challenges, or that they target actions within the ambit of Defendants’ discretion. For
8 that reason, the Motion on this basis is denied.
9

10 **D. Intervenor’s Tenth Amendment claim is not preempted.**

11 Finally, Defendants argue that, under Rule 12(b)(6), Intervenor’s Tenth Amendment claim is
12 insufficiently stated for two reasons. First, Defendants argue the claim fails because “federal law
13 preempts state and municipal laws in the area of immigration enforcement.” Motion at 16.
14 Defendants note that the federal government enjoys “broad, undoubted power over the subject of
15 immigration and the status of aliens.” *Arizona v. United States*, 567 U.S. 387, 394 (2012). They
16 reason that Intervenor’s Tenth Amendment claim would impermissibly empower Intervenor to
17 “superimpose requirements upon the federal government or otherwise limit the government’s
18 discretion to enforce immigration law at a specific location.” Motion at 16–17. Second, Defendants
19 more generally attack the basis of the claim, noting that “Intervenor’s broad and generalized
20 declarations do not support their allegations that Defendants’ actions are threatening their core police
21 powers.” *Id.* at 17. For the reasons below, this Court finds that the Tenth Amendment claim is
22 sufficiently pleaded.
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25 Defendants’ first argument—that Intervenor’s Tenth Amendment allegations are preempted
26 by the federal power over immigration law—fails. Though Defendants accurately state that the
27 federal government enjoys broad power over immigration enforcement, they do not demonstrate that
28 this claim is preempted. Defendants correctly note, for example, that the Constitution authorizes

1 Congress to “establish a uniform Rule of Naturalization.” U.S. Const. art. I § 8. Similarly,
2 Defendants’ citation to *Arizona v. United States* misses the mark; Intervenor’s do not dispute that the
3 federal government has broad power over the subject of immigration. 567 U.S. at 394–95. But
4 nothing about Intervenor’s Tenth Amendment claim conflicts with Congress’s power to pass laws
5 about how individuals may be naturalized.

6 Defendants argue that obstacle preemption operates to foreclose the Tenth Amendment
7 argument. Motion at 16. Obstacle preemption occurs “where, under the circumstances of a particular
8 case, the challenged state law stands as an obstacle to the accomplishment and execution of the full
9 purposes and objectives of Congress.” *Crosby v. Nat’l Foreign Trade Council*, 530 U.S. 363, 373
10 (2000) (citation modified). The question of what qualifies as a sufficient obstacle “is a matter of
11 judgment, to be informed by reading the federal statute as a whole and identifying its purpose and
12 intended effects.” *Id.*; see also *Savage*, 225 U.S. at 533 (“If the purpose of the act cannot otherwise
13 be accomplished—if its operation within its chosen field else must be frustrated and its provisions be
14 refused their natural effect—the state law must yield to the regulation of Congress[.]”). *Crosby* and
15 *Savage* both stand for the proposition that not every state law with any adverse impact on a federal
16 law automatically counts as obstacle preemption. This is consistent with Intervenor’s argument. As
17 they note, “not all state law that ‘makes the jobs of federal immigration authorities more difficult’
18 triggers preemption.” *United States v. California*, 921 F.3d 865, 886 (9th Cir. 2019); see also
19 *Arizona v. United States*, 567 U.S. 387, 400 (2012) (“In preemption analysis, courts should assume
20 that ‘the historic police powers of the States’ are not superseded ‘unless that was the clear and
21 manifest purpose of Congress.’” (quoting *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230
22 (1947))). Applying this standard, Defendants’ arguments fall short of establishing obstacle
23 preemption. Fatal to Defendants’ argument is that they do not cite a federal law that they claim
24 would negate Intervenor’s Tenth Amendment claim under obstacle preemption. Absent this, it is not
25 clear what federal law would even arguably cabin Intervenor’s claim. Both *Crosby* and *Savage*

1 explicitly instruct this Court that a necessary part of the preemption analysis is the weighing of the
2 state law against the federal law. Absent any citation to federal law, Defendants’ preemption attack
3 on the Tenth Amendment claim lacks merit.

4 Moreover, Defendants’ second argument—that Intervenor’s declarations do not sufficiently
5 support the allegation that Defendants’ actions are threatening their core police powers—is
6 premature. On a motion to dismiss under Rule 12(b)(6), this Court has already explained that it must
7 take the 1AC’s allegations as true. To that end, it would be improper and contrary to binding
8 precedent to find that a claim was insufficiently alleged on this basis, even assuming Defendants did
9 successfully show that the declarations do not support the claims.
10

11 In Reply, Defendants appear to suggest that they intended to factually attack the allegations
12 in the Intervenor’s 1AC. Reply at 5. But Defendants have not met the standard for a factual attack in
13 a motion to dismiss. The “moving party” may convert a motion to dismiss into a factual attack, but
14 to do so, it must “present[] affidavits or other evidence properly brought before the court.” *Savage v.*
15 *Glendale Union High Sch., Dist. No. 205*, 343 F.3d 1036, 1040 (9th Cir. 2003). So, to the extent that
16 Defendants intend to factually attack Intervenor’s allegations of the likelihood of ongoing and future
17 harm, they must cite to facts that dispute the truth of the 1AC’s allegations. And Defendants do not
18 cite to declarations of their own that this Court can consider in testing the sufficiency of the 1AC’s
19 statements. Indeed, they acknowledge that Intervenor has offered a “flood” of over seventy-five
20 fact declarations in support of their 1AC. Reply at 5.
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1 **V. Conclusion**

2 For the foregoing reasons, the Motion is DENIED.

3
4 IT IS SO ORDERED.

5 Dated: February 18, 2026.



7 MAAME EWUSI-MENSAH FRIMPONG

8 United States District Judge