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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

**NOTICE OF MOTION AND MOTION**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on April 11, 2025, at 9:00 a.m., or as soon as this matter may be heard, in the Courtroom of the Honorable Jennifer L. Thurston at Robert E. Coyle United States Courthouse, 2500 Tulare Street, Fresno, California 93721, Plaintiffs United Farm Workers, Oscar Morales Cisneros, Wilder Munguia Esquivel, and Yolanda Aguilera Martinez (collectively, “Plaintiffs”) will, and hereby do, respectfully move this Court for entry of an order preliminarily enjoining Defendants from continuing their practices of (1) detentive stops without regard to reasonable suspicion that the person stopped is in the country unlawfully, and (2) warrantless arrests without regard to probable cause that the person arrested is likely to escape before a warrant can be obtained.

Plaintiffs seek an injunction that, while this litigation remains pending:

- Border Patrol is enjoined from conducting detentive stops in this district unless there is reasonable suspicion that the person stopped is a noncitizen present within the United States in violation of U.S. immigration law, as required by the Fourth Amendment of the United States Constitution.
- Border Patrol is enjoined from effecting warrantless arrests in this district unless there is probable cause that the noncitizen being arrested is likely to escape before a warrant can be obtained, as required by 8 U.S.C. § 1357(a)(2).
- Any Border Patrol agent who conducts a detentive stop in this District must, as soon as practicable, document the facts and circumstances surrounding the stop in narrative form. This documentation shall include the specific, particularized facts that supported the agent’s reasonable suspicion that: (i) for vehicle stops, the vehicle contained a noncitizen present within the United States in violation of U.S. immigration law; and (ii) for stops on foot, the person stopped was a noncitizen within the United States in violation of U.S. immigration law. The documentation shall also include the date and time that the agent completed it.
- Any Border Patrol agent who conducts a warrantless arrest in this District must comply

with all requirements set forth in DHS's "Broadcast Statement of Policy" on compliance with 8 U.S.C. § 1357(a)(2), including but not limited to the requirement that as soon as practicable after an arrest, agents document in writing "the facts and circumstances surrounding the warrantless arrest" and the "specific, particularized facts supporting the conclusion that the [individual] was likely to escape before a warrant could be obtained."

- Every 60 days until this litigation is terminated or the Court rules otherwise, Border Patrol shall release to Plaintiffs' counsel the above-described documentation describing Border Patrol's detentive stops and warrantless arrests within this District, or if requested by Plaintiffs' counsel concerning specific individual detentive stops or warrantless arrests, no later than seven days after the request.
- Within 60 days of this order, Defendants will submit to the Court and Plaintiffs' counsel a directive setting forth guidance to Border Patrol agents concerning how they should determine whether "reasonable suspicion" exists when conducting detentive stops, including vehicle stops, in this District. This guidance will include, among other things, that refusal to answer questions does not, without more, constitute a basis for reasonable suspicion to justify a detentive stop.
- Within 90 days of this order, Defendants will submit to the Court and Plaintiffs' counsel documentation showing that they have trained Border Patrol agents who have performed or will perform Border Patrol operations in this District on the requirements articulated in the bullets above.

This motion is brought pursuant to Federal Rule of Civil Procedure 65(a) and Local Rule 231, and is based upon this Notice of Motion; the accompanying Memorandum of Points and Authorities; the supporting declarations of Elizabeth Strater, Oscar Morales Cisneros, Wilder Munguia Esquivel, Yolanda Aguilera Martinez, Juan Vargas Mendez, Maria Hernandez Espinoza, Ernesto Campos Gutierrez, Luis Perez Cruz, Jesus Ramirez, and Reagan Braun, with the exhibits attached thereto; the Proposed Order; the pleadings and papers on file in the above-captioned matter; any subsequent briefing; and any evidence or oral argument that may be requested by the Court.

1 In accord with Local Rule 231(d)(3), Plaintiffs hereby inform the Court that they  
 2 respectfully request the opportunity to present oral argument at a hearing on this Motion.  
 3 Plaintiffs anticipate that one hour will be required for oral argument at this hearing. Plaintiffs do  
 4 not intend to present live testimony at a hearing or believe such testimony is necessary for the  
 5 resolution of this Motion, but they are prepared to provide any testimonial evidence deemed  
 6 helpful as ordered by the Court.

7 Pursuant to this Court's Standing Order, counsel for Plaintiffs and Defendants met and  
 8 conferred on March 6, 2025, in advance of filing this motion. During the meet and confer,  
 9 Plaintiffs' counsel informed Defendants' counsel that they would be moving for a preliminary  
 10 injunction and to certify a provisional class, and the bases for those motions. Plaintiffs' counsel  
 11 offered to answer any questions Defendants had concerning the motion, and after the parties  
 12 discussed the motions and their bases, they agreed they would be unable to resolve the dispute  
 13 before the filing of the motion. Plaintiffs thus certify that meet and confer efforts have been  
 14 exhausted in advance of filing the motion. Plaintiffs respectfully now move for a preliminary  
 15 injunction and provisional class certification.

16  
 17 Dated: March 7, 2025

AMERICAN CIVIL LIBERTIES UNION  
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 CALIFORNIA

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 20 By: /s/ Bree Bernwanger

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 MICHELLE (MINJU) Y. CHO  
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 24 Dated: March 7, 2025

By: AMERICAN CIVIL LIBERTIES UNION  
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 26 /s/ Mayra Joachin (as authorized March 7,  
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Dated: March 7, 2025

By: AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF SAN DIEGO &  
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# TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	FACTS .....	2
A.	Border Patrol’s Immigration Sweeps Rely on Unlawful Practices.....	2
B.	The Government Plans to Continue Suspicionless Stops and Mass Arrests. ....	6
III.	ARGUMENT .....	7
A.	Plaintiffs are Likely to Succeed on the Merits.....	7
1.	Border Patrol’s Practice of Conducting Detentive Stops Without Individualized Suspicion Violates the Fourth Amendment. ....	8
a.	Border Patrol Conducts “Immigration Stops” Without Individualized Reasonable Suspicion. ....	9
i.	Moving Vehicle Stops Without Reasonable Suspicion.....	10
ii.	Pedestrian and Parking Lot Stops Without Reasonable Suspicion. ....	11
b.	Border Patrol’s Practice of Suspicionless Vehicle, Pedestrian, and Parking Lot Stops Violates the Fourth Amendment.....	12
c.	Preliminary Injunctive Relief is Necessary to Protect the Fourth Amendment Rights of Plaintiffs and the Putative Class.....	13
2.	Border Patrol’s Practice of Effecting Warrantless Arrests Without Evaluating Flight Risk Violates 8 U.S.C. § 1357(a)(2). ....	15
a.	8 U.S.C. § 1357(a)(2) Requires Agents to Evaluate and Consider Flight Risk Based on Individualized Factors Before Conducting a Warrantless Arrest. ....	15
b.	Border Patrol Has a Practice of Effecting Warrantless Arrests Without Evaluating or Considering a Person’s Flight Risk. ....	17
c.	Border Patrol’s Practice of Warrantless Arrests Without Assessing Flight Risk Exceeds its Statutory Authority Under § 1357(a)(2). ....	19
B.	Plaintiffs Will Suffer Irreparable Harm from Border Patrol’s Unlawful Policies and Practices in the Absence of Injunctive Relief.....	20
C.	The Balance of Hardships Weighs Heavily in Plaintiffs’ Favor, and an Injunction Is in the Public Interest. ....	22

1	IV. SECURITY .....	24
2	V. CONCLUSION.....	25
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
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20		
21		
22		
23		
24		
25		
26		
27		
28		

**TABLE OF AUTHORITIES****Page(s)****Federal Cases**

<i>All. for the Wild Rockies v. Cottrell</i> , 632 F.3d 1127 (9th Cir. 2011) .....	7
<i>Alsaada v. City of Columbus, Ohio</i> , 2021 WL 3375834 (S.D. Ohio June 25, 2021) .....	24
<i>Ariz. v. U.S.</i> , 567 U.S. 387 (2012).....	15
<i>Au Yi Lau v. INS</i> , 445 F.2d 217 (D.C. Cir. 1971) .....	15
<i>Benitez-Mendez v. I.N.S.</i> , 752 F.2d 1309 (9th Cir.) .....	8, 11, 13
<i>Bravo v. City of Santa Maria</i> , 665 F.3d 1076 (9th Cir. 2011) .....	16
<i>Brendlin v. Cal.</i> , 551 U.S. 249 (2007).....	10
<i>Ill. v. Wardlow</i> , 528 U.S. 119 (2000).....	13
<i>Chalk v. U.S. Dist. Court</i> , 840 F.2d 701 (9th Cir. 1988) .....	21
<i>Creedle v. Miami-Dade County</i> , 349 F.Supp.3d 1276 (S.D. Fla. 2018) .....	19
<i>E. Bay Sanctuary Covenant v. Trump</i> , 932 F.3d 742 (9th Cir. 2018) .....	19
<i>Env'tl Prot. Info. Ctr. v. Carlson</i> , 968 F.3d 985 (9th Cir. 2020) .....	22
<i>Fla. v. Bostick</i> , 501 U.S. 429 (1991).....	9, 12
<i>Fla. v. Royer</i> , 460 U.S. 491 (1983).....	9
<i>Floyd v. City of New York</i> , 959 F. Supp. 2d 668 (S.D.N.Y. 2013).....	23

iii

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PRELIMINARY  
INJUNCTION

Case No. 1:25-cv-00246-JLT-BAM

2883342

1	<i>Haw. v. Trump,</i>	
2	859 F.3d 741 (9th Cir. 2017) .....	22
3	<i>Hernandez v. Sessions,</i>	
4	872 F.3d 976 (9th Cir. 2017) .....	20
5	<i>Hodgers–Durgin v. de la Vina,</i>	
6	199 F.3d 1037 (9th Cir. 1999) (en banc) .....	14
7	<i>Int’l Molders’ &amp; Allied Workers’ Loc. Union No. 164 v. Nelson,</i>	
8	643 F. Supp. 884 (N.D. Cal. 1986) .....	13, 14
9	<i>Int’l Molders’ &amp; Allied Workers’ Local Union No. 164 v. Nelson,</i>	
10	799 F.2d 547 (9th Cir. 1986) .....	8, 9, 14, 20
11	<i>Jorgenson v. Cassidy,</i>	
12	320 F.3d 906 (9th Cir. 2003) .....	24
13	<i>LaDuke v. Nelson,</i>	
14	762 F.2d 1318 (9th Cir. 1985) .....	9
15	<i>League of Wilderness Def. v. Connaughton</i>	
16	752 F.3d 755 (9th Cir. 2014) .....	24
17	<i>Leiva-Perez v. Holder,</i>	
18	640 F.3d 962 (9th Cir. 2011) .....	21
19	<i>McKenzie v. Lamb,</i>	
20	738 F.2d 1005 (9th Cir. 1984) .....	16
21	<i>Melendres v. Arpaio,</i>	
22	695 F.3d 990 (9th Cir. 2012) .....	9, 20, 24
23	<i>Melendres v. Arpaio,</i>	
24	784 F.3d 1254 (9th Cir. 2015) .....	23
25	<i>Morales v. Chadbourne,</i>	
26	793 F.3d 208 (1st Cir. 2015) .....	15
27	<i>Moreno v. Napolitano,</i>	
28	213 F. Supp. 3d 999 (N.D. Ill. 2016) .....	19
	<i>Mountain High Knitting, Inc. v. Reno,</i>	
	51 F.3d 216 (9th Cir. 1995) .....	15
	<i>Nicacio v. U.S. I.N.S.,</i>	
	797 F.2d 700 (9th Cir. 1985) .....	14, 23
	<i>Norsworthy v. Beard,</i>	
	87 F. Supp. 3d 1164 (N.D. Cal. 2015) .....	21

1	<i>Ramirez v. U.S. Immigr. &amp; Customs Enf't,</i>	
2	568 F.Supp.3d 10 (D.D.C. 2021) .....	15, 19
3	<i>Riverside All of US or None v. City of Riverside,</i>	
4	2023 WL 7751774 (C.D. Cal. Nov. 14, 2023).....	23
5	<i>Roy v. Cnty. of Los Angeles,</i>	
6	2018 WL 914773 (C.D. Cal. Feb. 7, 2018).....	19
7	<i>Tejeda-Mata v. INS,</i>	
8	626 F.2d 721 (9th Cir. 1980) .....	15
9	<i>Thomas v. Dillard,</i>	
10	818 F.3d 864 (9th Cir. 2016) .....	9, 12
11	<i>U.S. v. Brignoni-Ponce,</i>	
12	422 U.S. 873 (1975).....	2, 8, 10, 13
13	<i>U.S. v. Cantu,</i>	
14	519 F.2d 494 (7th Cir. 1975) .....	15
15	<i>U.S. v. Mendenhall,</i>	
16	446 U.S. 544 (1980).....	8
17	<i>U.S. v. Montero-Camargo,</i>	
18	208 F.3d 1122 (9th Cir. 2000) (en banc) .....	13
19	<i>U.S. v. Rodriguez,</i>	
20	976 F.2d 592 (9th Cir. 1992) .....	8, 10
21	<i>U.S. v. Rodriguez Sanchez,</i>	
22	23 F.3d 1488 (9th Cir. 1994) .....	2, 8, 10
23	<i>Unnamed Parties v. Johnson,</i>	
24	2016 WL 8188563 (D. Ariz. Jan. 3, 2017) .....	23
25	<i>Warsoldier v. Woodford,</i>	
26	418 F.3d 989 (9th Cir. 2005) .....	20
27	<i>Wash. v. Trump,</i>	
28	847 F.3d 1151 (9th Cir. 2017) .....	21
	<i>Westover v. Reno,</i>	
	202 F.3d 475 (1st Cir. 2000).....	16
	<i>Ybarra v. Ill.,</i>	
	444 US 85 (1979).....	16
	<i>Zepeda v. I.N.S.,</i>	
	753 F.2d 719 (9th Cir. 1983) .....	24

v

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PRELIMINARY  
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Case No. 1:25-cv-00246-JLT-BAM

2883342

**Federal Statutes**

8 U.S.C. § 1357(a)(2)..... *passim*

**Regulations**

8 C.F.R. § 287.5(c)(1).....16

**Other Authorities**

*Castanon Nava v. DHS*, No. 1:18-cv-03757, (N.D. Ill., Feb. 7, 2022), Dkt. 155-1  
(Appendix A: Broadcast Statement of Policy).....16



1 **I. INTRODUCTION**

2 In January 2025, U.S. Border Patrol agents traveled hundreds of miles inland to Kern  
3 County and launched “Operation Return to Sender.” Through a nearly weeklong series of raids on  
4 the region’s highways, city streets, and local businesses, Border Patrol indiscriminately detained  
5 and arrested people of color they encountered in agricultural areas and Latino neighborhoods.  
6 They made these detentions and arrests on assumptions about the person’s skin color or  
7 occupation, and without the individualized assessment that the Constitution and federal law  
8 require. When people asked why they were being detained or exercised their right to remain  
9 silent, Border Patrol agents became violent—slashing tires, smashing car windows, and  
10 physically assaulting people they stopped. These practices resulted in the unlawful stops and  
11 arrests of U.S. citizens, lawful permanent residents, and undocumented immigrants alike.

12 This case challenges Border Patrol’s recently implemented practices of stopping Latinos  
13 *en masse* without reasonable suspicion, arresting them without probable cause, and coercing them  
14 into summary expulsion from the United States. The Fourth Amendment prohibits immigration  
15 agents from conducting a detentive stop without individualized reasonable suspicion that the  
16 person stopped is unlawfully in the country. And federal law limits immigration agents’ authority  
17 to conduct warrantless immigration arrests, permitting them only when there is probable cause,  
18 based on an individualized inquiry, that the person is likely to escape before a warrant can be  
19 obtained.

20 Despite its flagrant violations of the Constitution and federal law, Border Patrol has  
21 described “Operation Return to Sender” as a “success from day one.” Declaration of Reagan  
22 Braun (“Braun Decl.”), Ex. 11. Consistent with Trump Administration Border Czar Tom  
23 Homan’s plan to “arrest as many as we can,” *id.*, Ex. 15, Border Patrol has made its intentions  
24 clear: its agents will soon travel inland again and replicate “Operation Return to Sender” in  
25 Bakersfield, Fresno, Sacramento, and other areas throughout this District. *See id.*, Exs. 2, 3, 10,  
26 17. And Border Patrol has promised to arrest “even more [people] next time.” *Id.*, Ex. 4.

27 Plaintiffs request a preliminary injunction to ensure that, when Border Patrol conducts  
28 operations in this District, it complies with its constitutional and legal duties to refrain from

(1) detentive stops without reasonable suspicion that the person stopped is in the country unlawfully, and (2) warrantless arrests without regard to probable cause that the arrestee is likely to escape before a warrant can be obtained. Such an injunction will not disturb Border Patrol's traditional function at the border or its lawful operations in this District. But Border Patrol cannot be permitted to terrorize communities hundreds of miles from the border based on nothing more than race-based assumptions about immigration status.

The Court should grant the requested preliminary injunction in its entirety.

## II. FACTS

### A. Border Patrol's Immigration Sweeps Rely on Unlawful Practices.

Congress designed the modern immigration system with a clear division of responsibility: Immigration and Customs Enforcement ("ICE") enforces immigration law in the interior of the United States; Customs and Border Protection ("CBP") and its Border Patrol subdivision does so *at the border*. Braun Decl., Ex. 24 ("The United States Border Patrol is the mobile, uniformed law enforcement arm of U.S. Customs and Border Protection ... responsible for securing U.S. borders between ports of entry.").

Outside of the border, the Fourth Amendment prohibits Border Patrol agents from stopping a person unless they have "reasonable suspicion" based on "specific, articulable facts" that the person is a noncitizen "illegally in the country." *U.S. v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). In making these stops, agents may not rely on "broad profiles which cast suspicion on entire categories of people." *U.S. v. Rodriguez Sanchez*, 23 F.3d 1488, 1492 (9th Cir. 1994). Border Patrol agents are also barred from making warrantless arrests unless the agent has "reason to believe" that (a) the person being arrested "is in the United States in violation of any [immigration] law or regulation" and (b) the person "is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. § 1357(a)(2).

Border Patrol ignored these requirements in "Operation Return to Sender." Over sixty Border Patrol agents from the U.S. Border Patrol El Centro Sector ("El Centro Border Patrol") traveled hundreds of miles north of the border where they fanned out to raid the community. *See, e.g.*, Braun Decl., Exs. 17, 18; Declaration of Elizabeth Strater ("Strater Decl.") ¶ 15. In vehicle

1 stops and on foot patrols, Border Patrol agents had a common practice: stop without reasonable  
2 suspicion and arrest without assessing flight risk. *See, e.g.*, Strater Decl. ¶¶ 25-29.

3 In the attached declarations, Plaintiffs document nearly a dozen unlawful stops from  
4 “Operation Return to Sender.” Each documented encounter began with a detentive stop where  
5 there was no lawful basis for reasonable suspicion that the person stopped was unlawfully in the  
6 country. As a result, Border Patrol agents stopped people who are lawfully in the country—such  
7 as Mr. Ernesto Campos Gutierrez, a U.S. citizen, and Plaintiff Yolanda Aguilera Martinez, a  
8 lawful permanent resident—and failed to provide justification for these stops, even when asked.  
9 Declaration of Ernesto Campos Gutierrez (“Campos Gutierrez Decl.”) ¶¶ 2, 5-9; Declaration of  
10 Yolanda Aguilera Martinez (“Aguilera Martinez Decl.”) ¶¶ 2, 6-7, 11. Likewise, each of Border  
11 Patrol’s documented arrests were performed without the legally required probable cause that the  
12 person was likely to escape before a warrant could be obtained.

13 In conducting vehicle stops during the raids, Border Patrol targeted Latino neighborhoods  
14 and farm roads in agricultural areas and indiscriminately pulled over cars with non-white drivers  
15 and passengers. Declaration of Maria Hernandez Espinoza (“Hernandez Espinoza Decl.”) ¶¶ 4,  
16 22; Declaration of Juan Vargas Mendez (“Vargas Mendez Decl.”) ¶ 4; Strater Decl. ¶¶ 26, 37-38;  
17 Campos Gutierrez Decl. ¶¶ 2, 15. In each instance, Border Patrol agents stopped vehicles that  
18 were properly registered, driving well within the speed limit, and obeying traffic laws. Campos  
19 Gutierrez Decl. ¶ 3; Vargas Mendez Decl. ¶ 5; Hernandez Espinoza Decl. ¶ 4; Aguilera Martinez  
20 Decl. ¶ 4; Strater Decl. ¶¶ 26, 38. For example, United Farm Workers (“UFW”) members  
21 “Alicia,” “Benjamin,” and “Carlos” were stopped on their way home along a route commonly  
22 taken by farm workers to get to and from their worksites. Strater Decl. ¶ 26. They were traveling  
23 within the speed limit and obeying traffic laws. *Id.* Border Patrol agents did not appear to know  
24 who was in the car or have any other information about the vehicle beyond its appearance and  
25 indicated no other reason for the stop than to ask for “papers.” *Id.* ¶ 27.

26 In parking lots, Border Patrol agents targeted businesses in Latino neighborhoods and  
27 businesses that serve farm workers and day laborers. There, they approached non-white drivers in  
28 parked cars, blocked them in, and interrogated them about their immigration status. Declaration

1 of Oscar Morales Cisneros (“Morales Cisneros Decl.”) ¶¶ 5-6. Within the parking lots, Border  
 2 Patrol agents approached non-white people who appeared to be day laborers and questioned them  
 3 about their immigration status. Declaration of Jesus Ramirez (“Ramirez Decl.”) ¶¶ 4, 7 (stopped  
 4 while standing in Home Depot parking lot); Declaration of Wilder Munguia Esquivel (“Munguia  
 5 Esquivel Decl.”) ¶¶ 5-8 (same); Declaration of Luis Perez Cruz (“Perez Cruz Decl.”) ¶¶ 3-4  
 6 (same). Border patrol agents conducted these stops with no warrants and provided no explanation  
 7 for their stops except to demand “papers” or identification. Ramirez Decl. ¶ 5 (“papers”);  
 8 Munguia Esquivel Decl. ¶ 5 (“papers”); Perez Cruz Decl. ¶ 3 (identification or immigration  
 9 permits); Morales Cisneros Decl. ¶ 5 (driver’s license).

10 If people declined to answer Border Patrol’s questions or demanded to know the basis for  
 11 their stop, Border Patrol agents turned to violence—smashing windows, slashing tires, and  
 12 ripping passengers from the cars. Messrs. Perez Cruz and Munguia Esquivel were handcuffed  
 13 because they declined to answer questions. Perez Cruz Decl. ¶ 3; Munguia Esquivel Decl. ¶¶ 5-8.  
 14 Mr. Vargas Mendez and Ms. Hernandez Espinoza were both arrested when they did not have their  
 15 identifications on them. Vargas Mendez Decl. ¶¶ 8, 9; Hernandez Espinoza Decl. ¶¶ 7, 9.  
 16 Ms. Aguilera Martinez, even after providing her ID, was forced to the ground and handcuffed  
 17 when she was slow to exit her vehicle—and was only released after she was able to produce an  
 18 image of her green card, which no agent had asked her about before she was handcuffed. Aguilera  
 19 Martinez Decl. ¶¶ 7, 10. Border Patrol agents repeatedly smashed car windows if passengers did  
 20 not roll them down. *Id.* ¶ 8 (agents threatening to smash partly open window); *see also* Strater  
 21 Decl. ¶¶ 39-40 (Border Patrol agents smashed windows in car carrying UFW member); Braun  
 22 Decl., Exs. 5, 6 (Border Patrol post and comments describing practice of smashing windows).  
 23 After Mr. Campos Gutierrez was pulled over and provided his identification, a Border Patrol  
 24 agent demanded that he also turn over his car keys—and when he refused, the agent slashed his  
 25 tires. Campos Gutierrez Decl. ¶¶ 5-6.

26 Border Patrol has publicly celebrated these violent escalations, posting pictures on social  
 27 media of vehicles with glass shattered by agents because a person had “[r]efused to open window  
 28

1 during an immigration inspection.” *Id.*, Ex. 5. El Centro Border Patrol described the image of  
 2 shattered glass as “FAFO”—meaning, “Fuck Around, Find Out”—“in full effect.”<sup>1</sup> *Id.*, Ex. 6.

3 Following these unlawful stops, Border Patrol carried out warrantless arrests without  
 4 performing any individualized evaluation of flight risk pursuant to § 1357(a)(2). None of the  
 5 declarants conceivably posed a flight risk—each of them had families, jobs, and established  
 6 residences in the community for which they were financially responsible. Nevertheless, Border  
 7 Patrol failed to ask any questions to perform the requisite individualized inquiry. For example,  
 8 Border Patrol arrested Plaintiff Vargas Mendez, without a warrant and without asking about his  
 9 family or community ties, and kept him in custody even after he pled with the agents that he has  
 10 lived in the area for 20 years and his wife and children are U.S. citizens. Vargas Mendez Decl. ¶¶ 2,  
 11 3, 10-11. Likewise, Border Patrol arrested Mr. Jesus Ramirez, who is the primary caretaker of his  
 12 minor son, without any inquiry regarding his family and community ties or information to perform  
 13 an assessment of Mr. Ramirez’s flight risk. Ramirez Decl. ¶¶ 6-7. Border Patrol also arrested  
 14 Plaintiff Wilder Munguia Esquivel without inquiring about his community ties, and even though  
 15 he had already affirmatively presented himself to immigration authorities through a family-based  
 16 immigration petition. Munguia Esquivel Dec. ¶ 8. These are not outliers. Border Patrol repeatedly  
 17 and consistently failed to assess flight risk when it made warrantless arrests. *See also* Perez Cruz  
 18 Delc. ¶ 4; Morales Cisneros Decl. ¶ 6; Campos Gutierrez Decl. ¶¶ 4, 9; Aguilera Martinez  
 19 Decl. ¶¶ 6-8; Hernandez Espinoza Decl. ¶ 7; Strater Decl. ¶¶ 29, 41.

20 These unlawful arrests had significant consequences. Border Patrol transported  
 21 individuals it arrested 300 miles south to the El Centro Border Patrol Station. At the El Centro  
 22 Station, Border Patrol agents held people in windowless, cold cells without beds or warm  
 23 blankets, access to showers, hygienic products, or sufficient food; deprived them of sleep, and  
 24 without access to daylight or any way to tell time—all while ignoring the person’s requests to  
 25 make phone calls or speak to attorneys. *See, e.g.*, Vargas Mendez Decl. ¶¶ 16-19; Hernandez  
 26 Espinoza Decl. ¶¶ 12-19; Strater Decl. ¶¶ 31-32, *see also* Munguia Esquivel Decl. ¶¶ 14-18;

27  
 28 <sup>1</sup> *Id.*, Ex. 19 (defining “FAFO” after President Trump posted an image using the term).

1 Morales Cisneros Decl. ¶¶ 12-15. During the same period, Border Patrol agents pressured people  
 2 in their custody to sign documents without providing the documents in a language or format they  
 3 could view or read. *Id.* These documents were apparently voluntary departure agreements, which  
 4 waived the individuals' rights to immigration hearings and facilitated their immediate removal  
 5 from the country. *Id.* Dozens of residents of Kern County and the surrounding region, including  
 6 Plaintiffs Vargas Mendez and Maria Guadalupe Hernandez Espinoza, are now stranded in Mexico  
 7 after Border Patrol coerced them to accept voluntary departure, leaving behind their families,  
 8 communities, homes, and livelihoods. Hernandez Espinoza Decl. ¶ 21; Vargas Mendez  
 9 Decl. ¶ 21.

10 The Plaintiffs and putative class members that remain in the United States have also  
 11 suffered severe, irreparable harm. This harm has not been limited to undocumented immigrants.  
 12 Indeed, because Border Patrol's practices unlawfully targeted people based on the color of their  
 13 skin and their perceived occupations, U.S. Citizens and lawful permanent residents have been  
 14 stopped and detained. Campos Gutierrez Decl. ¶¶ 2, 5-9; Aguilera Martinez Decl. ¶¶ 2, 6-7, 11;  
 15 *see also* Strater Decl. ¶¶ 17, 22. Community members are now afraid to leave their homes and  
 16 send their children to school. Strater Decl. ¶¶ 20-21; Morales Cisneros Decl. ¶ 20; Munguia  
 17 Esquivel Decl. ¶ 20; Aguilera Martinez Decl. ¶ 12. They have changed jobs and commutes,  
 18 avoided going to doctor's appointments, and stopped running basic daily errands. Strater  
 19 Decl. ¶¶ 20-21. Border Patrol's lawless raids have left communities throughout this District in  
 20 states of perpetual terror.

21 **B. The Government Plans to Continue Suspicionless Stops and Mass Arrests.**

22 Border Patrol has made clear it plans to replicate "Operation Return to Sender" across the  
 23 state, including announcing plans to continue to conduct unlawful raids of Latino, farm worker,  
 24 and day laborer communities. El Centro Border Patrol's Chief Patrol Agent Gregory Bovino  
 25 issued a press statement concerning "Operation Return to Sender," declaring Border Patrol "is no  
 26 stranger to operations in places like Bakersfield, Stockton, Modesto, Fresno, and Sacramento."  
 27 Braun Decl., Ex. 17. El Centro Border Patrol has also announced: "We are planning operations  
 28 for other locals [sic] such as Fresno and especially Sacramento," as well as a return to Bakerfield.

1 *Id.*, Exs. 3, 10. And in public social media posts promoting “Operation Return to Sender,” El  
 2 Centro Border Patrol has likewise stated that there is “more to come,” including “*return to*  
 3 *sender round 2.*” *Id.*, Exs. 1, 12 (emphasis added).

4 Border Patrol has also declared an intention to increase the scope of its unlawful stops and  
 5 arrests. In response to a Facebook post about “Operation Return to Sender,” the El Centro Border  
 6 Patrol account stated that the agency “will try and catch even more people next time.” Braun  
 7 Decl., Ex. 4. Chief Bovino has publicly committed to increasing the volume of arrests in Border  
 8 Patrol’s sweeps, agreeing that “Operation Return to Sender[’s]” arrests were “rookie numbers”  
 9 and that El Centro Border Patrol should “pump those numbers up.” *Id.*, Ex. 14.

10 These comments illustrate Defendants’ newly implemented practice to indiscriminately  
 11 arrest people of color without adhering to constitutional and statutory requirements. Indeed, all of  
 12 the above statements are consistent with Trump Administration Border Czar Tom Homan’s recent  
 13 promise that undocumented immigrants, regardless of individual circumstances, are “going to get  
 14 arrested” “if they’re in the country illegally.” *Id.*, Ex. 15.

### 15 **III. ARGUMENT**

16 Plaintiffs are entitled to a preliminary injunction if they can show (1) they are “likely to  
 17 succeed on the merits,” (2) they are “likely to suffer irreparable harm in the absence of  
 18 preliminary relief,” (3) “the balance of equities tips in [their] favor,” and (4) “an injunction is in  
 19 the public interest.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011)  
 20 (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). Even if Plaintiffs raise  
 21 only “serious questions” as to the merits of their claims, the court can grant relief if the balance of  
 22 hardships tips “sharply” in Plaintiffs’ favor, and the remaining equitable factors are satisfied. 632  
 23 F.3d at 1135. Here, both standards are satisfied as Plaintiffs are likely to succeed on the merits,  
 24 likely to suffer irreparable harm, and the equitable factors tip sharply in their favor. This Court  
 25 should grant the requested preliminary injunction.

#### 26 **A. Plaintiffs are Likely to Succeed on the Merits.**

27 An injunction is warranted here because Border Patrol’s practices violate the Fourth  
 28 Amendment and federal law. *First*, Border Patrol’s practice of conducting detentive stops without



1 reasonable suspicion that a person is in the country unlawfully violates the Fourth Amendment.  
 2 *Second*, Border Patrol’s practice of effecting warrantless arrests without evaluating flight risk  
 3 violates the limit on warrantless arrests that Congress imposed in § 1357(a)(2).

4 **1. Border Patrol’s Practice of Conducting Detentive Stops Without**  
**Individualized Suspicion Violates the Fourth Amendment.**

5 The Fourth Amendment protects “[t]he right of the people to be secure in their  
 6 persons . . . against unreasonable searches and seizures.” “Except at the border and its functional  
 7 equivalents,” immigration agents may stop private vehicles and pedestrians traveling on foot only  
 8 after identifying “specific articulable facts, together with rational inferences from those facts, that  
 9 reasonably warrant suspicion that [the persons stopped are noncitizens] who may be illegally in  
 10 the country.” *See U.S. v. Brignoni-Ponce*, 422 U.S. 873 (1975) (vehicle stops); *Benitez-Mendez v.*  
 11 *I.N.S.*, 752 F.2d 1309, 1311 (9th Cir.), *amended*, 760 F.2d 907 (9th Cir. 1983) (pedestrians). If “a  
 12 reasonable person would [believe] that he was not free to leave,” even a brief stop to question a  
 13 person about their immigration status constitutes an unreasonable seizure absent reasonable  
 14 suspicion that the person is in the country unlawfully. *See U.S. v. Mendenhall*, 446 U.S. 544, 554  
 15 (1980).

16 Reasonable suspicion is an individualized inquiry that “must be founded upon a  
 17 particularized and objective basis for suspecting *the particular person* stopped.” *U.S. v.*  
 18 *Rodriguez*, 976 F.2d 592, 595 (9th Cir. 1992), *opinion amended on denial of reh’g*, 997 F.2d  
 19 1306 (9th Cir. 1993) (emphasis in original). Reasonable suspicion cannot be based “on broad  
 20 profiles which cast suspicion on entire categories of people without any individualized suspicion  
 21 of the particular person to be stopped.” *U.S. v. Rodriguez Sanchez*, 23 F.3d 1488, 1492 (9th Cir.  
 22 1994). Nor can reasonable suspicion be based on criteria “likely to sweep many ordinary citizens  
 23 into a generality of suspicious appearance.” *Rodriguez*, 976 F.2d 592, 595–96.

24 When immigration agencies have engaged in a practice of violating these strictures  
 25 through suspicionless detentive stops or arrests, courts have enjoined them from continuing to do  
 26 so. In *Int’l Molders’ & Allied Workers’ Local Union No. 164 v. Nelson*, for example, the Ninth  
 27 Circuit upheld a preliminary injunction against Border Patrol for workplace raids that involved  
 28



1 detaining and arresting people without the threshold suspicion or cause. 799 F.2d 547, 551 (9th  
 2 Cir. 1986); *see also LaDuke v. Nelson*, 762 F.2d 1318, 1324 (9th Cir. 1985), *amended*, 796 F.2d  
 3 309 (9th Cir. 1986) (upholding permanent injunction against warrantless searches of workplace  
 4 housing); *cf. Melendres v. Arpaio*, 695 F.3d 990, 1000 (9th Cir. 2012) (upholding injunction  
 5 against state detention practice for civil immigration offenses).

6 Plaintiffs are likely to succeed in demonstrating that Border Patrol violated the Fourth  
 7 Amendment through its practice of carrying out suspicionless stops.

8 **a. Border Patrol Conducts “Immigration Stops” Without**  
 9 **Individualized Reasonable Suspicion.**

10 Border Patrol’s unlawful practice of conducting detentive stops based on categorical race-  
 11 and occupation-based assumptions rather than individualized reasonable suspicion in violation of  
 12 the Fourth Amendment is evidenced by its conduct in “Operation Return to Sender.” During the  
 13 operation, Border Patrol agents stopped and detained people of color who were standing, walking,  
 14 or driving through agricultural areas, Latino neighborhoods, and businesses to ask for their  
 15 “papers” without reasonable suspicion that the person was violating an immigration law.

16 Plaintiffs document nearly a dozen stops during “Operation Return to Sender,” all of which  
 17 were made without reasonable suspicion. Border Patrol often stopped vehicles without knowledge  
 18 about their occupants and stopped pedestrians without questioning them at all. In other instances,  
 19 Board Patrol escalated stops by smashing windows, slashing tires, or arresting individuals when  
 20 they exercised their right to remain silent. In both the vehicle and foot patrol context, longstanding  
 21 precedent makes clear that a person’s refusal to consent to questioning “does not furnish the  
 22 minimal level of objective justification needed for a detention or seizure,” *Fla. v. Bostick*, 501 U.S.  
 23 429, 437 (1991), and thus cannot justify even a “momentar[y]” detention, *Fla. v. Royer*, 460 U.S.  
 24 491, 498 (1983). *See also Thomas v. Dillard*, 818 F.3d 864, 884 (9th Cir. 2016).

25 As detailed further below, Border Patrol’s “Operation Return to Sender” illustrates an  
 26 unlawful practice that systematically dispenses with the Fourth Amendment’s requirement of  
 27 individualized suspicion and engages instead in “the wholesale seizure of miscellaneous persons.”  
 28

1 *U.S. v. Rodriguez*, 976 F.2d 592, 596 (9th Cir. 1992), *opinion amended on denial of reh’g*, 997  
 2 F.2d 1306 (9th Cir. 1993).

3 **i. Moving Vehicle Stops Without Reasonable Suspicion.**

4 Any vehicle stop initiated by a law enforcement officer constitutes a seizure of the driver  
 5 and all passengers. *Brendlin v. Cal.*, 551 U.S. 249, 251 (2007). The Fourth Amendment forbids  
 6 “stopping vehicles at random to inquire if they are carrying [noncitizens] who are illegally in the  
 7 country,” *Brignoni-Ponce*, 422 U.S. at 884, and stops based on categorical assumptions rather  
 8 than individualized suspicion, *Rodriguez Sanchez*, 23 F.3d at 1492.

9 Plaintiff and witness declarations submitted with this motion show how, during  
 10 “Operation Return to Sender,” Border Patrol repeatedly and consistently targeted moving vehicles  
 11 driven by people of color in agricultural areas and Latino neighborhoods. *See Hernandez*  
 12 *Espinoza Decl.* ¶¶ 4, 22 (Latino farm workers driving home from work); *Campos Gutierrez Decl.*  
 13 ¶¶ 2, 15 (man of color hauling gardening equipment); *Morales Cisneros Decl.* ¶¶ 3-4, 22  
 14 (construction worker of color in Latino neighborhood); *Vargas Mendez Decl.* ¶ 4 (farm workers  
 15 driving home from work); *Strater Decl.* ¶¶ 26, 37-38 (farm workers driving home from work).

16 The Border Patrol agents conducting these stops did not know who was in the car, and  
 17 stated no reason for the stops other than to demand “papers” from vehicle occupants. *See*  
 18 *Hernandez Espinoza Decl.* ¶ 7 (asking passengers for identification and whether they had  
 19 “papers”); *Aguilera Martinez Decl.* ¶ 6 (“I need to see your papers”); *Morales Cisneros Decl.* ¶¶  
 20 5-6 (asking if driver had “papers” and was here legally); *Vargas Mendez Decl.* ¶ 8 (demanding  
 21 identification); *Campos Gutierrez Dec.* ¶ 4 (demanding identification); *Strater Decl.* ¶ 27 (asking  
 22 for “papers”). Border Patrol agents did not appear to have any other reason for their stops. Agents  
 23 stopped vehicles that were properly registered, driving well within the speed limit, obeying traffic  
 24 laws, and driven by U.S. citizens and lawful permanent residents, among others. *Campos*  
 25 *Gutierrez Decl.* ¶ 3; *Vargas Mendez Dec.* ¶ 5; *Hernandez Espinoza Decl.* ¶ 4; *Aguilera Martinez*  
 26 *Decl.* ¶ 4; *Strater Decl.* ¶¶ 17, 26, 38; *Campos Gutierrez Decl.* ¶ 2; *Aguilera Martinez Decl.* ¶ 2.

27 Border Patrol agents also demonstrated a pattern of escalating stops needlessly and  
 28 without justification. For example, when Ms. Aguilera Martinez presented a valid California

1 driver's license, an agent incorrectly declared that it was "fuckin' fake" and demanded that she  
 2 exit her vehicle, again with no explanation. Aguilera Martinez Decl. ¶ 6. As she moved slowly  
 3 out of the vehicle, the agent grabbed her, forced her to the ground, handcuffed her, and placed her  
 4 in the back of an SUV—and the agent only released her significantly later after she produced an  
 5 image of her green card. *Id.* ¶¶ 7, 10. Similarly, when Mr. Vargas Mendez—who had been a  
 6 passenger, not a driver—was not carrying an ID he could produce, agents grabbed him, dragged  
 7 him out of the vehicle, and handcuffed him. Vargas Mendez Decl. ¶¶ 8, 9. Likewise, Border  
 8 Patrol agents approached the car of UFW member "Fernando," pounded on the doors and  
 9 windows, and within seconds, smashed its windows with baton-like sticks. Strater Dec. ¶ 39.  
 10 After Mr. Campos Gutierrez presented agents with a REAL-ID compliant driver's license, an  
 11 agent demanded that he turn over his car keys, and when he refused, the agent slashed the car's  
 12 tires. Campos Gutierrez Decl. ¶¶ 5-6; *see also* Strater Decl. ¶¶ 39-40 (Border Patrol agents  
 13 smashing car window); Braun Decl., Ex. 5 (Border Patrol describing practice of smashing car  
 14 windows). In all of these instances, Border Patrol demonstrated an unlawful practice of stopping  
 15 vehicles and violently engaging with passengers despite not having any reasonable suspicion.

16 **ii. Pedestrian and Parking Lot Stops Without Reasonable**  
 17 **Suspicion.**

18 During "Operation Return to Sender," Border Patrol agents repeatedly performed  
 19 pedestrian and parking lot stops without reasonable suspicion. *Benitez-Mendez*, 752 F.2d at 1311.  
 20 These stops consistently targeted people of color in Latino neighborhoods and at businesses  
 21 where farm workers and day laborers shop and eat. Morales Cisneros Decl. ¶ 4 (construction  
 22 worker using water filling station at liquor store in Latino neighborhood); Ramirez Decl. ¶ 4 (day  
 23 laborer at Home Depot); Munguia Esquivel Decl. ¶ 4 (same); Perez Cruz Decl. ¶ 3 (painter at  
 24 Home Depot). At a Chevron gas station where farm workers often stop for breakfast on their way  
 25 to pick oranges, the store manager who witnessed Border Patrol agents during "Operation Return  
 26 to Sender" observed: "[I]t was only Hispanics and field workers that [Border Patrol agents] were  
 27 putting aside. ... It's just random people that are walking in that work in the field." Braun Decl.,  
 28 Ex. 16; *see also id.*, Ex. 23.

1           These warrantless pedestrian and parking lot stops had no individualized basis to support  
 2           them. For example, before even speaking to him, Border Patrol agents blocked Mr. Morales  
 3           Cisneros's parked car from behind and approached him from the drivers' side door. Morales  
 4           Cisneros Decl. ¶ 4. Likewise, before speaking with him, Border Patrol agents surrounded  
 5           Mr. Ramirez in the Home Depot parking lot with their vehicles, such that it was not possible for  
 6           Mr. Ramirez to leave. Ramirez Decl. ¶ 4. Border Patrol agents provided no explanation for these  
 7           stops except to demand people's "papers" or IDs. Ramirez Decl. ¶ 5 (demanding "papers");  
 8           Munguia Esquivel Decl. ¶ 5 (asking if he had "papers"); Perez Cruz Decl. ¶ 3 (demanding ID or  
 9           immigration permits); Morales Cisneros Decl. ¶ 5 (demanding driver's license).<sup>2</sup>

10           Border Patrol agents also demonstrated a practice of unlawfully escalating stops when  
 11           individuals exercised their right to remain silent in response to questioning. For example, Border  
 12           Patrol agents began handcuffing Mr. Perez Cruz solely for remaining silent during voluntary  
 13           questioning, telling him they would arrest him regardless of whether he provided identification.  
 14           Perez Cruz Decl. ¶ 3. When Mr. Munguia Esquivel refused to consent to voluntary questioning  
 15           and stated he was exercising his right to remain silent, an agent grabbed him, forcibly removed  
 16           Mr. Munguia Esquivel's wallet from his pants pocket, and handcuffed him. Munguia Esquivel  
 17           Decl. ¶¶ 5-8. And when Mr. Morales Cisneros—who had provided Border Patrol agents with a  
 18           valid California driver's license when asked for his ID—refused to answer their question of  
 19           whether he had "papers," Border Patrol agents arrested him. Morales Cisneros Decl. ¶¶ 5-6.  
 20           Refusal to answer an agent's question, without more, does not create reasonable suspicion  
 21           justifying an arrest. *See Bostick*, 501 U.S. at 437; *Thomas*, 818 F.3d at 884.

22                           **b.       Border Patrol's Practice of Suspicionless Vehicle, Pedestrian,**  
 23                           **and Parking Lot Stops Violates the Fourth Amendment.**

24           Common across each of these examples is the utter lack of any objective basis for  
 25           individualized suspicion before conducting a stop for the purpose of investigating immigration  
 26           status. This practice violates well-established Fourth Amendment law forbidding government

27           <sup>2</sup> In some cases, Border Patrol agents used face coverings and did not identify themselves. When  
 28           Border Patrol agents surrounded Mr. Munguia Esquivel, for example, he feared the Border Patrol  
 agents were criminals who intended to mug or kidnap him. Munguia Esquivel Decl. ¶ 5.

agents from “stopping vehicles at random to inquire if they are carrying [noncitizens] who are illegally in the country,” *Brignoni-Ponce*, 422 U.S. at 884, and from performing suspicionless detentive stops outside of vehicles, *Benitez-Mendez*, 752 F.2d at 1311. Such stops—which are at best random, and at worst, motivated by the perceived race or ethnicity of the people stopped—have been adopted wholesale by Border Patrol in “Operation Return to Sender.”

In its statements on social media, Border Patrol has purported to justify its indiscriminate sweeps by claiming categorically that, just as “every U.S. city [is] a border town,” Braun Decl., Ex. 9, “Bakersfield is now a dyed in the wool border town,” *id.*, Ex. 7. But the Ninth Circuit has warned against geographic justifications for stops that apply “to entire neighborhoods or communities in which members of minority groups regularly go about their daily business”—as Border Patrol has done here. *U.S. v. Montero-Camargo*, 208 F.3d 1122, 1138 (9th Cir. 2000) (en banc); *c.f. Ill. v. Wardlow*, 528 U.S. 119, 123–24 (2000) (“presence in an area of expected criminal activity” insufficient for reasonable suspicion).

Indeed, in a community like Kern County, where over half of the population are “Hispanic or Latino,” Braun Decl, Ex. 25, “Hispanic appearance is ... of such little probative value that it may not be considered as a relevant factor where particularized or individualized suspicion is required.” *U.S. v. Montero-Camargo*, 208 F.3d 1122, 1135 (9th Cir. 2000). Even in cities along the U.S.-Mexico Border, the Supreme Court held that suspicionless stops violate the Fourth Amendment because it was “confident” that even in those cities, “substantially all of the traffic . . . is lawful and that relatively few . . . residents have any connection with the illegal entry and transportation of aliens.” *Brignoni-Ponce*, 422 U.S. at 882. This logic applies with even greater force hundreds of miles from the land border in Kern County and other Central Valley counties where Border Patrol has announced plans to continue its “Operation Return to Sender.” *See* Braun Decl., Exs. 10, 17 (stating intent to carry out further operations in Bakersfield, Fresno, and Sacramento).

**c. Preliminary Injunctive Relief is Necessary to Protect the Fourth Amendment Rights of Plaintiffs and the Putative Class.**

Border Patrol’s unlawful violations here are systemic practices that warrant preliminary injunctive relief to protect Plaintiffs and the putative class. In *Int’l Molders’ & Allied Workers’*

1 *Loc. Union No. 164 v. Nelson*, the Ninth Circuit upheld a preliminary injunction issued against  
 2 the now-defunct Livermore Border Patrol Sector based on strikingly similar facts. 799 F.2d 547,  
 3 551 (9th Cir. 1986). *International Molders’* arose out of “Project Jobs,” a weeklong series of  
 4 workplace raids that Border Patrol conducted in Northern California. *Int’l Molders’ & Allied*  
 5 *Workers’ Loc. Union No. 164 v. Nelson*, 643 F. Supp. 884, 899 (N.D. Cal. 1986). The tactics of  
 6 “Project Jobs” mirror those used in “Operation Return to Sender”: agents detained people before  
 7 questioning them; arrested people who refused to answer questions; and detained and arrested  
 8 workers—including U.S. citizens—without first developing the threshold level of suspicion. *See*  
 9 *id.* at 899–901. The Ninth Circuit affirmed the issuance of a classwide preliminary injunction  
 10 because “the record support[ed] . . . a finding of an evident systematic policy and practice of  
 11 Fourth Amendment violations by [Border Patrol]” rather than “[a]n ambiguous, isolated incident  
 12 [not warranting] injunctive relief.” *Int’l Molders’*, 799 F.2d at 551 (internal quotation marks and  
 13 citations omitted).

14 Similarly, in *Nicacio v. U.S. I.N.S.*, the Ninth Circuit affirmed an injunction requiring  
 15 Border Patrol to document in writing the “particularized reasonable suspicion” for traffic stops of  
 16 “persons of Hispanic appearance” after the court determined Border Patrol had “engaged in a  
 17 pattern of unlawful stops to interrogate persons of Hispanic appearance traveling by automobile  
 18 on Washington highways.” 797 F.2d 700, 701, 706 (9th Cir. 1985), *overruled in part on other*  
 19 *grounds by Hodgers–Durgin v. de la Vina*, 199 F.3d 1037, 1045 (9th Cir. 1999) (en banc).

20 Here, just as in the above cases, Border Patrol’s pattern of immigration stops without  
 21 regard to the Fourth Amendment’s threshold standard is not an “ambiguous, isolated incident,”  
 22 but rather constitutes a “systemic policy and practice of Fourth Amendment Violations.” *Int’l*  
 23 *Molders’*, 799 F.2d at 551. Just as the Border Patrol’s actions in the *International Molders’* raids  
 24 showed a “systemic” practice based on evidence of consistent constitutional violations, Plaintiffs  
 25 here have provided declarations showing Border Patrol’s practice across a dozen illegal  
 26 suspicionless stops and arrests in “Operation Return to Sender.” And Border Patrol’s own  
 27 statements attempting to justify their conduct and touting the tactics used in “Operation Return to  
 28 Sender” further cement the systemic nature of these illegal practices. Braun Decl., Ex. 7



(justifying interior sweeps by calling Bakersfield a “dyed in the wool border town” despite its location hundreds of miles from the border), Exs. 4, 11 (touting the success of Operation Return to Sender as a “success from day one” and stating they “will try and catch even more people next time”). Injunctive relief is necessary to prevent Border Patrol from continuing these unlawful practices.

**2. Border Patrol’s Practice of Effecting Warrantless Arrests Without Evaluating Flight Risk Violates 8 U.S.C. § 1357(a)(2).**

Congress has codified a strong preference that immigration arrests be based on warrants in the Immigration and Nationality Act. *See Ariz. v. U.S.*, 567 U.S. 387, 407–08 (2012). Congress afforded immigration agents with limited authority to conduct warrantless arrests under 8 U.S.C. § 1357(a)(2). The statute does not authorize indiscriminate round-ups, even where an immigration agent has established probable cause that a noncitizen is unlawfully in the country. Under the statute, an immigration agent can conduct a warrantless arrest *only if* he or she has “reason to believe” that the noncitizen is “likely to escape before a warrant can be obtained for his arrest.” *Id.* “Reason to believe,” as used in the statute, is equated with “the constitutional requirement of probable cause.” *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980); *see also Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015) (“Courts have consistently held that the ‘reason to believe’ phrase in § 1357 ... must be considered the equivalent of probable cause.”); *U.S. v. Cantu*, 519 F.2d 494, 496 (7th Cir. 1975) (same); *Au Yi Lau v. INS*, 445 F.2d 217, 222 (D.C. Cir. 1971) (same). As with constitutional violations, widespread refusal to follow statutory responsibilities warrants injunctive relief. *See, e.g., Ramirez v. U.S. Immigr. & Customs Enf’t*, 568 F.Supp.3d 10, 35 (D.D.C. 2021) (issuing classwide permanent injunction for ICE’s widespread failure to comply with statutory obligation).

**a. 8 U.S.C. § 1357(a)(2) Requires Agents to Evaluate and Consider Flight Risk Based on Individualized Factors Before Conducting a Warrantless Arrest.**

Section 1357(a)(2)’s requirement that Border Patrol agents establish probable cause of flight risk before conducting a warrantless arrest “is always seriously applied.” *Cantu*, 519 F.2d at 496–97; *see also Mountain High Knitting, Inc. v. Reno*, 51 F.3d 216, 218 (9th Cir. 1995) (holding § 1357(a)(2) requires particularized finding of likelihood of escape before a warrantless

1 immigration arrest); *Westover v. Reno*, 202 F.3d 475, 479–80 (1st Cir. 2000) (holding  
 2 immigration agent was in “direct violation” of § 1357(a)(2) where no evidence existed that  
 3 noncitizen was likely to escape before a warrant could be obtained).

4 “Mere suspicion, common rumor, or even strong reason to suspect are not enough” to  
 5 establish probable cause. *McKenzie v. Lamb*, 738 F.2d 1005, 1008 (9th Cir. 1984) (citing *Henry v.*  
 6 *U.S.*, 361 US 98, 101 (1959)). Rather, the facts an officer relies on to establish probable cause  
 7 must be “particularized with respect to that person.” *Ybarra v. Ill.*, 444 US 85, 91 (1979).

8 Categorical assumptions based on a person’s demographic characteristics or the conclusion that a  
 9 person fits a certain “profile” are insufficient. *See Bravo v. City of Santa Maria*, 665 F.3d 1076,  
 10 1085 (9th Cir. 2011) (assumptions about gang members insufficient to establish probable cause).

11 Consistent with these longstanding precedents, DHS has adopted explicit requirements for  
 12 agents in the field when they conduct warrantless arrests. In 2022, as part of a lawsuit settlement,  
 13 DHS issued a “Broadcast Statement of Policy” setting forth requirements for evaluation and  
 14 documentation of flight risk that constitute “the underlying laws and policies applicable to all  
 15 arrests effected under 8 U.S.C. § 1357(a)(2).” Braun Decl., Ex. 26 (“Broadcast Statement of  
 16 Policy”); *see also Castanon Nava v. DHS*, No. 1:18-cv-03757, Appendix A: Broadcast Statement  
 17 of Policy, Dkt. 155-1, (N.D. Ill., Feb. 7, 2022). That statement concerns “all arrests effected under  
 18 8 U.S.C. § 1357(a)(2),” including those made by Border Patrol. *See* 8 C.F.R. § 287.5(c)(1) (listing  
 19 Border patrol agents as subject to § 1357(a)(2)).

20 Under this “Broadcast Statement of Policy”—***DHS’s own interpretation of § 1357(a)(2)’s***  
 21 ***warrantless arrest requirements***—immigration officers must consider the totality of the  
 22 circumstances in evaluating an individual’s “likelihood of escape,” including an individual’s  
 23 community ties (such as their family, home, or employment), an individual’s prior escapes or  
 24 evasions of immigration authorities, and the immigration officer’s ability to determine the  
 25 individual’s name. *See* Braun Decl., Ex. 26 (Broadcast Statement of Policy) at 1. The policy is  
 26 clear that “[m]ere presence within the United States in violation of U.S. immigration law is not,  
 27 by itself, sufficient to conclude that [a noncitizen] is likely to escape before a warrant for arrest  
 28 can be *obtained*.” *Id.* (emphasis in original).



1 The policy further requires that immigration officers who have made a warrantless arrest  
 2 document the facts and circumstances surrounding the warrantless arrest “as soon as practicable.”  
 3 *Id.* at 2. The documentation must include, among other things, “the specific, particularized facts  
 4 supporting the conclusion that the alien was likely to escape before a warrant could be obtained.”  
 5 *Id.* For warrantless arrests that occur after a vehicle stop, the immigration agent must also  
 6 document the “specific, articulable facts that formed the basis for the ... reasonable suspicion that  
 7 an alien in the vehicle stopped was [unlawfully] present within the United States.” *Id.* at 3.

8 **b. Border Patrol Has a Practice of Effecting Warrantless Arrests**  
 9 **Without Evaluating or Considering a Person’s Flight Risk.**

10 The circumstances surrounding the arrests of the Plaintiffs, UFW members, and members  
 11 of the putative class described in the declarations accompanying this motion are the product of  
 12 Border Patrol’s highly coordinated practice to arrest as many undocumented immigrants as  
 13 possible, regardless of their individual circumstances. As illustrated in the numerous declarations  
 14 Plaintiffs have submitted, Border Patrol made no individualized assessment of flight risk when  
 15 conducting warrantless arrests during “Operation Return to Sender.”

16 For example, Plaintiff Juan Vargas Mendez was arrested following a traffic stop during  
 17 which he was a passenger in a car driving under the speed limit. Vargas Mendez Decl. ¶¶ 5-12.  
 18 After he did not produce his identification, agents dragged him out of the van; took his phone,  
 19 wallet, and medication; handcuffed him, and called him a “Mexican bitch[.]” *Id.* ¶ 10. Without  
 20 questioning him on his ties to Kern County, the agents then placed him in the back of an SUV and  
 21 drove him to a Border Patrol detention center. *Id.* ¶¶ 10-12. As the agents drove him away,  
 22 Mr. Vargas Mendez pleaded with the agents that he had lived in the area for 20 years, had a wife  
 23 and four children who are all citizens, and that he had no criminal record. *Id.* ¶ 11. An agent  
 24 responded that he “did not care” and that Mr. Vargas Mendez “was going to Mexico.” *Id.*

25 This experience was not unique to Mr. Vargas Mendez. Plaintiff Wilder Munguia  
 26 Esquivel was arrested midday outside a Home Depot after he exercised his right to remain silent.  
 27 Munguia Esquivel Decl. ¶¶ 5-10. After Mr. Munguia Esquivel declined to answer the agent’s  
 28 questions, the agent began to yell at him, forcefully grabbed him, patted him down, and

1 handcuffed him. *Id.* Another agent then placed him in the backseat of a vehicle. *Id.* ¶ 9. At no  
 2 point did either agent ask about Mr. Munguia Esquivel’s community ties, such as his family,  
 3 work history, or length of residency. *Id.* ¶ 8. Had they, Mr. Munguia Esquivel would have told  
 4 them that his brother is a U.S. citizen and he has a pending family-based immigration petition. *Id.*

5 Similarly, Mr. Ernesto Campos Gutierrez—who is a U.S. citizen—was arrested following  
 6 a traffic stop in which the agent slashed his truck’s tires because, after he had provided his  
 7 driver’s license, he refused to immediately turn over his keys as well. Campos Gutierrez  
 8 Decl. ¶¶ 3-9. At no point prior to his arrest did any Border Patrol agent present a warrant or ask  
 9 Mr. Campos Gutierrez about his community ties. *Id.* ¶¶ 4, 9; *see also* Perez Cruz Decl. ¶ 4  
 10 (arrested without any questioning concerning community ties); Ramirez Decl. ¶¶ 6-7 (same);  
 11 Morales Cisneros Decl. ¶ 6 (same); Hernandez Espinoza Decl. ¶¶ 5, 7 (same); Strater Decl. ¶¶ 29  
 12 (Border Patrol agents asked “Alicia” if she had children only to offer to remove the children to  
 13 Mexico with her and arrested “Benjamin” and “Carlos” without any questioning concerning  
 14 community ties), 41 (arrested “Fernando” without any questioning about community ties).

15 Border Patrol’s arrests without probable cause of flight risk swept up decades-long  
 16 community residents with no criminal history, including parents, grandparents, and homeowners.  
 17 *See* Aguilera Martinez Decl. ¶¶ 2-3 (45-year Kern County resident, mother, and grandmother with  
 18 no criminal history); Munguia Esquivel Decl. ¶ 2 (12-year Kern County resident with no criminal  
 19 history); Hernandez Espinoza Decl. ¶¶ 2-3 (10-year Kern County resident, mother, and  
 20 grandmother, with no criminal history); Morales Cisneros Decl. ¶¶ 2-3 (Bakersfield homeowner,  
 21 father, and grandfather, with no criminal history).

22 These indiscriminate arrest practices, executed without assessment of community ties or  
 23 flight risk, are consistent with policy statements made by federal government leadership. For  
 24 example, Trump Administration Border Czar Tom Homan recently declared that undocumented  
 25 immigrants, regardless of individual circumstances, are “going to get arrested” “if they’re in the  
 26 country illegally.” Braun Decl., Ex. 15. Similarly, Chief Bovino has stated that, if Border Patrol  
 27 encounters “undocumented” immigrants “we will arrest.” *Id.*, Ex. 13; *see also id.*, Ex. 8. And El  
 28 Centro Border Patrol stated its intent to continue to effect warrantless arrests regardless of

individual circumstances, posting on Facebook: “[A]nyone we encounter who doesn’t have the legal right to be in or remain in the U.S. will be arrested.” *Id.*, Ex. 1. In light of these statements, there is no doubt Border Patrol will continue its unlawful practices absent Court intervention.

**c. Border Patrol’s Practice of Warrantless Arrests Without Assessing Flight Risk Exceeds its Statutory Authority Under § 1357(a)(2).**

DHS has clearly stated in its “Broadcast Statement of Policy” that § 1357(a)(2) requires immigration officers executing warrantless arrests to evaluate an individual’s “likelihood of escape” by considering the totality of the circumstances. Border Patrol “may not rewrite clear statutory terms”—or DHS directives—“to suit its own sense of how the statute should operate.” *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 774 (9th Cir. 2018), quoting *Util. Air Regulatory Grp. v. EPA*, 573 U.S. 302, 328 (2014).

Courts have uniformly applied this maxim to invalidate agency practices that disregard § 1357(a)(2)’s flight risk provision. Where, as here, an immigration agency “make[s] no determination whatsoever that the subject of [an arrest] is likely to escape ... before a warrant can be obtained, ... [the agency] goes beyond its statutory authority to make warrantless arrests.” *Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1008 (N.D. Ill. 2016) (granting summary judgment on plaintiffs’ claim that ICE policy of issuing detainers without regard to flight risk violated § 1357(a)(2)).<sup>3</sup> And where, as here, there is evidence of an agency’s ongoing systemic violations of a statute, an injunction is appropriate to prevent ongoing violations. *See Ramirez v. U.S. Immigr. & Customs Enf’t*, 568 F.Supp.3d 10, 35 (D.D.C. 2021) (issuing classwide permanent injunction forcing ICE to comply with statute requiring its officers to consider less-restrictive placement alternative before transferring detained children to adult detention centers when they turned 18). Injunctive relief is necessary to prevent Border Patrol from continuing to violate § 1357(a)(2) through its practice of conducting warrantless arrests without assessing flight risk.

<sup>3</sup> See also *Roy v. Cnty. of Los Angeles*, 2018 WL 914773, at \*21 (C.D. Cal. Feb. 7, 2018) (same); *Creedle v. Miami-Dade County*, 349 F.Supp.3d 1276, 1295 (S.D. Fla. 2018) (same).

**B. Plaintiffs Will Suffer Irreparable Harm from Border Patrol's Unlawful Policies and Practices in the Absence of Injunctive Relief.**

Border Patrol's illegal policies and practices are causing and will continue to cause irreparable harm to Plaintiffs and the putative class—regardless of their immigration status. “[T]he deprivation of constitutional rights unquestionably constitutes irreparable injury.” *Melendres*, 695 F.3d at 1002. “When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (quotations and citation omitted). A practice of conducting detentive stops without regard to reasonable suspicion in violation of the Fourth Amendment constitutes such a constitutional violation warranting preliminary relief. *See Int'l Molders'*, 799 F.2d at 553; *see also Melendres*, 695 F.3d at 1002 (irreparable harm exists where plaintiffs face “a real possibility” that they will “again be stopped or detained and subjected to unlawful detention”); *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017) (irreparable harm where plaintiffs were detained and highlighting the “irreparable harms imposed on anyone subject to immigration detention”).

As a result of “Operation Return to Sender,” Plaintiffs and members of the putative class have experienced significant harm. Following their detentions and arrests, Plaintiffs and putative class members are scared to leave their homes, go to work, accompany or send their children to school, go to the doctor, and run even the basic errands. Morales Cisneros Decl. ¶¶ 20, 22; Munguia Esquivel Decl. ¶ 20; Aguilera Martinez Decl. ¶ 12; Strater Decl. ¶¶ 35, 43; Perez Cruz Decl. ¶ 7; Campos Gutierrez Decl. ¶ 15. Although she is a lawful permanent resident, Ms. Aguilera Martinez experiences fear and anxiety when she drives near the place of her arrest and areas where Border Patrol has arrested other people, and she is terrified at the thought of being arrested again. Aguilera Martinez Decl. ¶ 12. Similarly, Mr. Morales Cisneros feels nervous leaving his home, fears showing his face, and often wears a sweater with a hood in an attempt to cover his skin color when he runs errands. Morales Cisneros Decl. ¶ 22; *see also* Munguia Esquivel Decl. ¶ 20 (terrified to go near the Home Depot where he was arrested); Strater Decl. ¶¶ 35, 42, 44 (UFW members report experiencing enormous stress and anxiety when

1 traveling to and from work and fear being separated from family members). Courts regularly hold  
 2 that such emotional distress constitutes irreparable injury. *See, e.g., Chalk v. U.S. Dist. Court*, 840  
 3 F.2d 701, 709–10 (9th Cir. 1988); *Norsworthy v. Beard*, 87 F. Supp. 3d 1164, 1192 (N.D. Cal.  
 4 2015).

5 Many members of the putative class have young children, and they are terrified of being  
 6 swept up by Border Patrol and separated from their families. *See, e.g., Wash. v. Trump*, 847 F.3d  
 7 1151, 1169 (9th Cir. 2017) (identifying “separated families” as irreparable harm); *Leiva-Perez v.*  
 8 *Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011). This fear is consistent regardless of immigration  
 9 status. The indiscriminate nature of Border Patrol’s unlawful stop and arrest practices means that  
 10 a person with lawful status or a pending immigration application—like Plaintiff Aguilera  
 11 Martinez or Plaintiff Munguia Esquivel—still risks being stopped and detained with no notice to  
 12 their children or family. For example, UFW members with employment authorization documents,  
 13 such as H-2A agricultural visas, T-visas, or deferred action status, fear that Border Patrol will  
 14 seize them for removal without regard to their authorized status. Strater Decl. ¶ 17. UFW member  
 15 “Gabriela,” who has legal authorization to work in the United States, has a daughter and eight  
 16 grandchildren. *Id.* ¶ 42. She provides care to her grandchildren, and her daughter often relies on  
 17 her to take them to appointments or pick them up from school. *Id.* She does not know who would  
 18 care for her loved ones if she were detained—even for a brief period. *Id.* ¶ 44. Yet as a farm  
 19 worker, she has to commute through the agricultural areas Border Patrol targets with its unlawful  
 20 stop and arrest practices. *Id.*; *see also id.* ¶¶ 30, 34 (UFW member Benjamin abruptly separated  
 21 from his four small children; UFW member Alicia must now raise her four children alone, living  
 22 in fear that she will be subjected to Border Patrol’s illegal policies and practices again); Ramirez  
 23 Decl. ¶ 15 (sole living parent separated from children); Morales Cisneros Decl. ¶¶ 2, 4-6, 17-19  
 24 (separated from children for four days while detained incommunicado); Vargas Mendez Decl.  
 25 Decl. ¶ 22 (separated from his four children, including his stepson who has epilepsy and for  
 26 whom he is a caretaker).

27 Border Patrol’s policies and practices also erode trust in local law enforcement. As former  
 28 CBP Commissioner Chris Magnus recognized, “[t]hese roundups create widespread distrust of

1 law enforcement and discourage many community members from reporting crimes as victims or  
 2 witnesses.” Braun Decl., Ex. 20. This is true for Plaintiffs, who have developed ongoing fear of  
 3 law enforcement officials, including local police officers. For example, Ms. Aguilera Martinez  
 4 has experienced fear and flashbacks of her violent arrest when she has seen Bakersfield police  
 5 officers drive by. Aguilera Martinez Decl. ¶ 13. Mr. Morales Cisneros no longer feels  
 6 comfortable calling 911 if there is an emergency because he fears the local police will call Border  
 7 Patrol to arrest him. Morales Cisneros Decl. ¶ 22.

8 Across party lines, elected officials have spoken out about the harm Border Patrol’s  
 9 practices continue to cause across the Central Valley. Fresno County supervisor Luis Chavez  
 10 reported that in the wake of Border Patrol’s wave of arrests in Kern County, he had “received  
 11 reports of food processing facilities [with] absences of 15 to 20 [percent] locally.” Braun Decl.,  
 12 Ex. 22. Republican Congressman David G. Valadao, representing California’s 22nd  
 13 Congressional District, released a statement urging Border Patrol “to avoid causing any further  
 14 alarm among our farm workers” and avoid targeting “those responsible for producing our nation’s  
 15 food supply.” *Id.*, Ex. 21.

16 In the face of these criticisms, Border Patrol has doubled down on its commitment to  
 17 “Operation Return to Sender.” Days after the raids, El Centro Border Patrol posted on social  
 18 media that there is “more to come,” including “*return to sender round 2.*” *Id.*, Exs. 1, 12  
 19 (emphasis added). According to El Centro Border Patrol, the next round of “Operation Return to  
 20 Sender” raids will take place in “Fresno and especially Sacramento,” as well as a return to  
 21 Bakerfield. *Id.*, Exs. 3, 10. Chief Bovino and El Centro Border Patrol have promised to “try and  
 22 catch even more people next time” and “pump those numbers up.” *Id.*, Exs. 4, 14. Plaintiffs and  
 23 the putative class members will continue to suffer irreparable harm absent court intervention.

24 **C. The Balance of Hardships Weighs Heavily in Plaintiffs’ Favor, and an**  
 25 **Injunction Is in the Public Interest.**

26 When, as here, the government is a party, courts consider the balance of equities and the  
 27 public interest together. *Env’tl Prot. Info. Ctr. v. Carlson*, 968 F.3d 985, 991 (9th Cir. 2020). In  
 28 doing so, courts consider the effect of granting or denying the injunction on each party. *Haw. v.*

1 *Trump*, 859 F.3d 741, 783 (9th Cir. 2017).

2 Plaintiffs’ proposed injunctive relief is narrowly tailored to address the unlawful practices  
 3 at issue. Plaintiffs are not asking that the Court enjoin Border Patrol from enforcing federal  
 4 immigration laws. Plaintiffs merely ask the Court to order that Border Patrol take the minimal  
 5 steps necessary to ensure that its stop and arrest practices comply with the Fourth Amendment  
 6 and § 1357(a)(2). To that end, Plaintiffs request an injunction that requires: (i) Border Patrol in  
 7 this District to: (i) refrain from detentive stops without reasonable suspicion that the person  
 8 stopped is unlawfully present and warrantless arrests without probable cause that the person is  
 9 likely to escape before a warrant can be obtained; (ii) timely document the reasonable suspicion  
 10 that underlies detentive stops they make; (iii) comply with DHS’s “Broadcast Statement of  
 11 Policy” concerning § 1357(a)(2) when making warrantless arrests, including documenting the  
 12 probable cause that underlies those arrests; (iv) provide that reasonable suspicion and probable  
 13 cause documentation to Plaintiffs’ counsel on a regular schedule; (v) develop guidance  
 14 concerning how Border Patrol agents should determine whether “reasonable suspicion” exists  
 15 when conducting detentive stops; and (vi) train agents on these requirements.

16 Such injunctive relief is standard in cases where there is a practice of widespread  
 17 constitutional violations by a government agency. *See, e.g., Nicacio*, 797 F.2d 700, at 706  
 18 (affirming injunction requiring Border Patrol to document the “particularized reasonable  
 19 suspicion” for traffic stops of “persons of Hispanic appearance”); *Melendres v. Arpaio*, 784 F.3d  
 20 1254, 1266 (9th Cir. 2015) (affirming injunction requiring, among other things, additional  
 21 training on racial profiling for local law enforcement and the development of a system that  
 22 collected traffic stop data, including audio and video recordings); *Floyd v. City of New York*, 959  
 23 F. Supp. 2d 668, 682, 689 (S.D.N.Y. 2013) (ordering preliminary injunction requiring NYPD to  
 24 begin documenting the bases for stops in narrative form and develop “a formal written policy  
 25 specifying the limited circumstances in which it is legally permissible to stop a person outside a  
 26 [Trespass Affidavit Program] building on a suspicion of trespass”); *Unnamed Parties v. Johnson*,  
 27 2016 WL 8188563 (D. Ariz. Jan. 3, 2017) (granting preliminary injunction requiring quarterly  
 28 production of Border Patrol data related to injunction’s terms), *aff’d sub nom. Doe v. Kelly*, 878



1 F.3d 710 (9th Cir. 2017); *Riverside All of US or None v. City of Riverside*, No. 5:23-CV-01536-  
 2 SPG-SP, 2023 WL 7751774, at \*7 (C.D. Cal. Nov. 14, 2023) (granting preliminary injunction  
 3 requiring the City of Riverside to refrain from any practices that are not in compliance with the  
 4 city’s stated policies); *Alsaada v. City of Columbus, Ohio*, No. 2:20-CV-3431, 2021 WL  
 5 3375834, at \*2 (S.D. Ohio June 25, 2021) (granting preliminary injunction requiring, among  
 6 other things, that the City of Columbus ensure that body and vehicle cameras are in good working  
 7 order and used during every interaction with nonviolent protesters). The requested injunctive  
 8 relief is both standard in cases like this one and necessary to prevent further irreparable harm to  
 9 Plaintiffs.

10 Unlike Plaintiffs, Defendants will suffer no material harm, let alone any threat of  
 11 permanent harm, should this Court grant Plaintiffs’ injunction. *See League of Wilderness Def. v.*  
 12 *Connaughton* 752 F.3d 755, 761 (9th Cir. 2014) (concluding the balance of harms tips towards  
 13 plaintiffs “because the harms they face are permanent” whereas the opposing party faced only  
 14 temporary delay). The requested injunctive relief does not prevent Defendants from lawfully  
 15 carrying out their duties; it merely requires them to document their compliance with the law. *Cf.*  
 16 *Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (explaining that an agency “cannot reasonably  
 17 assert that it is harmed in any legally cognizable sense by being enjoined from constitutional  
 18 violations”).

19 As “it is always in the public interest to prevent the violation of a party’s constitutional  
 20 rights,” *Melendres*, 695 F.3d at 1002, the balance of harms and the public interest support  
 21 preliminary injunctive relief in this case.

#### 22 **IV. SECURITY**

23 No security is necessary here. “Courts may dispense with the filing of a bond when ...  
 24 there is no realistic likelihood of harm to the defendant from enjoining his or her conduct.”  
 25 *Jorgenson v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003). Such is the case here. Defendants will  
 26 incur no harm from complying with Plaintiffs’ proposed preliminary injunction.  
 27  
 28



**V. CONCLUSION**

For the foregoing reasons, the Court should grant Plaintiffs' motion and issue the requested preliminary injunction in its entirety.

Dated: March 7, 2025

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FOUNDATION OF NORTHERN  
CALIFORNIA

By: /s/ Bree Bernwanger

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SHILPI AGARWAL

Dated: March 7, 2025

By: AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF SOUTHERN  
CALIFORNIA

/s/ Mayra Joachin (as authorized March 7,  
2025)

MAYRA JOACHIN  
EVA BITRAN  
OLIVER MA

Dated: March 7, 2025

By: AMERICAN CIVIL LIBERTIES UNION  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF REAGHAN E.  
BRAUN IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

DECLARATION OF REAGHAN E. BRAUN IN SUPPORT OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

Case No. 1:25-cv-00246-JLT-BAM

2883642

1 I, Reagan E. Braun, declare as follows:

2 1. I am an attorney at law duly licensed and entitled to practice in the State of  
3 California. I am an associate at Kecker, Van Nest and Peters LLP, counsel of record in this action  
4 for Plaintiff Oscar Morales Cisneros. I make this declaration in support of Plaintiffs' Motion for  
5 Preliminary Injunction. I have personal knowledge of the following facts and, if called as a  
6 witness, I could and would testify competently thereto.

7 2. Attached to this declaration as **Exhibit 1** is a true and correct copy of a January 28,  
8 2025 9:53 AM social media post by the official account of the US Border Patrol El Centro Sector  
9 on the Facebook social media platform, which is also available at:

10 <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02oBnaCzDoxG72oGXFji>  
11 [jJEJEtPWWixAqgZhkYbPtEqLnsLr1M8mcd7D3bi5koxWVvl](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02oBnaCzDoxG72oGXFji). In the post, US Border Patrol El  
12 Centro Sector states, "anyone we encounter who doesn't have the legal right to be in or remain in  
13 the U.S. will be arrested." In the same post, in response to a commenter inquiring about "Return  
14 to sender round 2," US Border Patrol El Centro Sector states, "You bet!" with an American flag  
15 emoji.

16 3. Attached to this declaration as **Exhibit 2** is a true and correct copy of a January 29,  
17 2025 3:43 AM social media post by the official account of the US Border Patrol El Centro Sector  
18 on the Facebook social media platform, which is available at:

19 <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02oBnaCzDoxG72oGXFji>  
20 [jJEJEtPWWixAqgZhkYbPtEqLnsLr1M8mcd7D3bi5koxWVvl](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02oBnaCzDoxG72oGXFji). In the same thread as Exhibit 1  
21 above, US Border Patrol El Centro Sector stated, "Our agents go wherever the threats and crime  
22 take us, whether that's #SanBernardino #LosAngeles #Riverside #Barstow #Bakersfield or  
23 beyond."

24 4. Attached to this declaration as **Exhibit 3** is a true and correct copy of a January 12,  
25 2025 12:02 AM social media post by the official account of the US Border Patrol El Centro  
26 Sector, posted on the Facebook social media platform, which is available at:

27 <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0enw1BMzPbERR9C2rxp>

1 [WUKrgxMzA99BYr8LgQddh3U5mQvVuMCcHAfMU2uRPhN3Bpl](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0enw1BMzPbERR9C2rxpWUKrgxMzA99BYr8LgQddh3U5mQvVuMCcHAfMU2uRPhN3Bpl). A commenter posted a  
2 comment which states, “Here in Bakersfield you guys forgot to raid some people.” US Border  
3 Patrol El Centro Sector posted a reply to the comment stating, “We plan on coming back!”

4 5. Attached to this declaration as **Exhibit 4** is a true and correct copy of a January 10,  
5 2025 9:18 PM social media post by the official account of the US Border Patrol El Centro Sector,  
6 posted on the Facebook social media platform, which is available at:

7 [https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0enw1BMzPbERR9C2rxp](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0enw1BMzPbERR9C2rxpWUKrgxMzA99BYr8LgQddh3U5mQvVuMCcHAfMU2uRPhN3Bpl)  
8 [WUKrgxMzA99BYr8LgQddh3U5mQvVuMCcHAfMU2uRPhN3Bpl](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0enw1BMzPbERR9C2rxpWUKrgxMzA99BYr8LgQddh3U5mQvVuMCcHAfMU2uRPhN3Bpl). In the post, US Border  
9 Patrol El Centro Sector comments, “we will try and catch even more [people] next time” and  
10 “arrest more” in “our next operation.”

11 6. Attached to this declaration as **Exhibit 5** is a true and correct copy of a February  
12 23, 2025, 5:09 PM social media post by the official account of the US Border Patrol El Centro  
13 Sector on the Facebook social media platform, which is also available at;

14 [https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0Gt3xJwYxJhXdRB9kGy](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0Gt3xJwYxJhXdRB9kGybMMruXLNjaxyu1E2QmxGjfpdevPnYUMX32kGJhsDeCq5dl)  
15 [bMMruXLNjaxyu1E2QmxGjfpdevPnYUMX32kGJhsDeCq5dl](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0Gt3xJwYxJhXdRB9kGybMMruXLNjaxyu1E2QmxGjfpdevPnYUMX32kGJhsDeCq5dl). In the post, El Centro Border  
16 Patrol Sector’s official Facebook account posted a photo of a vehicle’s driver’s seat covered with  
17 shattered glass. The text of the post stated that a noncitizen had “[r]efused to open window during  
18 an immigration inspection,” “[g]ot his window shattered for an extraction,” was “[a]rrested by the  
19 #PremierSector,” “[w]ent to jail,” and “[g]ot deported.”

20 7. Attached to this declaration as **Exhibit 6** is a true and correct copy of a February  
21 23, 2025 6:47 PM social media post by the official account of the US Border Patrol El Centro  
22 Sector on the Facebook social media platform, which is available at:

23 [https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0Gt3xJwYxJhXdRB9kGy](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0Gt3xJwYxJhXdRB9kGybMMruXLNjaxyu1E2QmxGjfpdevPnYUMX32kGJhsDeCq5dl)  
24 [bMMruXLNjaxyu1E2QmxGjfpdevPnYUMX32kGJhsDeCq5dl](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0Gt3xJwYxJhXdRB9kGybMMruXLNjaxyu1E2QmxGjfpdevPnYUMX32kGJhsDeCq5dl). The document shows that a  
25 commenter stated “FAFO” with three laughing emojis in response on the above El Centro Border  
26 Patrol Sector post, Exhibit 5, which included a photo of a vehicle’s driver’s seat covered with  
27

1 shattered glass. US Border Patrol El Centro Sector replied to the comment by posting: “FAFO in  
2 full effect.” followed by a series of three smiling and laughing emojis.

3 8. Attached to this declaration as **Exhibit 7** is a true and correct copy of a January 26,  
4 2025 4:23 PM social media post by the official account of the US Border Patrol El Centro Sector  
5 on the Facebook social media platform, which is available at:

6 [https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0n9qLZbFQb4hM9nDQk](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0n9qLZbFQb4hM9nDQkZAifPaktVP76Vn2eQBrFR7pKBnnqP7iaZE88MKBnq9Sjvol)  
7 [ZAifPaktVP76Vn2eQBrFR7pKBnnqP7iaZE88MKBnq9Sjvol](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0n9qLZbFQb4hM9nDQkZAifPaktVP76Vn2eQBrFR7pKBnnqP7iaZE88MKBnq9Sjvol). In the post, US Border Patrol El  
8 Centro Sector states, “What happens on the border, doesn't stay on the border. Bakersfield is now  
9 a dyed in the wool border town.”

10 9. Attached to this declaration as **Exhibit 8** is a true and correct copy of a January 14,  
11 2025 7:52 PM social media post by the official account of the US Border Patrol El Centro Sector  
12 on the Facebook social media platform, which is available at:

13 [https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0U5CHPhAdfYcAFLHz8](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0U5CHPhAdfYcAFLHz8xn5aS4mRvehGZnFRRYWrPE5TnMGaYHeBbL3M9Bk8PwEP6A2l)  
14 [xn5aS4mRvehGZnFRRYWrPE5TnMGaYHeBbL3M9Bk8PwEP6A2l](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0U5CHPhAdfYcAFLHz8xn5aS4mRvehGZnFRRYWrPE5TnMGaYHeBbL3M9Bk8PwEP6A2l). US Border Patrol El  
15 Centro Sector stated in the post, “Sanctuary jurisdictions, like all over CA, hinders [sic] local  
16 authorities from working with us to get those who are committing the worst crimes. That means  
17 we have to go out into the communities ourselves and find those people. This well and does lead  
18 to arrests of others who may not have serious crimes, but are still unlawfully present in the U.S.”

19 10. Attached to this declaration as **Exhibit 9** is a true and correct copy of a January 13,  
20 2025 3:18 PM social media post by the official account of the US Border Patrol El Centro Sector  
21 on the Facebook social media platform, which is available at:

22 [https://www.facebook.com/USBorderPatrolElCentroSector/posts/thank-you-citizens-of-](https://www.facebook.com/USBorderPatrolElCentroSector/posts/thank-you-citizens-of-bakersfield-the-premiersector-saw-massive-citizen-support-/908981681423101/)  
23 [bakersfield-the-premiersector-saw-massive-citizen-support-/908981681423101/](https://www.facebook.com/USBorderPatrolElCentroSector/posts/thank-you-citizens-of-bakersfield-the-premiersector-saw-massive-citizen-support-/908981681423101/). In the post, US  
24 Border Patrol El Centro Sector states, “every U.S. city [is] a border town.”

25 11. Attached to this declaration as **Exhibit 10** is a true and correct copy of a January  
26 19, 2025 11:37 AM social media post by the official account of the US Border Patrol El Centro  
27 Sector on the Facebook social media platform, which is available at:

1 [https://www.facebook.com/USBorderPatrolElCentroSector/posts/here-in-the-premiersector-we-](https://www.facebook.com/USBorderPatrolElCentroSector/posts/here-in-the-premiersector-we-go-the-extra-mileor-500-of-themto-protect-our-natio/906161171705152/)  
 2 [go-the-extra-mileor-500-of-themto-protect-our-natio/906161171705152/](https://www.facebook.com/USBorderPatrolElCentroSector/posts/here-in-the-premiersector-we-go-the-extra-mileor-500-of-themto-protect-our-natio/906161171705152/). In the post, US Border  
 3 Patrol El Centro Sector called the sweeps “Operation Return to Sender.” Stating: “We are taking  
 4 it to the bad people and bad things in Bakersfield,” the El Centro Border Patrol said in response to  
 5 a comment on its Facebook page. “We are planning operations for other locals (sic) such as  
 6 Fresno and especially Sacramento.”

7 12. Attached to this declaration as **Exhibit 11** is a true and correct copy of a January 9,  
 8 2025 8:36 AM social media post by the official account of the US Border Patrol El Centro Sector,  
 9 posted on the Facebook social media platform, which is available at:

10 [https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02W88MH4HqwiQF55d6](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02W88MH4HqwiQF55d6LzAURpCd9ABvnLP1godPk3qEWcS7MHoEcglzdJwSJwSEVmWWl)  
 11 [LzAURpCd9ABvnLP1godPk3qEWcS7MHoEcglzdJwSJwSEVmWWl](https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02W88MH4HqwiQF55d6LzAURpCd9ABvnLP1godPk3qEWcS7MHoEcglzdJwSJwSEVmWWl). In the post, US Border  
 12 Patrol El Centro Sector states, “Operation Return to Sender was an overwhelming success from  
 13 day one.”

14 13. Attached to this declaration as **Exhibit 12** is a true and correct copy of a January  
 15 11, 2025 6:53 AM social media post by U.S. Border Patrol Chief Patrol Agent Gregory K.  
 16 Bovino on the X social media platform using the handle @USBPChiefELC, which is available at:  
 17 <https://x.com/USBPChiefELC/status/1878092797690904837>. In response to a comment on his  
 18 post regarding “Operation Return to Sender,” Chief Bovino states: “More to come on this. Much  
 19 more.”

20 14. Attached to this declaration as **Exhibit 13** is a true and correct copy of a January  
 21 12, 2025 7:58 AM social media post by U.S. Border Patrol Chief Patrol Agent Gregory K.  
 22 Bovino on the X social media platform using the handle @USBPChiefELC, which is available at:  
 23 <https://x.com/USBPChiefELC/status/1878471709482737998>. In response to a commenter on X  
 24 who asked about Border Patrol’s apparent strategy of “[s]tanding outside gas station stops at  
 25 [H]ome [D]epots preying on any random person,” Chief Bovino stated: “Undocumented means  
 26 just that. I recommend returning to the country of origin, obtaining proper documents, and doing  
 27 it the right way. If not, we will arrest.”

1           15. Attached to this declaration as **Exhibit 14** is a true and correct copy of a January  
 2 27, 2025 social media post by U.S. Border Patrol Chief Patrol Agent Gregory K. Bovino on the X  
 3 social media platform using the handle @USBPChiefELC, which is available at:  
 4 <https://x.com/USBPChiefELC/status/1884071527630639364>. In the post, Chief Bovino stated,  
 5 “Can’t agree more!!!” in response to a commenter who posted a meme stating that Operation  
 6 Return to Sender’s arrests were “rookie numbers” and that El Centro Border Patrol Sector should  
 7 “pump those numbers up.”

8           16. Attached to this declaration as **Exhibit 15** is a true and correct copy of a transcript  
 9 of a CNN Broadcast that aired on January 27, 2025 at 21:00 ET, titled *The Source with Kaitlan*  
 10 *Collins: Trump DOJ Fires Officials Who Prosecuted Him; Homan on Mass Deportation Effort:*  
 11 *"There's No Safe Haven"; Trump Calls DeepSeek A.I. "Positive Development" But Also a "Wake-*  
 12 *Up Call" For U.S. Tech Industry*, which is accessible at:  
 13 <https://transcripts.cnn.com/show/skc/date/2025-01-27/segment/01>. The broadcast included an  
 14 interview of Tom Homan, President Trump’s “Border Czar,” starting at approximately 21:30:00  
 15 ET. The transcript shows that Mr. Homan told the CNN interviewer, “Well, in sanctuary cities,  
 16 you’re going to see a higher number of collateral arrests. . . . More agents in the neighborhood,  
 17 and more collateral arrests.” Later in the interview, the interviewer asked, “When you say  
 18 collateral arrest, you mean someone who doesn’t have a criminal record, but is here, is an  
 19 undocumented immigrant. They still get deported as well, right? You’re not letting them go back  
 20 to their neighborhoods, or to their jobs. Is that right?” Mr. Homan stated, “Yes, if they’re in the  
 21 country illegally, they’re going to get arrested too.” Later in the interview, the interviewer asked,  
 22 “Do you have a number of how many people you’d like to have deported by this time next year?”  
 23 Mr. Homan stated, “As many as we -- as many as we can arrest and deport.” Mr. Homan also  
 24 stated, “We’re going to do everything we can with what we have, and we’re going to arrest as  
 25 many as we can.”

26           17. Attached to this declaration as **Exhibit 16** is a true and correct copy of an article  
 27 by Armando Garcia, dated January 9, 2025, titled *US Border Patrol arrests migrants during*



1 latest enforcement operation, ABC News, which is available at: [https://abcnews.go.com/US/us-](https://abcnews.go.com/US/us-border-patrol-arrests-migrants-latest-enforcement-operation/story?id=117515205)  
 2 [border-patrol-arrests-migrants-latest-enforcement-operation/story?id=117515205](https://abcnews.go.com/US/us-border-patrol-arrests-migrants-latest-enforcement-operation/story?id=117515205). The article  
 3 includes quotes from a phone interview of Sarah Fuentes, a manager at a Chevron station in  
 4 Bakersfield. The articles states that Ms. Fuentes “told ABC News she saw Border Patrol officers  
 5 and agents in plain clothes go up to several of her customers, ask them about their immigration  
 6 status, and arrest multiple people.” The article further states, “Fuentes says she thought the  
 7 officers were serving a warrant, but noticed ‘it was only Hispanics and field workers that they  
 8 were putting aside.’ ” Fuentes is quoted saying, “Then we seen it again, and we’re like, wait a  
 9 minute, this is a raid, they’re picking up random people like the field workers. They don’t have an  
 10 order to do that,” . . . “It’s just random people that are walking in that work in the field.”

11 18. Attached to this declaration as **Exhibit 17** is a true and correct copy of an article  
 12 by Jose Franco and Jenny Huh, dated January 10, 2025, titled, *US CBP issues statement on*  
 13 *ongoing ‘Operation Return to Sender’ in Bakersfield*, KGET, available at:  
 14 [https://www.kget.com/news/local-news/us-cbp-issues-statement-on-ongoing-operation-return-to-](https://www.kget.com/news/local-news/us-cbp-issues-statement-on-ongoing-operation-return-to-sender-in-bakersfield-area/)  
 15 [sender-in-bakersfield-area/](https://www.kget.com/news/local-news/us-cbp-issues-statement-on-ongoing-operation-return-to-sender-in-bakersfield-area/). The article states that, “U.S. Customs and Border Protection issued a  
 16 statement Friday morning providing more details over its three-day operation in the Bakersfield  
 17 area this week the agency calls ‘Operation Return to Sender.’ ” According to the article, the  
 18 “operation took place over three days and led to 78 arrests.” The article includes an excerpt of the  
 19 press statement issued by the El Centro Sector’s Chief Patrol Agent Gregory Bovino, which  
 20 states, “The U.S. Border Patrol is no stranger to operations in places like Bakersfield, Stockton,  
 21 Modesto, Fresno, and Sacramento” and that “[Border Patrol’s] area of responsibility stretches  
 22 from the U.S./Mexico Border, north, as mission and threat dictate, all the way to the Oregon  
 23 line.”

24 19. Attached to this declaration as **Exhibit 18** is a true and correct copy of an article  
 25 by Veronica Morley, dated January 10, 2025, titled *‘RETURN TO SENDER’: Border Patrol’s 3-*  
 26 *day operation in Kern, 78 arrested*, ABC Bakersfield, which is available at:  
 27 <https://www.turnto23.com/news/in-your-neighborhood/bakersfield/return-to-sender-border->



1 [patrols-3-day-operation-in-kern-78-arrested](#). The article states that, according to Border Patrol,  
2 “Operation Return to Sender” “resulted in 78 people being arrested.”

3 20. Attached to this declaration as **Exhibit 19** is a true and correct copy of an article  
4 by Daniel Cody, dated January 27, 2025, titled *What Does FAFO Mean? Trump’s Message to*  
5 *Colombia Goes Viral*, Newsweek, which is available at: [https://www.newsweek.com/what-does-](https://www.newsweek.com/what-does-fafo-mean-trumps-message-colombia-goes-viral-2021284)  
6 [fafo-mean-trumps-message-colombia-goes-viral-2021284](https://www.newsweek.com/what-does-fafo-mean-trumps-message-colombia-goes-viral-2021284). The article states that ““FAFO”  
7 “stands for “F\*\*\* Around, Find Out.”

8 21. Attached to this declaration as **Exhibit 20** is a true and correct copy of an article  
9 by Steve Eder and Miriam Jordan, dated January 17, 2025, titled ‘*La Migra!*’ *A Glimpse of*  
10 *Trump’s Promised Deportation Storm*, N.Y. Times, available at:  
11 <https://www.nytimes.com/2025/01/17/us/immigration-deportation-california.html>. In the article,  
12 former CBP Commissioner Chris Magnus is quoted saying, “[t]hese roundups create widespread  
13 distrust of law enforcement and discourage many community members from reporting crimes as  
14 victims or witnesses.”

15 22. Attached to this declaration as **Exhibit 21** is a true and correct copy of a Press  
16 Release by Congressman David G. Valadao, dated January 13, 2025, titled *Congressman Valadao*  
17 *Releases Statement on Customs and Border Protection Operations in Kern County*, which is  
18 available at: <https://valadao.house.gov/news/documentsingle.aspx?DocumentID=1681>. In the  
19 press release, Congressman David G. Valadao states: “I have been in contact with Customs and  
20 Border Protection regarding the recent immigration enforcement actions in Kern County” and that  
21 he “ha[s] received numerous calls from constituents expressing fear for their families’ safety.”  
22 Congressman Valado further states: “I urge [Border Patrol] to avoid causing any further alarm  
23 among our farm workers” and avoid “targeting . . . those responsible for producing our nation’s  
24 food supply.”

25 23. Attached to this declaration as **Exhibit 22** is a true and correct copy of an article  
26 by Brisa Colón, dated January 12, 2025, titled *78 immigrants detained by Border Patrol*  
27 *throughout the Central Valley, officials say*, ABC 30 Action News, which is available at:

1 <https://abc30.com/post/78-immigrants-detained-icecentral-valley-officials-say/15790817/>. The  
 2 article quotes Fresno County supervisor Luis Chavez, who stated that he had “received reports of  
 3 food processing facilities [with] absences of 15 to 20 [percent] locally,” representing “[o]rders  
 4 that will not be able to be fulfilled.”

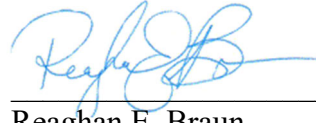
5 24. Attached to this declaration as **Exhibit 23** is a true and correct copy of an article  
 6 by Sergio Olmos dated January 10, 2025, titled *A surprising immigration raid in Kern County*  
 7 *foreshadows what awaits farm workers and businesses*, CalMatters, which is available at:  
 8 <https://calmatters.org/economy/2025/01/kern-county-immigration-sweep/>. The article quotes Sara  
 9 Fuentes, store manager of a local gas station: “It was profiling, it was purely field workers.”  
 10 According to the article, “Fuentes said that at 9 a.m., when the store typically gets a rush of  
 11 workers on their way to pick oranges, two men in civilian clothes and unmarked Suburbans  
 12 started detaining people outside the store.” Quoting Fuentes, the article further states, “They  
 13 didn’t stop people with FedEx uniforms, they were stopping people who looked like they worked  
 14 in the fields.”

15 25. Attached to this declaration as **Exhibit 24** is a true and correct copy of an excerpt  
 16 from the U.S. Customs and Border Protection web page, which is available at:  
 17 <https://www.cbp.gov/border-security/along-us-borders>. The web page states: “The United States  
 18 Border Patrol is the mobile, uniformed law enforcement arm of U.S. Customs and Border  
 19 Protection ... responsible for securing U.S. borders between ports of entry.”

20 26. Attached to this declaration as **Exhibit 25** is a true and correct copy of a report  
 21 from the U.S. Census Bureau: *QuickFacts, Kern County, California, Population Estimates: July*  
 22 *1, 2024*, which is available at:  
 23 <https://www.census.gov/quickfacts/fact/table/kerncountycalifornia/PST045224>. The report  
 24 estimates that 57.1% of Kern County residents are “Hispanic” or “Latino.”

25 27. Attached to this declaration as **Exhibit 26** is a true and correct copy of Appendix  
 26 A: Broadcast Statement of Policy, which is Dkt. 155-1 in *Castanon Nava v. DHS*, No. 1:18-cv-  
 27 03757, (N.D. Ill., Feb. 7, 2022).

1 I declare under penalty of perjury that the foregoing is true and correct, and that this  
2 declaration was executed on March 7, 2025, in San Francisco, California.

3   
4 \_\_\_\_\_

Reagan E. Braun

# **Exhibit 1**



Date/Time Posted: January 28, 2025 9:53 AM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02oBnaCzDoxG72oGXFjjjJEtPWWixAqgZhkYbPtEqLnsLr1M8mcd7D3bi5koxWVvl>

Date Captured: March 4, 2025

## **Exhibit 2**



Date/Time Posted: January 29, 2025 3:43 AM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02oBnaCzDoxG72oGXFjijJEtPWWixAqgZhkYbPtEqLnsLr1M8mcd7D3bi5koxWVvl>

Date Captured: March 4, 2025



# **Exhibit 3**



Date/Time Posted: January 12, 2025 12:02 AM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0enw1BMzPbERR9C2rxpWUKrgxMzA99BYr8LgQddh3U5mQvVuMCcHAfMU2uRPhN3Bpl>

Date Captured: March 4, 2025

# **Exhibit 4**

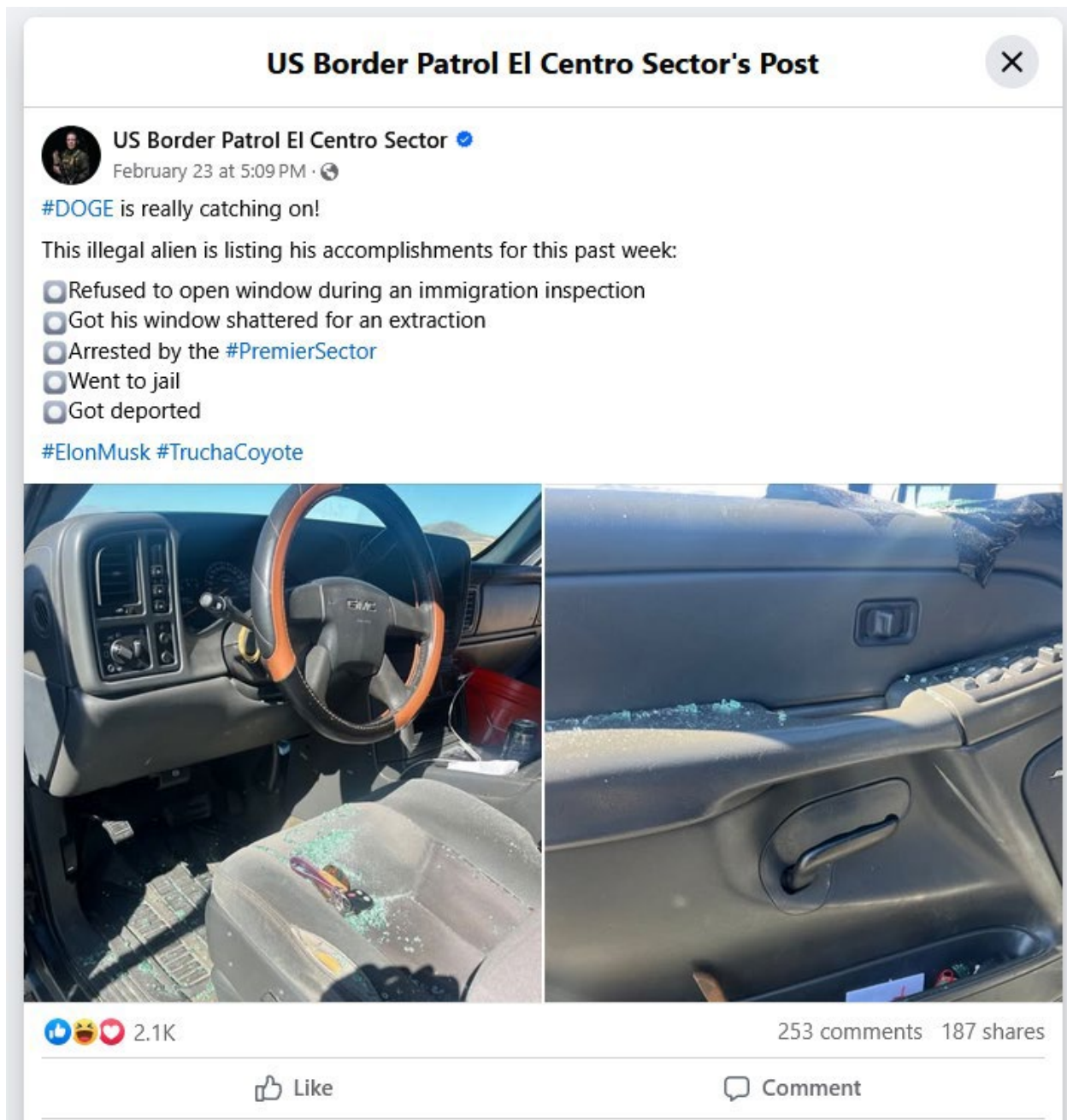


Date/Time Posted: January 10, 2025 9:18 PM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0enw1BMzPbERR9C2rxpWUKrgxMzA99BYr8LgQddh3U5mQvVuMCcHAfMU2uRPhN3Bpl>

Date Captured: March 5, 2025

# **Exhibit 5**



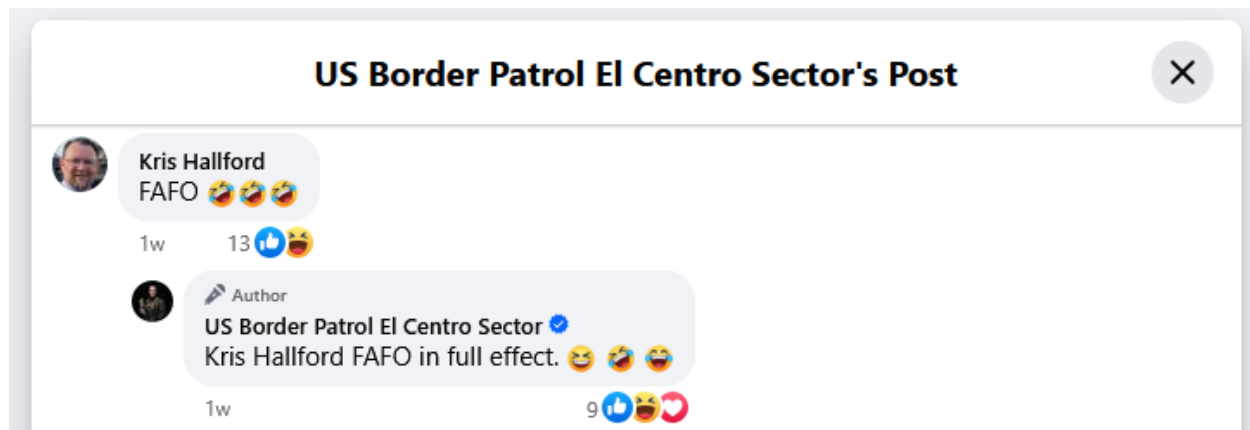
Date/Time Posted: February 23, 2025 5:09 PM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0Gt3xJwYxJhXdRB9kGybMMruXLNjaxyu1E2QmxGjfpdevPnYUMX32kGJhsDeCq5dl>

Date Captured: March 4, 2025

# **Exhibit 6**



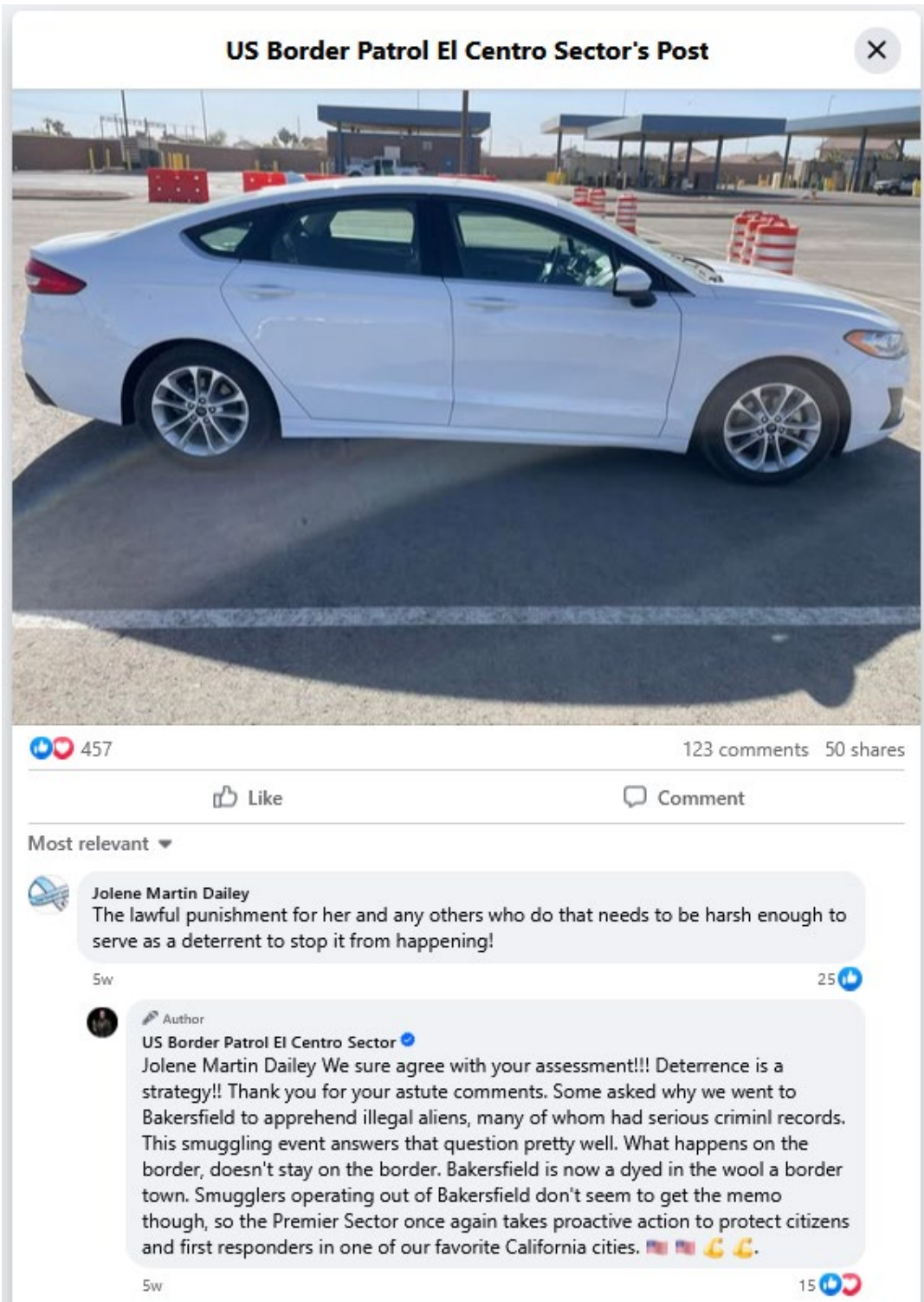


Date/Time Posted: February 23, 2025 6:47 PM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0Gt3xJwYxJhXdRB9kGybMMruXLNjaxyu1E2QmxGjfpdevPnYUMX32kGJhsDeCq5dl>

Date Captured: March 4, 2025

# **Exhibit 7**



Date/Time Posted: January 26, 2025 4:23 PM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0n9qLZbFQb4hM9nDQkZAifPaktVP76Vn2eQBrFR7pKBnnqP7iaZE88MKBnq9Sjvo>

Date Captured: March 4, 2025

# **Exhibit 8**



Date/Time Posted: January 14, 2025 7:52 PM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid0U5CHPhAdfYcAFLHz8xn5aS4mRvehGZnFRRYWrPE5TnMGaYHeBbL3M9Bk8PwEP6A2l>

Date Captured: March 4, 2025

# **Exhibit 9**

### US Border Patrol El Centro Sector's Post

Should illegal immigrants with criminal records be...

Deported immediately	93 %
Allowed to stay in the U.S.	1 %
Put in U.S. prisons	5 %

Are you nervous about the recent Border Patrol arrests in Kern County?

YES	35 %
NO	65 %

Open • 12 days remaining • 923 votes

Like

Comment

Send

Share

Most relevant ▼

Tom Tilley

Isn't this ICE's job, and isn't your real job doing something about the inexcusable entry delays shown on this page? <https://bwt.cbp.gov/details/09250302>

7w Like Reply

Author

**US Border Patrol El Centro Sector** ✓

Tom Tilley Our job is to apprehend and interdict any threat to the American homeland that crosses our borders. As many citizens have unfortunately seen, what crosses the border doesn't stay at the border, making every U.S. city a border town. Border Patrol has little to nothing to do with delays at designated ports of entry.

7w Like Reply

Date/Time Posted: January 13, 2025 3:18 PM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/thank-you-citizens-of-bakersfield-the-premiersector-saw-massive-citizen-support-/908981681423101/>

Date Captured: March 4, 2025



# **Exhibit 10**

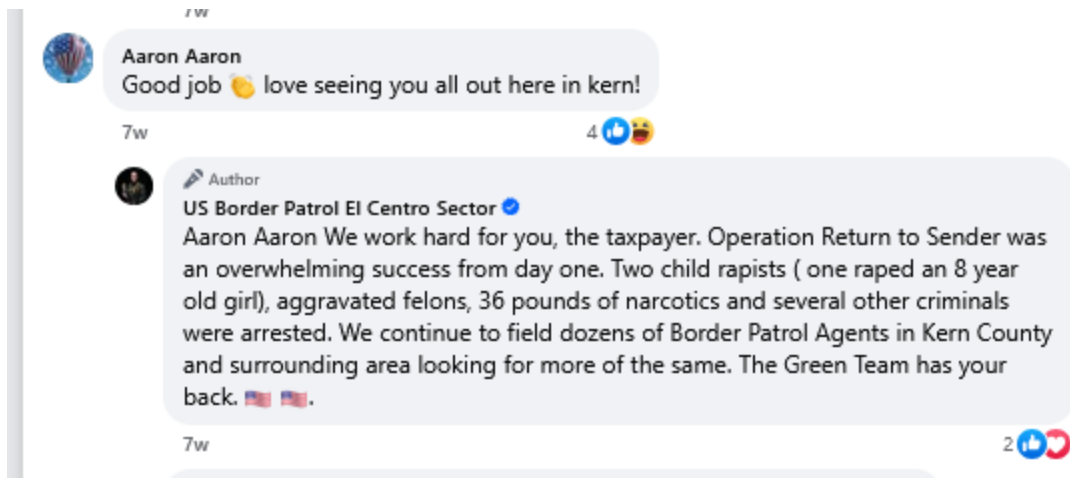


Date/Time Posted: January 9, 2025 11:37 AM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/here-in-the-premiersector-we-go-the-extra-mileor-500-of-themto-protect-our-natio/906161171705152/>

Date Captured: March 4, 2025

# **Exhibit 11**



Date/Time Posted: January 9, 2025 8:36 AM

Link: <https://www.facebook.com/USBorderPatrolElCentroSector/posts/pfbid02W88MH4HqwiQF55d6LzAURpCd9ABvnLP1godPk3qEWcS7MHoEcg1zdJwSJwSEVmWWl>

Date Captured: March 5, 2025

# Exhibit 12

← **Post** Reply 🔗



**USBP Chief Patrol Agent Gregory K. Bo...** @USBPChief... · Jan 10 🔄 ...

Looks like this undocumented criminal's plan backfired!! During Operation Return to Sender, agents from the [#PremierSector](#) wrangled up a felon in [#KernCounty](#) who had a weapons charge warrant out of Tulare County. Locked and loaded-justice is served!

[#bakersfield](#)



💬 25 ↻ 48 ❤️ 190 📊 12K 🔖 📶



**PAZ Phillips**  @PPhillipsAZ · Jan 10 🔄 ...

Thank you for dealing justice and keeping us safer.

💬 1 ↻ ❤️ 6 📊 374 🔖 📶



**USBP Chief Patrol Agent Gregory K. Bovino**  
@USBPChiefELC 🔗 ...

You are most welcome, Paz. More to come on this. Much more.

6:53 AM · Jan 11, 2025 · **260** Views

Date/Time Posted: January 11, 2025 6:53 AM

<https://x.com/USBPChiefELC/status/1878092797690904837>

Date Captured: March 4, 2025

# **Exhibit 13**



## Post

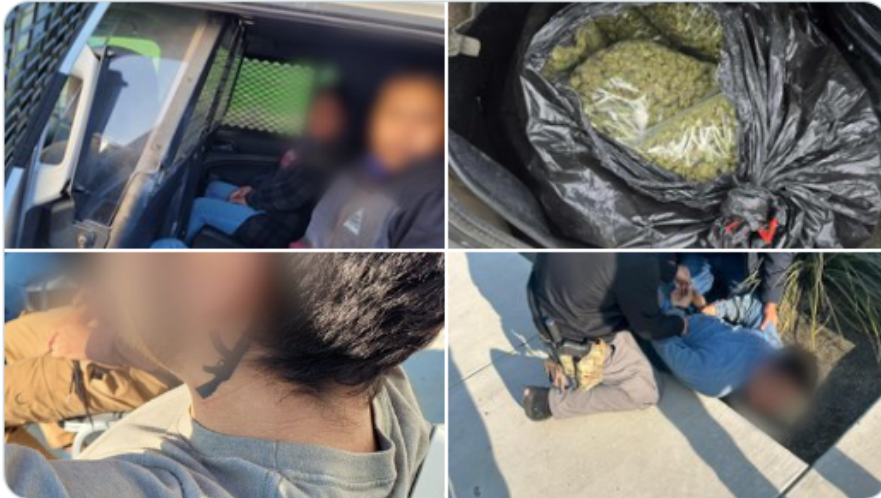
Reply



**USBP Chief Patrol Agent Gregory K. Bov...** @USBPChiefE... · Jan 8

Here in the [#PremierSector](#) we go the extra mile—or 500 of them—to protect our nation and communities from bad people and bad things. Two child rapists were caught the first day with more to come.

[#KernCounty](#) [#LongArmOfTheLaw](#) [#USBP](#) [#BorderPatrol](#)  
[#NewYearNewArrest](#) [#Bakersfield](#)



18

37

126

42K



**Suncee** @stareathecldouds · Jan 9

Okay, as you profile and gather people, how are you making sure you are conducting "targeted enforcement arrests of individuals" and getting the right people? Standing outside gas station shops and home depots preying on any random person seems like a good strategy to you?

1



5

676



**USBP Chief Patrol Agent Gregory K. Bovino**  
@USBPChiefELC



Undocumented means just that. I recommend returning to the country of origin, obtaining proper documents, and doing it the right way. If not, we will arrest.

7:58 AM · Jan 12, 2025 · 321 Views

Date/Time Posted: January 12, 2025 7:58 AM

Link: <https://x.com/USBPChiefELC/status/1878471709482737998>

Date Captured: March 4, 2025



# **Exhibit 14**



Date/Time Posted: January 27, 2025 6:50 PM

Link: <https://x.com/USBPChiefELC/status/1884071527630639364>

Date Captured: March 4, 2025

# **Exhibit 15**

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## **The Source with Kaitlan Collins**

**Trump DOJ Fires Officials Who Prosecuted Him; Homan On Mass Deportation Effort: "There's No Safe Haven"; Trump Calls DeepSeek A.I. "Positive Development" But Also A "Wake-Up Call" For U.S. Tech Industry. Aired 9-10p ET**

Aired January 27, 2025 - 21:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

[21:00:00]

(BEGIN VIDEOTAPE)

IRENE WEISS, HOLOCAUST SURVIVOR: --keeps working, but the soul never forgets. There is a soul that does not forget any of it. It's imprinted on the soul that keeps the memory, the pain, the grief, it's just always there.

(END VIDEOTAPE)

ANDERSON COOPER, CNN HOST, ANDERSON COOPER 360: The soul never forgets, nor should we. Irene Weiss, Auschwitz survivor, now 94. She's remarkable.

You can listen to the full interview on my podcast, "All There Is," wherever you get your podcasts. Or watch the full video interview on the CNN channel on YouTube.

The news continues. "THE SOURCE WITH KAITLAN COLLINS" starts now.

KAITLAN COLLINS, CNN CHIEF WHITE HOUSE CORRESPONDENT, CNN HOST, THE SOURCE  
WITH KAITLAN COLLINS: Straight from THE SOURCE tonight.

Trump's new purge and the fallout tonight, as the brand-new President fires more than a dozen Justice Department officials who helped investigate him.

And an inside source on the immigration blitz underway, across the country. As Trump's promised enforcement arrives, his border czar, the man in charge of the crackdown, will join me live, in moments.

And it's hailed as the technology that will revolutionize the world, as we know it. But tonight, a shocker. Did China just eat the U.S.'s lunch in the race to conquer A.I.? Kara Swisher is here.

I'm Kaitlan Collins. And this is THE SOURCE.

They say that revenge is a dish best served cold. But if you're President Trump, it is apparently one that's delivered by the acting Attorney General, piping hot.

And tonight, he is taking aim at his perceived enemies at the Justice Department, with the acting Attorney General firing more than a dozen prosecutors, who worked with Special Counsel, Jack Smith, on the classified documents and election interference cases against Trump.

CNN obtained this letter from James McHenry, the acting Attorney General, who told these prosecutors, quote, "You are being removed from your position at the Department of Justice... effective immediately." It goes on to say, given their significant role in prosecuting the now-President, they can't be trusted to assist in implementing the President's agenda, quote, "Faithfully."

Now, this move may be shocking in its scope and, frankly, unprecedented in its nature. But no one can exactly argue that it's surprising. Trump has made clear his anger directed at those who investigated him. He even referenced it during his inaugural address.

But this mass firing could land Trump's DOJ in court, potentially facing off against some of its now-former employees. A major question that remains, this evening, is whether these career lawyers will fight back by filing lawsuits about their firings.

But what we do know, and one thing is clear, Trump's January 6 retribution tour is also getting started underway at the DOJ, as we've learned today, that the Trump administration is taking the first step, the first concrete step, to investigate the investigators.

The interim U.S. Attorney, here in Washington, D.C., has just launched a, quote, "Special project," that is really what they are calling it, into prosecutors who brought obstruction charges against some of the January 6 rioters.

My sources are here tonight.

CNN Correspondent, Katelyn Polantz, who broke this reporting.

And former federal prosecutor, Elie Honig.

Katelyn, the acting A.G., came out and said, They can't be trusted to implement Trump's agenda.

I guess, the question was, were they ever going to be able to stay at the Justice Department, these people who worked on Jack Smith's team for the last two years?

KATELYN POLANTZ, CNN CORRESPONDENT: Well, there wasn't an expectation that they would have -- wouldn't have been, because they are career employees of the Justice Department, people who even had worked in the office, back when Trump was the president before. People have been there a long time.

What they're doing with this, this is not the firing of Jack Smith, the Special Counsel, or a political appointee. These are people who are fired for doing their job at the Justice Department, that they were going back to their home offices, after finishing their work at the Special Counsel's Office.

And the way that this is being articulated by the Justice Department, you cannot underline how unusual this is, enough. I mean the way that it say -- saying, in this letter, that these people received in the middle of the afternoon, saying, They played a role in prosecuting Donald Trump, President Trump, and that they do not believe that the leadership can trust them as long-time career employees of the Department, who have worked on many cases.

A couple of them, at least one of them I know of in the U.S. Attorney's office in Washington who prosecuted the former White House Counsel of the Obama administration. So, these are not people that were signed up to do this political work. It is -- it is incredible.

COLLINS: Is it saying what they think they did wrong, beyond just simply working on Jack Smith's team?

POLANTZ: I mean, it really is that. There is an articulation in this letter, from James McHenry, that they believe that these people were part of the weaponization of the Justice Department, that they are people that were in U.S. attorney's offices.

This is the equivalent, not of a Saturday Night Massacre in the Nixon administration. It is a massacre in broad daylight, on a Monday afternoon, that the Justice Department is announcing very clearly, exactly what their motive is.

[21:05:00]

And these people, where do they go now? Maybe they go to a lawsuit, or maybe they go to what the administration says they should do, the Merit Systems Protection Board, which is not the easiest way to follow things.

COLLINS: Yes.

Well, on that Elie. I mean, just to break it down for people. These are not political appointees, which are the people that the President gets to pick. They're career prosecutors. As Katelyn noted, they've been there a long time.

The acting A.G. is claiming that Trump has constitutional authority over this, because, under Article II of the Constitution, to fire these people, rather than really arguing that they're being fired because of their performance or their conduct.

Is this legal?

ELIE HONIG, CNN SENIOR LEGAL ANALYST, FORMER ASSISTANT U.S. ATTORNEY, SOUTHERN DISTRICT OF NY: Well, so first of all, Kaitlan, this is straight-up payback, and there's no dispute about it.

They come right out and say, if you look at that letter, what the acting Attorney General says is not, You've done something wrong here. All that letter says, it's about one page, is, You were part of the team that tried to prosecute Donald Trump. We therefore don't trust you. Therefore you're out.

Now, as to what can be done. What's really remarkable here is this. It is common, ordinary and expected that any new president, new administration will fire the political appointees, the Attorney General, the U.S. attorneys, usually those people resign before that, so it doesn't even come to that.

But the people who were fired today are what we call career prosecutors, meaning what I once was, a non-political person, who's working on the line, who's doing cases and trials, and has no political affiliation. That's what makes this so unusual.

Now, can they seek recourse in the courts? It depends a bit on how senior they are. At a certain level of seniority, you have greater civil service protections than the less senior people.

But the conflict here, ultimately, is going to come down to the civil service protections on the one hand, versus just the blunt force of Article II, of the President being able to do whatever he wants in the Executive branch. So, I think we'll see this play out in courts.

COLLINS: I mean, Elie, Pam Bondi has not yet been confirmed as the Attorney General. So, this is not coming from her. It's coming from the acting Attorney General. One, what do you read into that? And two, I mean, is this going to prompt more questions, when she's back on Capitol Hill, this week?

HONIG: Well, I think, first of all, they've done a huge favor for Pam Bondi, by doing the dirty work before she arrives. Look, this is an ugly task. We knew they were going to do it. They forecasted it to you, Kaitlan, both Katelyns (ph), and others, that this was going to happen. And now it saves Pam Bondi from having to do this herself.

But when she goes back for more questioning, 100 percent she should and will be asked this. Do you approve of this type of firing? Will you continue to fire non-political career prosecutors like this?

COLLINS: Yes. Elie Honig. Katelyn Polantz.

And I should note, this is all happening, as the President has been outside of Washington. He's just landed at Joint Base Andrews. He was speaking to House Republicans in his backyard at Mar-a-Lago, at Doral earlier. We're waiting to see if he speaks to reporters, when he gets off the plane, and if he weighs in on this.

In the meantime, as we keep an eye on Air Force One, we have our White House insiders, here at the table with



Meridith McGraw is a White House Reporter, at The Wall Street Journal, and Author of "Trump in Exile."

And Isaac Arnsdorf is a Senior White House Reporter at The Washington Post.

Isaac, what are your sources telling you about these firings, and just what this means that the DOJ is going to look like for the next four years?

ISAAC ARNSDORF, SENIOR WHITE HOUSE REPORTER, THE WASHINGTON POST: I mean, everything that we've been talking about, the difference between a political appointee and a career official, the White House just doesn't see it that way. Trump and his team just don't see it that way.

They see these as people who were going after Trump, trying to take him down. And it's only natural for them, now that he won, and he's the president, that he doesn't want them on his team. They don't trust them.

And the people who are taking over the Justice Department are his personal lawyers, who represented him in those same cases.

COLLINS: Yes, a lot of them have experience with these people, Meridith, and have been in the courtroom with them.

I think, to the point of Elie, of saying how unprecedented this is, and as Katelyn noted, calling it just a massacre in the middle of Monday, not Saturday night, like we saw with Nixon. But this was kind of inevitable, in terms of what Trump's very clear desire to reshape the DOJ looked like.

MERIDITH MCGRAW, WHITE HOUSE REPORTER, THE WALL STREET JOURNAL, AUTHOR, "TRUMP IN EXILE": Completely. It was unprecedented, unusual, but I think, wholly unsurprising.

And anybody who's been paying attention to what Donald Trump has been saying, what his allies have been saying, what he's been broadcasting from his very first 2024 campaign rally, when he was in Waco, and he had the Jan 6 choir, singing the anthem there. He's been talking about this for years now.

And him taking this swift action, I don't think should come as any surprise. And that's what people in the White House have told me today, when I was asking about it.

COLLINS: Yes, and it comes as they're also launching this so-called Special project. I mean, that's what they are referring to it. To investigate the investigators who prosecuted the January 6 rioters, and used basically a statute that admitted up to the Supreme Court, of whether or not it could be used to prosecute them.

What does that tell you about the priorities of the Justice Department here?

[21:10:00]

ARNSDORF: Well, again, the acting U.S. Attorney in D.C. was in the private sector, before this, representing defendants charged in the January 6th riot. And now, he's on the other side of the table in that prosecutorial capacity, also in an acting capacity, right?

So there is, like Elie was saying, a little bit of what, how far they can push, and what kind of stuff they can get out of the way, before the actual Senate-confirmed officials come in and face those tough questions. COLLINS: Yes, how much of the decisions, Meridith, that are being made right now, have to do with, as they're watching the confirmation schedule on Capitol Hill? Because it's Pam Bondi. Then it will be the DAG, the Deputy Attorney General.

But we are seeing other Trump officials already working. Emil Bove, for example, who was in Trump's case, when he was being prosecuted in Manhattan, has already been out there on the ground, doing the work, on the job. We're seeing these attorneys already get to work.

MCGRAW: Yes, we are. I mean, and like you were saying, the new acting U.S. Attorney, here in D.C., getting right to dismissing these January 6 cases, opening up this investigation. So many of these appointments, they are coming in waves. It's bit by bit. But they're already starting to chip away at Trump's agenda.

COLLINS: How much of this is this, not just what we're seeing with the moves of the DOJ, but overall.

You had some great reporting today about just kind of this flood-the- zone strategy that Trump is employing. I mean, we saw the executive orders, last week.

And I should note, there's Trump coming down the steps of Air Force One now. We'll see if he speaks to reporters, and bring those comments if he does.

But what this is going to look like as far as far as executive orders, and all of these executive actions that he's taking in his beginning days in office.

ARNSDORF: Yes, he just previewed that he'd be signing four more tonight.

And flood the zone was Bannon's term. And I think he's frankly, a little bit jealous of how they've done it this time around versus when Bannon was in the White House. I mean, we were talking about the I.G.s, the inspectors general, all being fired on Friday night. And now, we're talking about the DOJ massacre today.

So, it's just one thing after another. And that makes it hard for us to keep up as reporters. It makes it hard for you to keep up as viewers. And it makes it hard for the Democrats, to figure out what they want to be talking about. And lawyers, if they're going to try to challenge this.

COLLINS: Yes. And also, it seems like for Republicans, when it comes to them being questioned about it on Capitol Hill.

Meridith and Isaac, great to have you both. That's our White House insiders here.

And meanwhile, as you see Trump getting a Marine One there, we'll be watching that return to the White House. This comes as he just made a major change to the U.S. military, with these executive orders that Isaac mentioned, and his new Defense secretary, who was just confirmed on Friday now -- Friday night, is vowing to rapidly enforce them on his first official day.

Plus, tonight, we're going to speak to Trump's border czar, live, as our critical inside source on the sweeping immigration blitz underway across the country.

[21:15:00]

(COMMERCIAL BREAK)

COLLINS: President Trump has capped off his first week in office by welcoming House Republicans, to spend money at his Florida golf club. The same president who, hours before, had executed a purge of officials, at the Department of Justice, he was touting this as one of his accomplishments.

(BEGIN VIDEO CLIP)

DONALD TRUMP, PRESIDENT, UNITED STATES OF AMERICA: I also signed an order to end the weaponization of our government against the American people.

(END VIDEO CLIP)

COLLINS: Ending the weaponization. Of course, that comes after he executed that purge of those career prosecutors.

My Republican source tonight is Texas congressman, Dan Crenshaw.

And it's great to have you here, Congressman.

On what we saw happen today, do you believe that the American people elected Trump, to get revenge on federal prosecutors?

REP. DAN CRENSHAW (R-TX): I think a lot of people did. Whether this is considered revenge or not, I think, is open to interpretation. I think a lot of these federal prosecutors, one might argue, were going outside the bounds of what their prosecutorial duties might be. I mean, you go on a case-by-case basis, but.

COLLINS: But do you have any -- I mean, there is no really indication that they committed any wrongdoing or did anything improper. I mean, there's a difference, obviously, between those at the top, who are calling the shots and making the decisions, and those who are the career employees, who are -- who are just doing their jobs.

CRENSHAW: It's just hard to say, because we're not talking specifics. But if we're talking about, say, Crossfire Hurricane and Russiagate, I mean, there were some people, who very much ignored actual facts and correct intelligence, in order to go after Trump. It did happen. So, it's not that crazy to see what's -- to see him purge a lot of the ranks, right now.

COLLINS: Yes, but do you believe that it's legal?

CRENSHAW: It's his administration. I mean, it's his administration.

COLLINS: They do enjoy civil service protections.

CRENSHAW: By definition, it's his administration. They work for him, at the pleasure of the President. And if it's illegal, it should be legal. And that's, look, the firing of federal employees being so difficult as it is, that's something that we need to address as a country, just to make our government more efficient. I mean, that's a longer conversation. But it should be legal, yes.

COLLINS: But if it's not currently legal, and they do enjoy these protections because they are civil service employees, they're career prosecutors. And the point of that is, is to have people who are insulated from the politics of the political appointees, who he does have the right to put in place, there.

CRENSHAW: No, every federal worker works for the administration, which works for the President.

So, and this is -- this is a bigger problem than just these particular employees. I mean, one of the reasons a lot of our agencies don't work well is because it's so hard to fire a federal worker. Businesses couldn't operate that way, if you could just never fire anyone. It creates a highly inefficient agency, right, whatever agency we're talking about.

[21:20:00]

COLLINS: But is there the other side of that argument, where it's if every single person at the Pentagon was a political appointee, then when every four years, every eight years, every single person would be replaced, and there'd be no one who knew their way around the hallway, or where certain house -- certain decisions are made. I mean, there is a benefit to that kind of institutional knowledge, is there not?

CRENSHAW: Of course there is.

COLLINS: That's the whole point.

CRENSHAW: But not everybody is being fired either. I mean, I think -- I think we're overblowing what's actually happening.

Again, whether you're a federal employee, or a political appointee, you still work for the President, directly. That's -- that is the case. And what we -- we have a much bigger problem with the way that federal unions have become so institutionalized, that we can't actually fire people who aren't doing their jobs. It's a much bigger problem.

COLLINS: Yes, well, I mean, obviously the argument there, we'll see if they take this to court, and if there are lawsuits here. There certainly could be, from our legal experts.

But you just said that there are people who did elect Trump to do this. But there were a lot bigger campaign promises that were made by Donald Trump. And I think some people may look at this, and say, How does this further the priorities that Republicans promised to voters on the trail, whether that came to lowering grocery prices, or confronting China? I mean, is this part of that agenda?

CRENSHAW: Well, look, this is part of about a 1,000 other actions that Trump has taken, in the very short time that he's been in office. Let's talk about the ones that really do matter to people, like LNG exports. That's huge for our -- for our energy sector. Getting our border under control. I mean, he's doing a lot more than just firing a few prosecutors, let's be honest.

COLLINS: Yes, and we're going to talk to his border czar in a few moments.

I just think obviously every decision made in the first week is seen as a priority and important.

But let me ask you about some of the executive orders that Trump has been signing. Because you have said that any American, who is willing and able to serve in the military should be allowed to do so. Do you oppose Trump's ban on trans people serving in the military?

CRENSHAW: No, not at all. And I'm not sure where you got that quote. But you could find a lot of other quotes from me that would say that we should never allow anyone in the military to undergo transition surgery, which would make them medically-unqualified to deploy, and therefore reduce the readiness of the military.

So, I'm not sure what President Trump is going to do exactly on this policy. It's probably going to look a lot like his last administration, which was, you can say that you're another sex, but you can't undergo treatments to become another sex, because once you do that, you make yourself unready to deploy. It's the medical procedures themselves disqualify you.

COLLINS: But there are trans people who serve in the military, right now, who would disagree with that.

CRENSHAW: They can disagree all they want. I'm the one who's -- I know what war is like, and I know what it takes to deploy. I was not allowed to deploy for vision issues.

Now, what if you need to be on a bunch of medications, and your -- and your entire body has been -- has been changed radically into another gender? It makes it very difficult to deploy you into the places that we need to deploy you.

I had to be medically-retired for my condition. And my condition, arguably, is far less -- is far less severe than undergoing a transition to a different gender.

COLLINS: Yes, but people obviously take medical leave from the military all the time, in return.

And you said you didn't know what quote I was talking about. This is from 2021. This is -- this is the quote.

CRENSHAW: Yes, I'm sure -- I'm sure I said that. But there's--

(BEGIN VIDEO CLIP)

CRENSHAW: I think people should be able to serve openly, and tell people what their identity is. And anybody who can meet those standards should be able to serve.

(END VIDEO CLIP)

CRENSHAW: And then I probably--

COLLINS: Do you still?

CRENSHAW: And then I -- and then I -- and then I probably went on to say -- if the conversation was about transgenderism in the military, I probably, in that interview, went on to say exactly what I just said. Because I've never changed my mind on this.

COLLINS: So, when you say, I think people should be able to serve openly and tell people what their identity is, anyone who can meet those standards. I mean, aren't you arguing that those people that if someone who is trans is in the military, and they can meet the standards, that they should be able to serve? I don't -- I don't know that--

CRENSHAW: What I'm saying is by--

COLLINS: Why would you be making that decision, and not a medical professional, or someone who makes those decisions about vision, or whatever issues they evaluate, before deploying somebody?

CRENSHAW: I'm saying, by definition, if you -- if you have transitioned into a different gender, you are not meeting our medical standards. There's -- you're creating--

COLLINS: Right. But that's your opinion.

CRENSHAW: No, it's not an opinion. That is -- that is a pretty easy -- that's an easy-to-prove fact. It makes it much harder on our units to deploy. Period. Like, full stop. And again, there's a--

COLLINS: But then how are there trans people serving in the military, right now, Sir?

CRENSHAW: There's a difference between identifying -- like, again, look, you could -- you could -- Kaitlan, you could show up to your job, the next day, and say that your name is now, Ken. That's different. You can identify that way. And that was Trump's old policy, by the way. They would allow you to serve that way.

But there's a very big difference between doing that, and actually undergoing medical procedures that take you -- that take you out of service. And there's -- and, yes, you call it medical leave. But that's some pretty severe medical leave. So, why would we allow that? And then you -- and to say that you're deployable to austere environments? No way. That's just not true.

COLLINS: OK. But Congressman, I-- CRENSHAW: And so, I've never -- I've never changed my mind on that.

COLLINS: The executive order is banning all trans people. Period. It's not making a caveat that you're making there.

CRENSHAW: I don't think we've seen the text of the -- of the order, have we? I don't have the text.

[21:25:00]

COLLINS: Are you -- this is what was -- how it's been described to us by our sources. Are you telling us that--

CRENSHAW: Yes, but we don't -- but we don't have the--



COLLINS: --it makes that distinction?

CRENSHAW: I don't -- I don't have the text. If you're making any guess on what the text is, I have a feeling it'll look a lot like the last administration. We don't know yet.

COLLINS: OK. So, you're in favor of this, though, regardless?

CRENSHAW: Yes. Yes, my position on this has always been very clear, so.

COLLINS: Congressman Dan Crenshaw, thank you for your time.

CRENSHAW: Thanks.

COLLINS: Meanwhile, Trump's sweeping immigration crackdown that he pledged to carry out on the campaign trail is here. More than a 1,000 people were arrested in one day.

Border czar, Tom Homan, is here, live, for the first time since taking on his new job, here with us on THE SOURCE.

(BEGIN VIDEO CLIP)

TRUMP: Today in Tijuana, you probably saw the -- I got a call from Tom Homan, and some of the people. They said, Sir, it's unbelievable.

We're deporting 100 percent of all new trespassers apprehended at the border.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

[21:30:00]

COLLINS: The Trump administration's promised immigration blitz is now well underway, across the U.S., and just getting started, as multiple federal agencies are now swarming cities, across the country.

As the President today compared his deportation flights to a 1990s Nicolas Cage movie.

(BEGIN VIDEO CLIP)

TRUMP: You got 300 people sitting in a plane. Every one of them either a murderer, a drug lord, a kingpin of some kind, a head of the mob, or a gang member. And you're flying that plane, it's not going to end well. You ever see the movie Con Air?

(LAUGHTER)

TRUMP: That's what -- yes. Except here's the difference. The people in Con Air were actors. They weren't nearly as tough as these guys.

(END VIDEO CLIP)

COLLINS: My source tonight is President Trump's border czar, Tom Homan.

Don't worry, Tom Homan, I'm not going to ask you about Nicolas Cage, or any movies.

But on the numbers and what we're seeing, you guys actually put into practice. Just today, ICE says it has made 1,179 arrests. How many of those people had been convicted of crimes in the U.S.?

TOM HOMAN, PRESIDENT TRUMP'S BORDER CZAR: Look, I don't have exact numbers with me. But for -- I'll give you an example. I was in Chicago, yesterday, for that operation. And everybody but I think four were collateral -- with four collateral arrest, everybody else was a criminal.

And when I walked out at the end of my shift, we already had, I think, nine Tren de Aragua. Two of them were actually being charged with crimes, because there was -- here's an illegal alien -- illegal alien gang member in the United States, selling illegal guns in the neighborhood. And they even sold the switches, which turned the gun into fully automatic machine guns.

We arrested, I think, we had a total of seven sexual predators, crimes -- sexual crimes against children. We had two illegal aliens, convicted of murder that were released by the state prison back to the streets.

So everybody we arrested in Chicago, yesterday, was -- it was a significant public safety threat. There were several collateral arrests that happened to be there, when we arrested the bad guy. So, this operation, right now, is concentrated on public safety threats and national security threats throughout the country.

COLLINS: So the majority of those yesterday were -- did have criminal records. And do you believe the majority of today's numbers have criminal records?

HOMAN: I won't see those numbers till midnight tonight. But, again, we're focused on -- we're focused on criminals. But I think you and I discussed before. Well, in sanctuary cities, you're going to see a higher number of collateral arrests. I mean, we're going to have more criminals, but there's going to be a big number, what we call, collateral.

Because when we're forced into the neighborhood, to find the bad guy, he's probably going to be with others. And we're not going to instruct the ICE agents to ignore their oaths, ignore the law. If they're here illegally, they're going to go -- they're going to go to jail too.

And that's why I just -- I'm imploring the sanctuary cities, let us into jail, to arrest the bad guy in the jail, where the community's safe, the officer's safe, the alien's safe. If you're forcing into community, you're going to get exactly what you don't want.

COLLINS: And when you say--

HOMAN: More agents in the neighborhood, and more collateral arrests.

COLLINS: When you say collateral arrest, you mean someone who doesn't have a criminal record, but is here, is an undocumented immigrant. They still get deported as well, right? You're not letting them go back to their neighborhoods, or to their jobs. Is that right?

HOMAN: Yes, if they're in the country illegally, they're going to get arrested too.

COLLINS: Now that you're officially in your position, you've been here about a week on the job. We spoke to you last, before you would actually come in formally to the role. Do you have a better target number for how many people you want to deport overall?

HOMAN: As many as we can. My goal is -- I think success is removing every criminal gang member out of

this country, every public safety threat, illegal alien, out of this country, every child trafficker, illegal alien, out of this country. Then that aperture opens, right?

We got 1.4 million illegal aliens in this country, who had due process at great taxpayer expense. They were ordered to remove by a federal judge, and didn't leave. They became a fugitive. They're next. So, we're going to keep opening that aperture, and enforcing immigration law. And all for those in the country illegally--

COLLINS: And how long--

HOMAN: --those who don't have a final order, those who have not been ordered by an immigration judge, if you're in the country illegally, you should leave.

Because if we have to formally deport you, you can face the -- anywhere it's from a five- to 20-year bar from ever coming back, either as a student, a visitor visa, a tourist visa, or be petitioned by a U.S. citizen child. If you're in the country illegally, you have been ordered to be deported? Leave and come back the right way--

COLLINS: Yes. HOMAN: --because there will be other opportunities.

COLLINS: You're talking about going after public safety threats, national security threats first. But you just said that aperture is going to widen, meaning, the scope of the people you're going to go after. How long do you anticipate, before you're in that next phase where the aperture has gotten wider?

[21:35:00]

HOMAN: Very soon. I mean, sanctuary cities are making it very difficult to arrest the criminals. For instance, Chicago, very well- educated. They've been educated how to defy ICE, how to -- how to hide from ICE.

And I've seen many pamphlets from many NGOs, Here's how you escape ICE from arresting you, Here's what you need to do. They call it, Know your rights. I call it, How to escape arrest. There's a warrant for your arrest, and they tell you how to hide from ICE. No -- don't open your door. Don't answer questions.

OK, they can call it Know your rights, all you want. But if there's an order for the removal, they've been ordered to remove by a federal judge after due process, at great taxpayer expense? They need to go. But if we got to play that cat and mouse game, that's what we're going to do, till every one of them gone.

COLLINS: In terms of how you're messaging this, obviously you've been speaking publicly. We know that officials were told to be ready, to be in front of the cameras. Agents were, that they could be around when these arrests were happening. We saw Dr. Phil was along and embedded with one of your teams.

How much thought are you putting into, to making this kind of a made- for-TV moment, in order to publicly message? Or, whatever your strategic goal is here?

HOMAN: Well, look, we got Kristi Noem who's just -- she got her vote this weekend. You're going to see a lot more from Secretary of DHS, should be out here, talking much more. We've -- the new CBP Commissioner, who's being nominated, Rodney Scott, he will empower the Chief Patrol Agents to talk. So, we want all the frontline managers to talk throughout the country.

But the message that I'm sending is that we're going to force it -- we're going to force immigration laws in this country. And if people don't like -- they like it, then they need to change the law.

Because ICE isn't making this up. We're enforcing laws enacted by Congress and signed by a president. But we're doing it in a smart way. The Trump administration, in the beginning, says, we're going to concentrate on public safety threats and national security -- national security threats around the country (ph). The worst, first, and that's what we're doing.

But as, like I say, as we go on, we're not going to say it's OK for 1.4 million illegal aliens to ignore a judge's order to deport. So, they're going to be next. And we're going to keep opening that aperture up.

So, we're sending a message. It's not OK to be in this country illegally. It is not OK to enter this country illegally. It is a crime. And there's going to be consequences.

COLLINS: Do you have a number of how many people you'd like to have deported by this time next year?

HOMAN: I don't have a number. As many as we -- as many as we can arrest and deport. We're going to enforce the law.

COLLINS: OK. But no firm number?

HOMAN: If you're here in the country illegally -- if they're in the country illegally, they got a problem, and they're not off the table.

COLLINS: Yes, but on numbers, you have been clear that your success here, in this effort, will depend on how much money you can get from Congress.

Now that you're in this role, do you know how much money, what kind of budget you would need to deport the people that you say are public safety threats, national security threats? And also, the 1.2 million that you just referenced there, who have gotten orders from a judge?

HOMAN: 1.4 million. And yes, like we needed -- we needed more than the 100,000 beds. Right now, we got about 34,000 beds. We'll fill them up in a week. So we need -- we need at least a 100,000 beds. We need more international air flights. We need more grounds transportation. We need more money to hire more officers and Border Patrol agents.

And that's why we're bringing, right now, the whole of government is coming in, right? In the Chicago operation, in every operation throughout the country, now, we got DEA, we got FBI, we got U.S. Marshals, we got ATF, we got HSI, we got ERO. So right now, we're bringing the whole of government into this, so we can create more teams and arrest more people.

So, this dynamic is constantly changing. And depending on the city.

COLLINS: Yes, and if you--

HOMAN: Is it a sanctuary city, not a sanctuary city?

COLLINS: Yes, you're using them as like a force multiplier.

But when it goes to the real money that you'll need from Congress, to get more beds, and to hire more agents, if Congress is not reliable, as I'm sure you are well-aware, in terms of what they can get passed? I know they believe this is a big part of Trump's agenda. But if you don't get what you need from Congress, can you achieve what you're trying to achieve here?

HOMAN: We're going to do everything we can with what we have, and we're going to arrest as many as we can.

However, you're right. We can be more successful if we have more money, if we can buy more beds. Because

every time we arrest an illegal alien, we just don't deport them that day. We have to detain them for a few days, or a few weeks, to get travel documents, get landing rights in their home country. So, the more money we have, the more we can do.

COLLINS: Mr. Homan, I've got a few more questions for you, if you'll stick around, for a few minutes, with us.

We're going to take a quick break, and then we'll be back with Mr. Tom Homan, Trump's border czar, after a short commercial break.

[21:40:00]

(COMMERCIAL BREAK)

COLLINS: And we're back with President Trump's border czar, Tom Homan, whose name came up at the confirmation hearing, for the newly- confirmed Secretary of Homeland Security, Kristi Noem.

(BEGIN VIDEO CLIP)

SEN. ANDY KIM (D-NJ): I guess I'm uncertain about roles and responsibilities regarding your position, and Tom Homan's.

How are you going to work with Mr. Homan? What is the division there? I'm trying to get a better sense of who's in charge.

KRISTI NOEM, UNITED STATES SECRETARY OF HOMELAND SECURITY: Yes, Tom -- Tom Homan is an incredible human being, who has over 30 years of experience.

KIM: Incredible experience, I get that.

NOEM: Yes, at the border, and the inside--

KIM: I'm just trying to think through decision-making process--

NOEM: Yes.

KIM: --when it comes to your work. For instance, will he be giving orders directly to CBP, ICE, USCIS?

NOEM: Tom Homan has a direct line to the President. He is an adviser to the President, the border czar.

I obviously will be, if nominated and confirmed, and put into the position of being the Department of Homeland Security Secretary, and responsible for the authorities that we have, and the actions that we take.

(END VIDEO CLIP)

[21:45:00] COLLINS: And Mr. Homan is back with me.

And who is the person, who will be issuing those orders, to the Senator's question there, to ICE agents, to Border Patrol? Is that your purview here? Or is that Secretary Noem's purview?

HOMAN: Secretary Noem has the authority of Border Patrol and ICE. That's in statute.

But as the Senior Adviser to the President, I'm writing strategic vision, and operational plans, and coming up with a strategy to secure the border, and to run this deportation operation, to find over 300,000 missing children. And me and Secretary Noem will work very close on those plans, and to implement them, and do what the President wants us to do.

So, me and Kristi Noem will be shoulder to shoulder every day. We talk every day. So, we'll be working together, to achieve the President's goals.

COLLINS: How often are you talking to the President himself about this?

HOMAN: Several times a week.

COLLINS: And on one of the things that we've been seeing, as you're publicly talking about this first week. I saw the numbers that ICE put out tonight, that we started asking you about.

We also saw this video, last week, of something you told me was going to happen, using military flights. This is a C-17. It's flying about 80 people back to Guatemala. The flight costs from El Paso, for that is about \$252,000 numbers, based on an estimate we got from the government today. Do you think that's a better use of



taxpayer money than a charter flight, which would cost closer to, I believe, a \$9,000?

HOMAN: Well, it's a force multiplier. We got a lot of planes flying every day across mostly to Central America and South America. So, they're adding, they're adding a resource to us. So, again, the cost of this operation is expensive. It's expensive to enforce the laws, and protect our national security. But I don't put a price tag on securing that border.

Once we secure the border, and we show consequences -- the numbers are already down. We had like 500 crossings in one day. Compare that to 10,000 to 12,000 a day under Biden.

COLLINS: Right. But why is it better to use a military plane?

HOMAN: 500 a day? I mean, that's one of the lowest I've seen in my 34- year career.

COLLINS: But why is it better to use a military plane that costs so much more than just a charter plane, which is what was happening before? HOMAN: Charter planes are still running at full capacity. This is just an added thing. And they can put a lot more people on the plane, rather than -- that can make a long distance, such as going to Columbia. We'll use them for European removal. So, it makes sense to fill that plane up, a lot of people, and get them moving.

Again, it's an added asset, because our air contracts now are full, 100 percent capacity. So, as we add more flights, I'm sure we'll add more charter flights. But right now, DOD is working with us on the border, building infrastructure, appearance denial (ph). They're down there, building, putting razor wire up, and they're flying planes.

COLLINS: OK.

HOMAN: They'll also probably do some ground transportation. We're going to use DOD.

COLLINS: And I should note that, we are told that the Department of Homeland Security will not be reimbursing the Pentagon for these flights. That sometimes is the case. But we were told today, that that's not the case.

On what you said earlier about your big priority, right now, is deporting public safety threats and national security threats. How does changing the ICE policy that allows agents to conduct arrests and enforcement at

churches and schools help with that?

HOMAN: There's no safe haven for public safety threats and national security threats.

People will say, Well, will you really go into a high school?

Well, people need to look at the MS-13 members and Tren de Aragua members, who enter this country, a majority in between the ages of 15 and 17, many are attending our schools. And they're -- and they're selling drugs in the schools. And they're -- and they're doing strong- armed robberies of other students.

So, we do not go into schools or hospitals, as a matter of practice. But if it's a -- if there's a significant public safety threat, or a significant homeland security threat, there's no safe haven. We'll go where we need to go, to take them off the street.

COLLINS: But you obviously are someone -- you've been working on the border for years, Sir. I mean, you got an award from President Obama, for people who don't know watching. And you also have worked through these administrations. This was the policy that's been in place, I believe, since 2011, and it wasn't changed before.

I mean, do you have any reason to believe that elementary schools or churches are harboring these violent immigrants, who are here illegally?

HOMAN: Like I said, and when the circumstances arise, we got national security threat, or a significant public safety threat? We're going to go where we got to go, whether it's a school, a church or hospital. The national security is important.

And look, name another law enforcement agency. Does the FBI have those requirements? No. Does DEA have those requirements? No. So, ICE shouldn't have those requirements either.

We have a national security responsibility. And we're going to take those people off the street. If it's out of school, then that's what we're going to do. Again, it takes a lot to get approval to go into school or church. But if there's a national security threat, we're going.

[21:50:00]

COLLINS: What does it take -- what is the standard, I guess, to go into an elementary school? Because what we had heard from immigration advocates, is that this is going to provide a chilling effect to parents in the school drop-off line, or something of that matter.

HOMAN: It shouldn't be a chilling effect, unless your child is a terrorist, or a public safety threat. If they're a public safety threat, a national security threat, they should be chilled, they should be afraid, because we're looking for them.

COLLINS: Well, if their parent is here, and they're an undocumented immigrant, I think was, was more of the argument that they were making.

HOMAN: They're not off the table either. I mean, if they're in the country illegally, they got a problem. I mean, it's not OK -- look, it's not OK to enter this country illegally. It's a crime. And that's what it's supposed to be. I wouldn't feel comfortable if I'm in Switzerland illegally. So, we're going to enforce laws in this country.

So, the schools and the churches, and sensitive location was a policy only for ICE, only for immigration, right? But national security threats and public safety threats have no safe haven in this country, and we'll go where we got to go.

COLLINS: Have you gone into any schools or churches yet that you know of personally?

HOMAN: Not yet -- not yet, of this operation.

COLLINS: Mr. Tom Homan, thank you for coming and taking our questions tonight. We hope to have you back here on THE SOURCE soon. And we do appreciate your time.

HOMAN: Thanks for having me.

COLLINS: Up next. We're going to check in with some deep panic that is underway in Silicon Valley. That new A.I. startup, DeepSeek, and what it means, as a cheaper A.I. alternative from China has emerged, and it sent U.S. tech stocks plunging today.

[21:55:00] (COMMERCIAL BREAK)

COLLINS: Just days after we saw President Trump unveil a \$500 billion investment in artificial intelligence, a

Chinese A.I. company today stunned the entire industry, and also sent U.S. stocks plunging. That's because this Chinese startup, known as DeepSeek, revealed a new chatbot called R1 that matches the capabilities that OpenAI's ChatGPT, and Google's Gemini has, but at a fraction of the cost.

Now, we all know, U.S. companies have spent hundreds of millions of dollars, if not billions, to develop these A.I. models that we've been tracking so closely in recent years. DeepSeek, which launched a year ago, I should note, says it spent just over \$5 million.

Here's how President Trump responded to this news today,

(BEGIN VIDEO CLIP)

TRUMP: The release of DeepSeek A.I. from a Chinese company, should be a wake-up call for our industries that we need to be laser-focused on competing to win, because we have the greatest scientists in the world.

This is very unusual. When you hear a DeepSeek, when you hear somebody come up with something. We always have the ideas. We're always first. So, I would say that's a positive, that could be very much a positive development. So instead of spending billions and billions, you'll spend less, and you'll come up with, hopefully the same solution.

(END VIDEO CLIP)

COLLINS: My source tonight is the veteran tech journalist, Kara Swisher.

And Kara, some people were calling this A.I.'s Sputnik moment. I mean, it's obviously put so many questions in front of major companies like Meta, and Nvidia. What are your takeaways--

KARA SWISHER, PODCAST HOST, "ON WITH KARA SWISHER" & "PIVOT," CNN CONTRIBUTOR:  
Yes.

COLLINS: --from what we've seen today?

SWISHER: I think everyone should calm down. I mean, the stock market didn't, because it shows -- it puts into question all the spending that's been going on with all these companies.

And I think that's the worry they have. Is that Mark Zuckerberg just announced, I think \$50 billion, \$60 billion, they're spending on different A.I. things. They've talked about building all kinds of datacenters, et cetera, which they should continue to do, moving forward.

I think what's interesting about what DeepSeek is, it's riding on our rails. It's riding on our open-source models. And so, the question is, is this going to be an open-source-developed industry, where everything, the prices go very low, just like the original internet was? Or is it going to be captured by only the big players?

And so, I think they were showing that it's going to be very easy for -- you know, there's an expression, the plains are covered with the bodies of pioneers. Pioneers, sometimes, they cost too much and the price is too much, and then others follow in their wake. And China is a very fast follower. And that's what's happening here.

COLLINS: Yes. What does that say about the competitiveness of U.S. companies in this space, given what we saw?

SWISHER: Well, like I said, they're riding on our rails. They're riding on our open-source models, specifically Llama from Meta, and things like that, because there's a whole -- there is a whole struggle between open source and closed companies like OpenAI that tradition (ph).

The question is, with everybody spending all this money on closed systems, only one or two are going to win, right, in that model. And so, if you open it up, and you allow more people to innovate, at lesser cost? It's good news, say, for companies, any company, who doesn't have to pay too much for A.I., when it's almost free, essentially.

At the same time, you'll have worries about lack of any safety. Because you didn't hear DeepSeek talk about possible safety problems, which U.S. companies tend to adhere to.

COLLINS: Yes.

SWISHER: And so, it's sort of this Wild West situation. And then you'll hear U.S. companies saying, No more regulations, because China is going to beat us.

China is beating us, because they're taking advantage of our innovation. And the question is, how can we make it so it's inexpensive for innovation to happen everywhere.

And so there'll be an initial panic, because of all the money spent, say Nvidia is perfect. These chips are very expensive. They've been bought up by all the big rich companies. Do you need those chips particularly? Are there better ways to do it?

[22:00:00]

And so, the question is, how can our country innovate on at all levels of this?

COLLINS: Yes.

SWISHER: Because we are the -- we are the first in line here. So, it definitely is a wake-up call for everyone to see where this is headed, which will be good for some, and not so good for others.

COLLINS: Yes. DeepSeek using just a fraction of the chips that others have.

Kara Swisher, we'll be watching it all, hopefully with you here to help us. So, thank you for your time tonight.

SWISHER: Thank you.

COLLINS: Thank you all for joining us.

"CNN NEWSNIGHT WITH ABBY PHILLIP" is up next.

# **Exhibit 16**

## US Border Patrol arrests migrants during latest enforcement operation

*ABC News*

Immigrant communities in Kern County, California, are on edge as the U.S. Border Patrol has been seen conducting enforcement operations throughout the region this week.

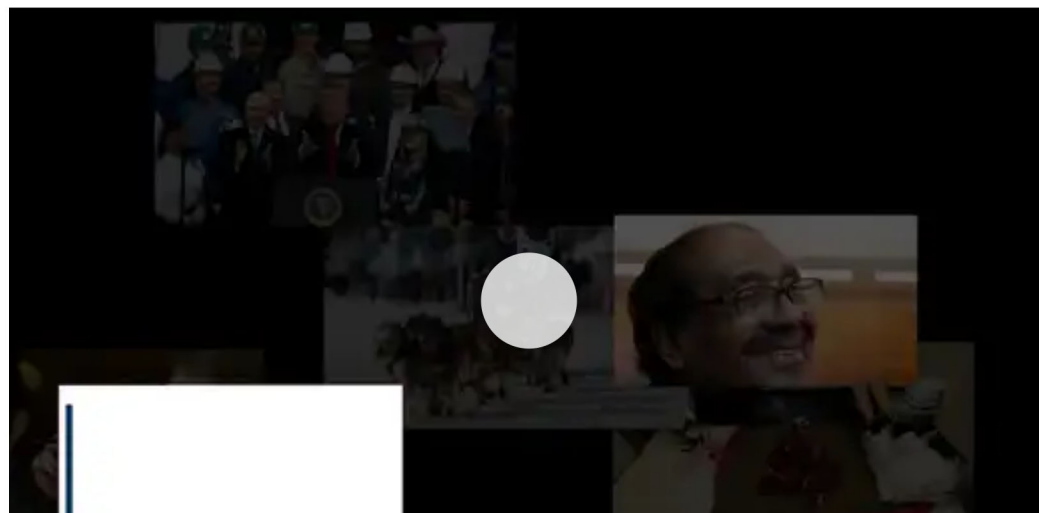
Videos and images that surfaced online appear to show Border Patrol agents apprehending people at various locations throughout the region. United States Customs and Border Protection has confirmed the operations, which officials describe as “targeted.”

“The USBP conducts targeted enforcement arrests of individuals involved in smuggling throughout our areas of operations as part of our efforts to dismantle transnational criminal organizations,” a CBP spokesperson said in a statement.

However, Sarah Fuentes, a manager at a Chevron station in Bakersfield, told ABC News she saw Border Patrol officers and agents in plain clothes go up to several of her customers, ask them about their immigration status, and arrest multiple people.

Fuentes says she thought the officers were serving a warrant, but noticed “it was only Hispanics and field workers that they were putting aside.”

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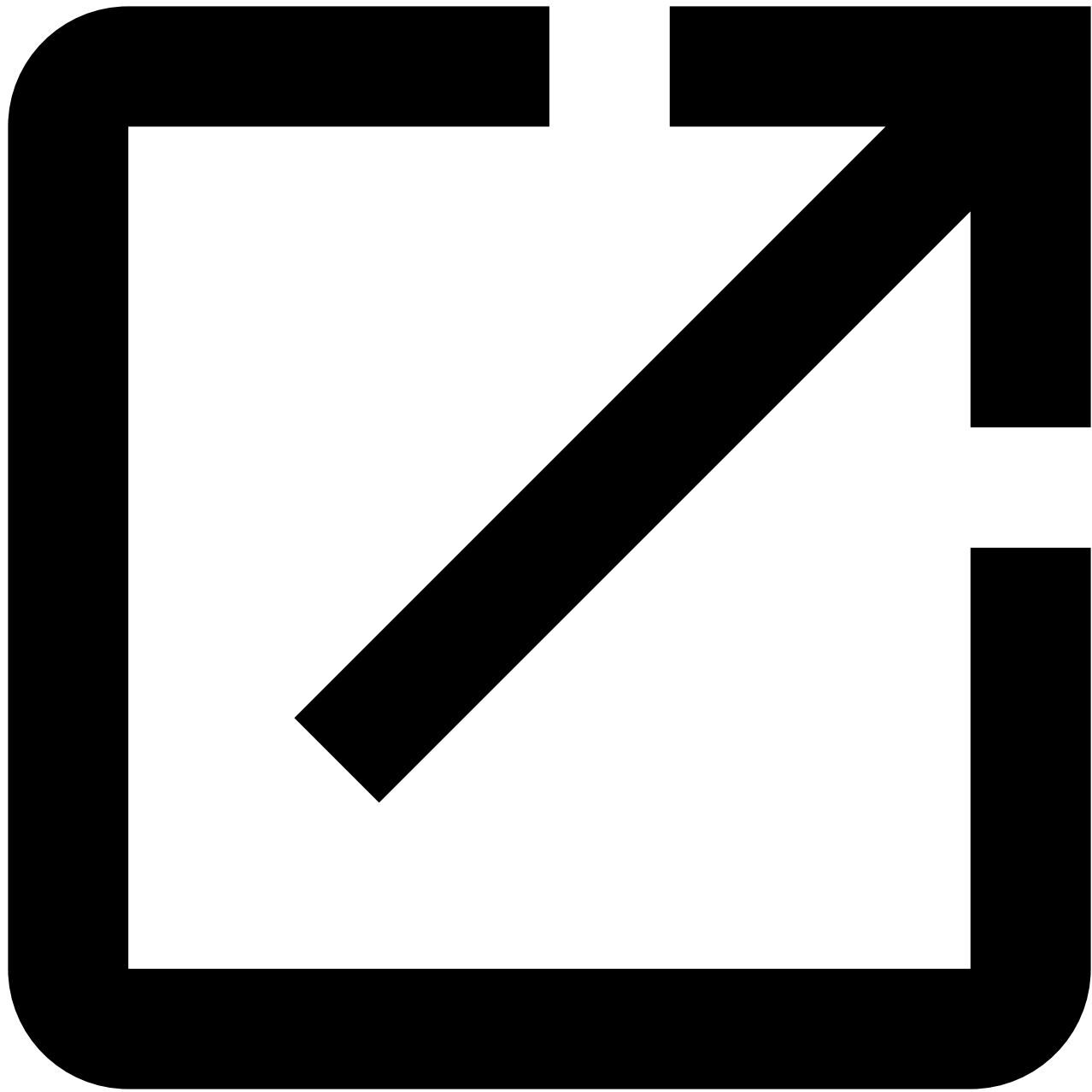
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“Then we seen it again, and we're like, wait a minute, this is a raid, they're picking up random people like the field workers. They don't have an order to do that,” she said in a phone interview. “It's just random people that are walking in that work in the field.”

Fuentes shared photos and videos she took of the incident, including one she says shows a woman who locked herself in her car as a person in plain clothes allegedly urged her to open her door. “10-15 minutes after she refused, they got a Border Patrol truck to park behind her vehicle so she wouldn't be able to leave,” she said. When press arrived, the agents allegedly let the woman go, according to Fuentes.

United Farm Workers members were detained throughout Kern County as part of the operation , the union said in a post on X.

Case 1:25-cv-00246-JLT-BAM Document 15-2 Filed 03/07/25 Page 70 of 113

“UFW union members are among those detained while traveling home from work yesterday in Kern County, CA. We are providing them and their families with support. Random actions like this are not meant to keep anyone safe, they are intended to terrorize hardworking people,” the post said.

UFW says an initial and rough estimate shows as many as 192 people may have been detained in Kern County this week.

Antonio De Loera-Brust, Communications Director for UFW, said he’s never seen this kind of operation in the region before.

“They’re very far from the border and despite their public claims that they’re conducting targeted operations, everything we’re hearing and seeing indicates random detention, stopping people in public areas, at gas stations, basically at random.”

Karen Goh, the mayor of Bakersfield, confirmed to ABC News that the police department is aware of the operations but is not assisting federal agencies.

“The Bakersfield Police Department is aware the U.S. Border Patrol is conducting operations in the City of Bakersfield. State law requires that no local or state resources are used to assist in federal immigration enforcement. The Bakersfield Police Department remains strictly focused on local public safety responsibilities. If a resident is a victim and is in need of police services, irrespective of his/her immigration status, the resident is welcome to call the Bakersfield Police Department,” she said in a statement shared with ABC News.

Oliver Ma, an attorney for the ACLU of Southern California, says the organization has received multiple reports of Border Patrol officers showing up at farm-working communities and other locations throughout the county.

“We heard, for example, from one person who was fueling up for gas and she said the border patrol came behind her car, started asking who she was, and put down tire spikes behind her car so she couldn't leave,” he told ABC News. “They tried to figure out what her name was and then she saw them also approach seven people who were just having lunch nearby and began talking to them and then all seven people were arrested and taken away.”

# **Exhibit 17**

## US CBP issues statement on 'Operation Return to Sender' in Bakersfield area

Jose Franco, Jenny Huh

BAKERSFIELD, Calif. (KGET) — U.S. Customs and Border Protection issued a statement Friday morning providing more details over its three-day operation in the Bakersfield area this week the agency calls "Operation Return to Sender."

Throughout the week, 17 News requested interviews with the agency over its operation in the Bakersfield area but was provided a statement stating its operation took place over three days and led to 78 arrests. U.S. CBP said it would not provide further statements.

The agency said it arrested people unlawfully in the U.S. from Central, South America and China.

According to the statement, Border Patrol had 60 agents in the area focusing on alleged drug and human traffickers. Agents were on patrol in marked and unmarked vehicles, officials said.

CBP highlighted agents arrested people previously convicted of crimes including sex offenses, drug possession, child abuse, spousal abuse and DUI. Agents seized marijuana and methamphetamine during the operation, the statement said.

Border Patrol officials said it is "no stranger" to operating in the Central Valley and its work may send agents all the way to the California-Oregon state line.

Read the full U.S. Customs and Border Protection statement below:

Border Patrol Agents with the El Centro Sector Border Patrol conducted an operation in and around the Bakersfield area in Kern County. Our operation focused on interdicting those who have broken U.S. federal law, trafficking of dangerous substances, non-citizen criminals, and disrupting the transportation routes used by Transnational Criminal Organizations. The U.S. Border Patrol is no stranger to operations in places like Bakersfield, Stockton, Modesto, Fresno, and Sacramento, as the now closed Livermore Border Patrol Sector regularly conducted enforcement operations over this area up to the mid 2000s. "The El Centro Sector takes all border threats seriously," said Chief Patrol Agent Gregory Bovino. "Our area of responsibility stretches from the U.S./Mexico Border, north, as mission and threat dictate, all the way to the Oregon line."



During this three day operation we had over 60 agents on the ground, using both marked and unmarked vehicles. The results of our operation, named "Return to Sender" are as follows:

78 arrests (all subjects unlawfully present in the U.S.) The nationality/citizenship of those arrested were from Peru, Guatemala, El Salvador, Honduras, Ecuador, Mexico, and China.

One subject arrested was a convicted sex offender convicted of raping an 8 year old girl.

Another subject had an active warrant from the Visalia Sheriff's Department for a sex offense against a child.

One subject had a warrant for being a felon in possession of a weapon out of Tulare County. He was turned over to the Kern County Sheriff's Department for extradition to Tulare County. A detainer was placed on this subject so we can take him back into custody on pending federal charges.

Three separate Marijuana seizures: 33.01 lbs., 3.1 lbs., and 30.7 grams of personal use.

Four separate methamphetamine seizures totaling 7.1 grams.

Multiple DUI convictions among those arrested, including some that included hit and run and injury enhancements.

Other criminal histories of those arrested included: failure to appear, tampering with a vehicle, petty theft, felony drug possession, vandalism, burglary, inflicting injury on spouse, and child abuse convictions amongst others.

David Kim, Assistant Chief Patrol Agent, El Centro Sector

# **Exhibit 18**

**'RETURN TO SENDER': Border Patrol's 3-day operation in Kern, 78 arrested***Veronica Morley*

Latest Kern County, California and US and world news from 23ABC in Bakersfield, Calif.

[Veronica Morley](#)

Senior Reporter Covering Bakersfield

KERN COUNTY, Calif. (KERO) — The U.S. Border Patrol has released more details on what has been coined operation "Return to Sender" by the agency. It resulted in 78 people being arrested who were "unlawfully present in the U.S.", according to Border Patrol.

The El Centro Sector Border Patrol agents were in Kern for three days chasing down individuals who have, in Border Patrol's words: "Broken U.S. federal law, trafficking of dangerous substances, non-citizen criminals, and disrupting the transportation routes used by Transnational Criminal Organizations."

The agency said they had over 60 agents throughout Kern County in marked and unmarked vehicles.

"The El Centro Sector takes all border threats seriously," said Chief Patrol Agent Gregory Bovino. "Our area of responsibility stretches from the U.S./Mexico Border, north, as mission and threat dictate, all the way to the Oregon line."

Of the 78 arrested, one was convicted of raping an 8-year-old girl, while another had a warrant for a sex offense against a child out of Visalia.

There were multiple arrests for large amounts of marijuana and possession of methamphetamine and DUI convictions, according to Border Patrol.

Border Patrol went on to mention that other subjects arrested had criminal histories that including charges such as: failure to appear, tampering with a vehicle, petty theft, felony drug possession, vandalism, burglary, inflicting injury on a spouse, and child abuse convictions.

All subjects arrested were from Peru, Guatemala, El Salvador, Honduras, Ecuador, Mexico, and China, according to Border Patrol.

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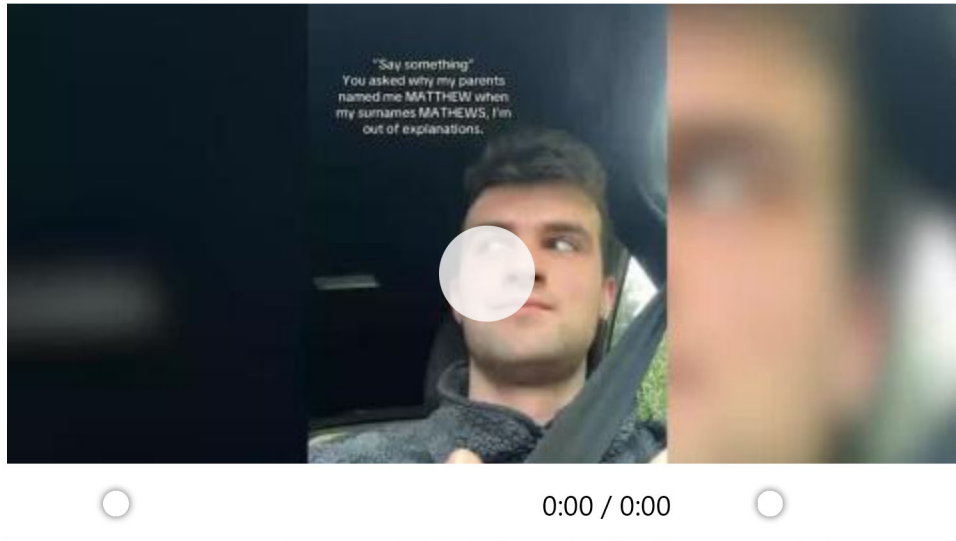
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# **Exhibit 19**



# What Does FAFO Mean? Trump's Message to Colombia Goes Viral

Daniel Cody



Video Player is loading.

Current Time 0:01

Duration 0:15

Remaining Time 0:14

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What It's Like With Double Name As Man's Parents Call Him Matthew Mathews

By

Digital Media Reporter

Donald Trump garnered attention on Sunday with a Truth Social post that appeared to be a message to Colombia featuring the acronym "FAFO".

The post, which also featured an image of Trump wearing a fedora, was made after [Colombia's initial refusal to allow U.S. military](#) planes carrying deported migrants to land on its territory.

The President's use of "FAFO"—which stands for "F\*\*\* Around, Find Out"—quickly went viral, underscoring his no-nonsense approach to foreign policy disputes.

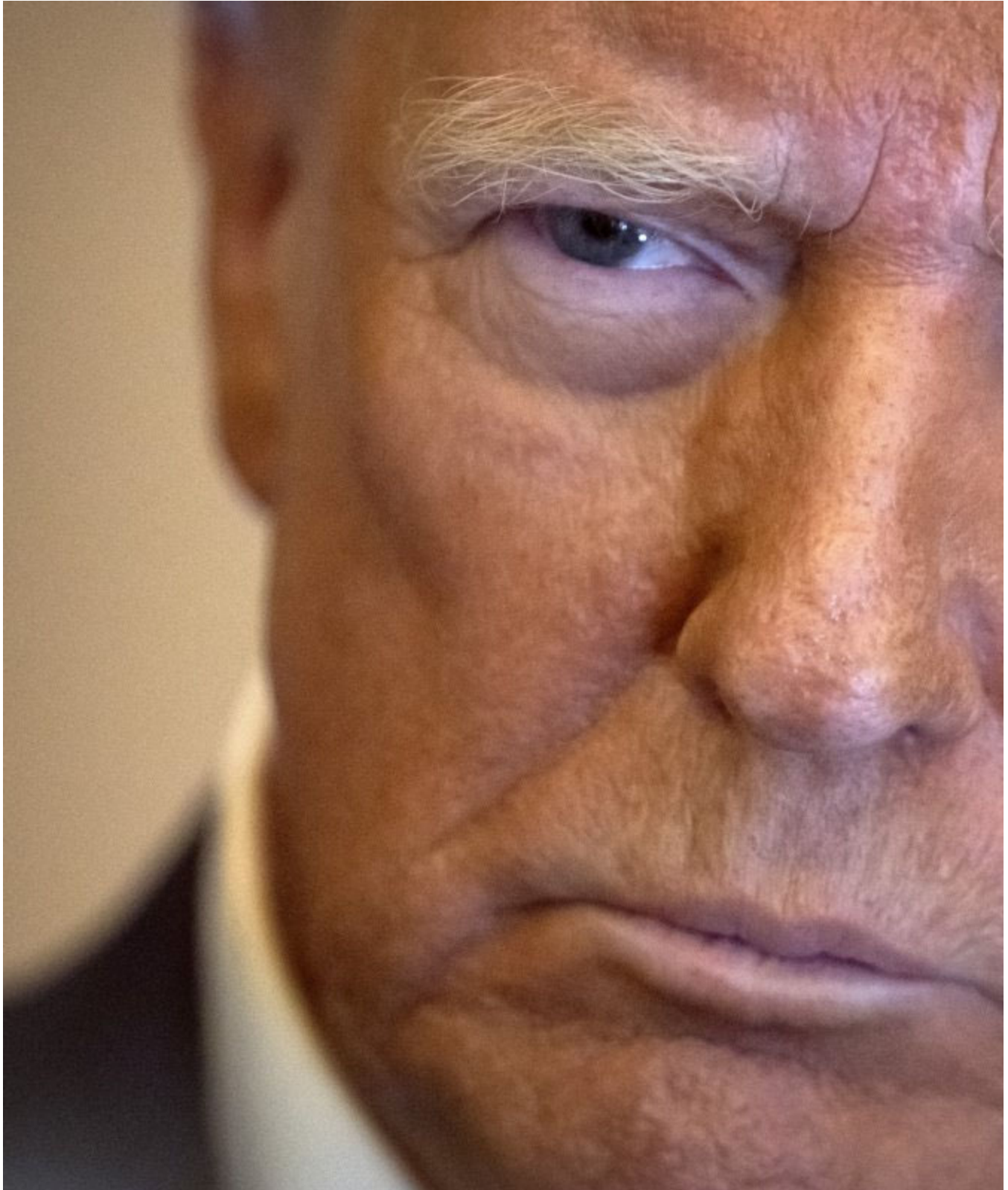
Elon Musk amplified the viral nature of Trump's post by [posting](#) it on X, formerly [Twitter](#), and commenting: "This is awesome."

*Newsweek* approached the White House for comment via email on Monday.



"FAFO" is an acronym meaning "F\*\*\* Around, Find Out," commonly used as a warning that actions will lead to consequences. The phrase has gained popularity in online spaces such as [TikTok](#) and Twitter, and is often employed in memes and social media captions.

While the phrase is not new, its use by Trump in the context of international diplomacy has brought it into the political spotlight. "FAFO" serves as a succinct, if controversial, encapsulation of Trump's hard-line stance on the ongoing dispute with Colombia. The phrase, often compared to "If you mess with the bull, you get the horns," highlights the potential repercussions of perceived defiance.

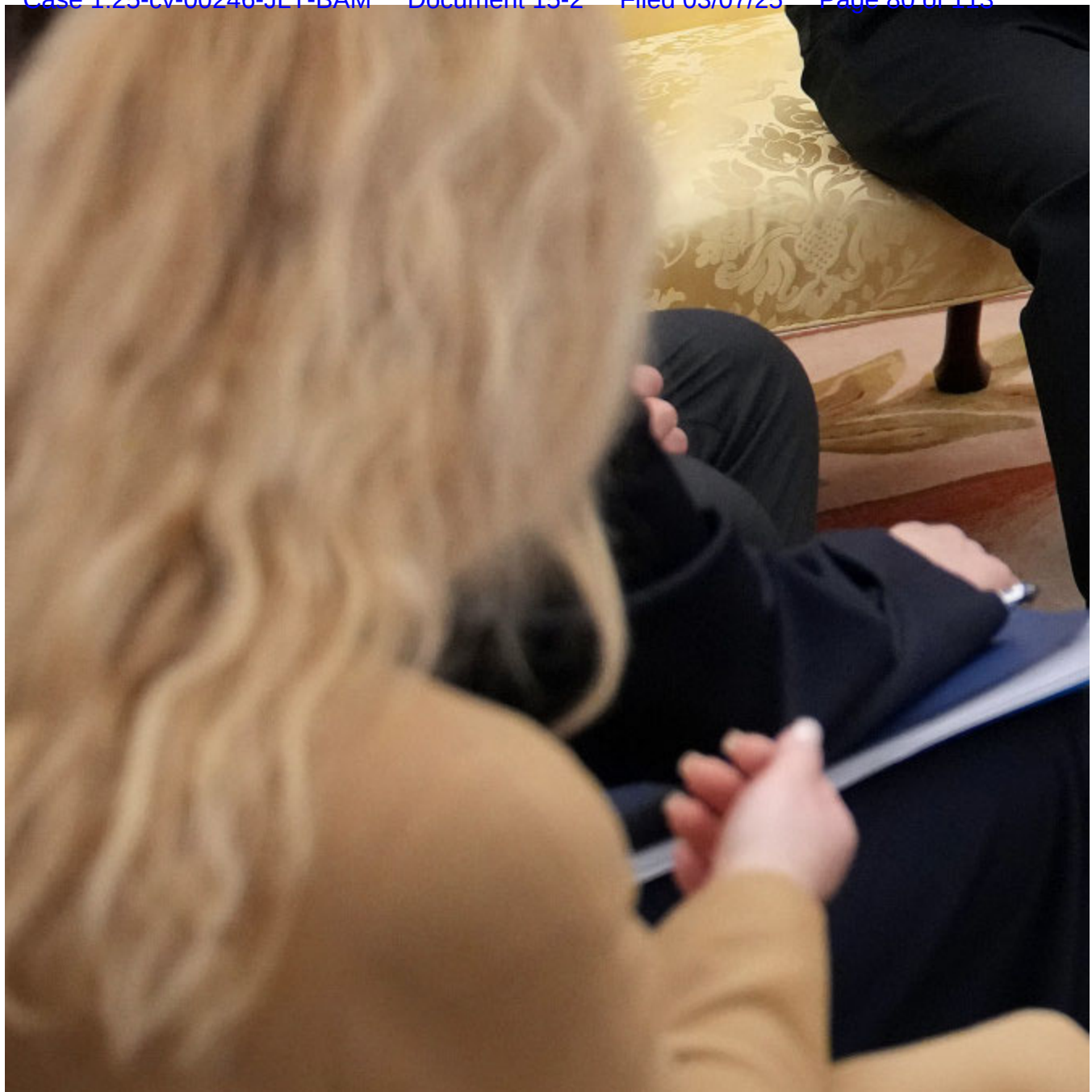


Case 1:25-cv-00246-JLT-BAM Document 15-2 Filed 03/07/25 Page 78 of 113  
President Donald Trump speaks to reporters aboard Air Force One as he travels from  
Las Vegas to Miami on Saturday, January 25, 2025. Mark Schiefelbein/AP Photo

## **Where Did FAFO Originate?**







- [\*\*The 1600 Newsletter: Zelensky Screwed Up\*\*](#)
- [\*\*Stephen King's Reaction to Trump's Clash With Zelensky Takes Off Online\*\*](#)
- [\*\*Trump Celebrates Return of Classified Documents: 'Justice Finally Won Out'\*\*](#)
- [\*\*Internet Reacts To Marco Rubio's Body Language At Trump-Zelensky Meeting\*\*](#)

"FAFO" has long been part of internet culture, particularly used as a way to express consequences for actions. Its resurgence in popularity has been linked to viral moments on social media, where brevity and catchphrases carry significant influence.

Trump's adoption of "FAFO" reflects his ability to blend popular internet trends with political messaging. This tactic has proven effective in gaining widespread attention, even among younger demographics. His use of the phrase in a high-stakes geopolitical context, however, marks a significant departure from its typical use in casual or humorous settings.

## What Is Happening Between Colombia and the U.S.?

The diplomatic dispute began when Colombia refused to allow two U.S. military planes carrying deported migrants to land on its soil. These planes were part of a U.S. deportation process, and their rejection by Colombia was confirmed by both the U.S. Department of Defense and the [Department of Homeland Security](#).

Colombian President Gustavo Petro stated that his government would not permit the return of Colombian migrants under the U.S. policy.

Trump initially responded with proposed economic measures, including a 25% tariff on all Colombian imports, set to escalate to 50% if the dispute was not resolved within a week.

Trump also announced visa bans for Colombian officials and stricter customs inspections. However, these proposed tariffs and visa bans were withdrawn after [Colombia agreed to Trump's terms](#), including accepting the deportees.

"Today's events make clear to the world that America is respected again," White House press secretary Karoline Leavitt said in a statement late Sunday. "President Trump will continue to fiercely protect our nation's sovereignty, and he expects all other nations of the world to fully cooperate in accepting the deportation of their citizens illegally present in the United States."

The disagreement between the two world leaders highlights broader tensions surrounding immigration and sovereignty. Colombia's initial refusal to accept deported migrants reflects a [growing pushback against U.S. immigration policies by nations](#) seeking to assert their autonomy.



**fairness meter**

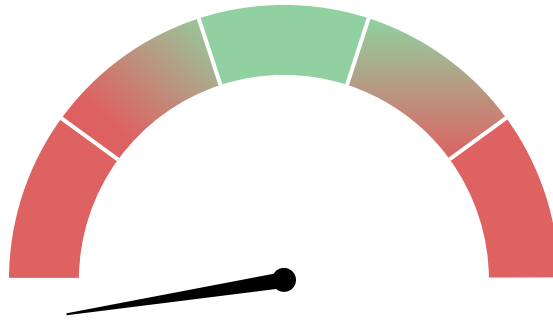
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### About the writer

Daniel Cody

Dan Cody is a journalist based in London. His focus is increasing the search visibility of Newsweek's reporting across all ... [Read more](#)

# **Exhibit 20**

# *'La Migra!' A Glimpse of Trump's Promised Deportation Storm*

Sweeps by Border Patrol agents in California have stoked fears among undocumented migrant workers on the eve of Donald J. Trump's presidential inauguration.



Listen to this article · 7:30 min [Learn more](#)



**By Steve Eder and Miriam Jordan**

Jan. 17, 2025

When President-elect Donald J. Trump takes office on Monday, the U.S. Border Patrol is poised to play a central role in his promised immigration crackdown. On Thursday, Californians got a preview of the tensions likely to play out as undocumented migrants get rounded up in places that rely on their labor.

On one side, a Border Patrol chief posted a video on social media showcasing sweeps last week in California's Central Valley. Named Operation Return to Sender, the effort involved dozens of arrests. "They think I'm hiding in the shadows, but I am the shadows," a voice whispered during the video, echoing a popular Batman movie.

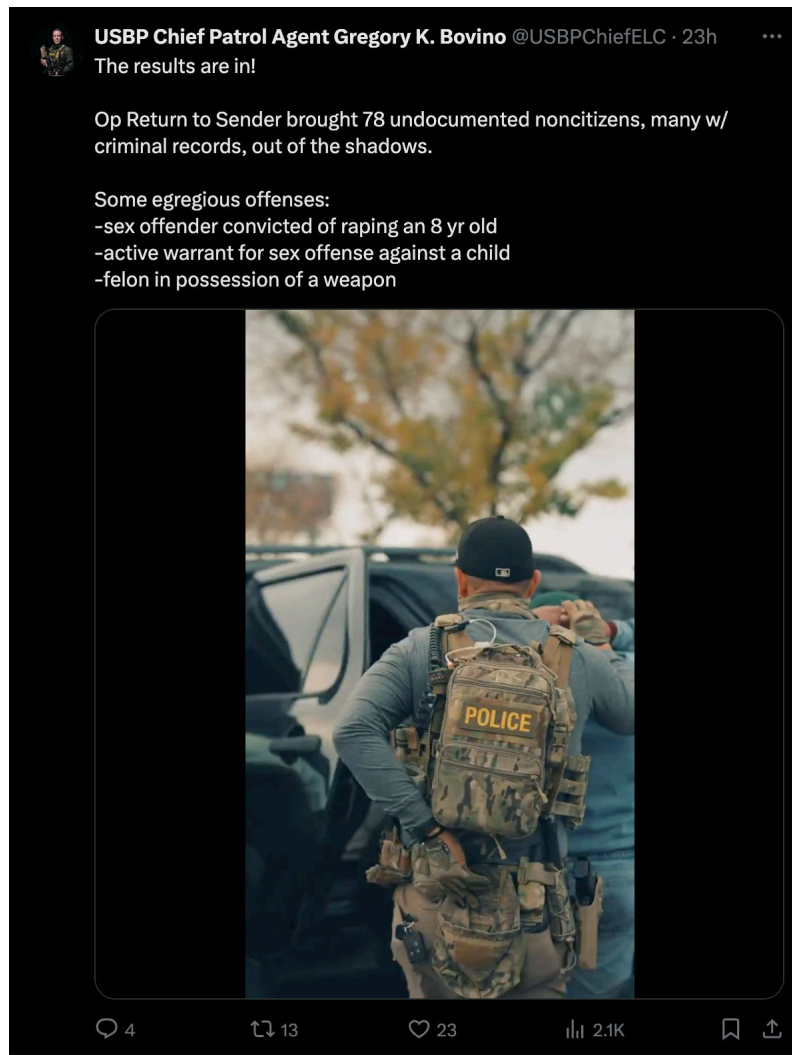
On the other side, United Farm Workers officials held a news briefing, describing the fears the operation had caused in immigrant communities. They suggested the arrests signaled that "rogue" law enforcement agents, inspired by Mr. Trump's plans, could take matters into their own hands.

"This is part of a new political climate of people in some of these agencies feeling emboldened," said Antonio De Loera-Brust, a spokesman for the organization, a labor union.



The Biden administration and the Trump transition team did not reply to messages seeking comment. U.S. Customs and Border Protection would not answer questions about the effort, saying broadly that agents conducted “targeted enforcement arrests of individuals involved in smuggling throughout our areas of operation as part of our efforts to dismantle transnational criminal organizations.”

Details about the sweeps have primarily come from the social media channels of Gregory K. Bovino, a Border Patrol chief in Southern California. In a series of posts, he called the three-day operation an “overwhelming success” that resulted in the arrests of 78 people, all of whom were in the country illegally and some with “serious criminal histories.”



A social media post on X by Gregory K. Bovino, a Border Patrol chief in Southern California.

The United Farm Workers and some farmers in the area suggested the sweeps were much wider.

“Agents were asking people in parking lots for their documents, and if they were in the country legally,” said Manuel Cunha Jr., president of the Nisei Farmers League, which represents more than 500 growers and packers in the state. “They were then just taking them away in vans.”

What’s clear is that about 60 agents in marked and unmarked cars drove hundreds of miles from their headquarters near the border in Imperial, Calif., converging in and around Bakersfield, a vast agricultural area that relies on immigrant labor. The agents staked out a Home Depot, gas stations and other locations frequented by undocumented people.

The posts by Mr. Bovino, a near 30-year veteran of the agency who serves in a nonpolitical role in its El Centro sector, said the effort had yielded “two child sex predators” and other “aggravated felons,” including a Chinese citizen suspected of defrauding a U.S. dementia patient “to the tune of \$70K.”

He called the sweeps a “targeted operation,” saying agents “go where the threat is.” In addition to the arrests, he said, agents seized marijuana and methamphetamine.

When a social media commenter noted on Jan. 10 that Mr. Bovino would be “extremely busy” in 10 days — the number of days until Mr. Trump’s inauguration — Mr. Bovino replied: “The El Centro Sector stands ready to take it to them.”

In other posts, he said that unauthorized immigrants should simply get papers: “Undocumented means just that. I recommend returning to the country of origin, obtaining proper documents, and doing it the right way. If not, we will arrest.”



A farm near Bakersfield, a rich agricultural area that relies on immigrant labor. Workers have avoided showing up out of fear. Mario Tama/Getty Images

Mr. Trump has vowed to conduct mass deportations. Since his election, he has continued to use social media to share his views on the border, writing in late November that “thousands of people are pouring through Mexico and Canada, bringing Crime and Drugs at levels never seen before.”

Unlawful crossings have plunged in recent months, following new asylum restrictions introduced by the Biden administration and stepped-up enforcement by Mexico and other countries on the migrant route. Some 46,000 people crossed the border illegally in November, the lowest number during the Biden administration and lower than when Mr. Trump ended his term in 2020.

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Thomas D. Homan, a former senior official with Immigration and Customs Enforcement, who has been appointed “border czar” by Mr. Trump, has said enforcement under the new administration would target immigrants with outstanding deportation orders and criminal records, but has left open the possibility that others would be arrested during roundups.

Bakersfield straddles State Route 99, a heavily trafficked highway for trucks transporting the bounty harvested in the Central Valley, California’s agricultural heartland. But it is also a key corridor for smuggling illicit substances.

Shootouts have become a feature of life there, as gangs battle for control over lucrative drug sales. Working-class neighborhoods are accustomed to law enforcement conducting operations to track down and arrest those involved in the drug trade.

Chris Magnus, who served as Customs and Border Protection commissioner for the first part of the Biden administration, said unauthorized immigrants who had committed serious crimes should be apprehended.

“However, mass roundups of day laborers and field workers through profiling do not improve public safety and waste law enforcement resources,” Mr. Magnus said. “These roundups create widespread distrust of law enforcement and discourage many community members from reporting crimes as victims or witnesses.”





Thomas D. Homan, a former senior official with Immigration and Customs Enforcement, has been appointed “border czar” by Mr. Trump. Maddie McGarvey for The New York Times

Indeed, arrests of random people who had been interrogated about their immigration status generated panic in Bakersfield and surrounding Kern County.

Between 30 and 40 percent of the labor force failed to report to the fields on the days after the raids, Mr. Cunha of the Nisei Farmers League said.

Near Bakersfield, Pete Belluomini, a citrus farmer, said that about two-thirds of his harvesting crew did not show up for two or three days. “This wasn’t the first time stuff like this has happened, but in this political climate, it was a bigger splash,” he said.

It is an open secret that most people who harvest America’s food are unauthorized immigrants, mainly from Mexico and Central America, many of them decades-long residents of the United States. Often the parents of American-born children, they have lived for years with the cloud of deportation hanging over them.

Alejandra and her partner, Pedro, undocumented immigrants from Mexico, had just started picking lemons on the first morning of the sweeps, Jan. 7, when their supervisor warned them that “*la migra*” — slang for the Border Patrol — was in the area.

They soon learned that one of their co-workers had been arrested, and most people decided to remain in the field until after dark, she said. The couple returned to Bakersfield before sundown to pick up their 5-year-old son at day care.

“Our biggest fear as parents is, what will be of our children if we are deported?” said Alejandra, 38, who did not share her or her partner’s surname out of concern for their safety. With workers feeling anxious during the week of the sweeps, she said, “the fields were almost empty.”

To feel more empowered, Alejandra said, she attended three information sessions held by community advocates to learn about her rights.

“I am nervous, I am afraid,” she said. “We don’t know what Trump has in store for us.”

**Steve Eder** has been an investigative reporter for The Times for more than a decade. More about Steve Eder

**Miriam Jordan** reports from a grass roots perspective on immigrants and their impact on the demographics, society and economy of the United States. More about Miriam Jordan

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A version of this article appears in print on , Section A, Page 19 of the New York edition with the headline: California Gets Preview of Vowed Deportations

# **Exhibit 21**

## Congressman Valadao Releases Statement on Customs and Border Protection Operations in Kern County



Today, Congressman David Valadao released a statement addressing last week's Customs and Border Protection (CBP) operations in Kern County.

**WASHINGTON** – Today, Congressman David Valadao released a statement addressing last week's Customs and Border Protection (CBP) operations in Kern County.

*"I have been in contact with Customs and Border Protection regarding the recent immigration enforcement actions in Kern County, and I was informed these operations were focused on apprehending known criminals or those with ties to criminal organizations in our community," said Congressman Valadao. "I have received numerous calls from constituents expressing fear for their families' safety, and I do not support inciting concern. I think we can all agree known criminals should be expelled from the United States, but it is crucial that future operations are communicated clearly to avoid causing any further alarm among our farmworkers. I urge the Biden Administration—and future administrations—to ensure CBP prioritizes targeting criminals rather than those responsible for producing our nation's food supply. We urgently need common sense immigration reform that creates a pathway to earned legal status for hardworking individuals contributing to our economy while ensuring the removal of those who threaten the safety of our communities, and I am looking forward to working on new legislation to combat these issues in Congress."*

###



# **Exhibit 22**

## 78 immigrants detained by Border Patrol throughout the Central Valley, officials say

FRESNO, Calif. (KFSN) -- This week, U.S. Customs and Border Protection (CBP) Agents conducted unannounced raids of undocumented immigrants in the Central Valley.

*EDITORS NOTE: A previous headline incorrectly attributed the wrong agency behind the detainments. We regret this error and have made the appropriate correction.*

In a press conference Saturday, local and federal leaders announced 78 people were detained from both Fresno and Kern Counties.

"Jurisdiction for custom and border protections is delineated in federal law within 100 miles of the border clearly current county and anything north of Kern County is far from 100 miles of the border," Rep. Jim Costa said.

Costa said that the CBP commissioner told him that the mission was targeted at criminals of drug and human trafficking and that all 78 of those detained had previous criminal records.

"I asked whether or not that was the extent of it. He told me that they had concluded their effort as a result of their arrest as of a day or two ago and that they would reassess where they would go from there," he said.

State leaders though contradicting claims that only criminals were detained.

"What we know is farmworkers have been taken into custody, loaded onto Vans at gas stations stores and also at random traffic stops," State Sen. Anna Caballero said "And we verified because people have it called our office and we've been able to verify a lot of this information."

In a statement on X, the UFW confirmed that some union members were detained while traveling home from work.

These raids are stoking fear amongst uncertain immigrant communities and are already taking a toll on the Valley's agriculture industry.

"I have received reports of food processing facilities. I have absences of 15 to 20% here locally. Orders that will not be able to be fulfilled," Fresno County supervisor Luis Chavez said.

Fresno Unified is also anticipating an increase in absenteeism, as students prepare to return to school from winter break.

Service providers have been hit hard and inundated with calls.

"We are a very busy organization on a normal day. This is just threefold, fivefold what we do," Margarita with Central La Familia said.

Leaders clarified that local law enforcement resources were not used to assist in these raids, which took many by surprise.

"So this whole issue with immigration, quite frankly, was shocking and was not expected this early," Caballero said.

Action News reached out to the CBP for comment and has not heard back.

*For news and weather updates, follow Brisa Colón on [Facebook](#), [Twitter](#) and [Instagram](#).*

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# **Exhibit 23**

**ECONOMY**

# A surprising immigration raid in Kern County foreshadows what awaits farmworkers and businesses



BY SERGIO OLMOS

JANUARY 10, 2025    UPDATED JANUARY 22, 2025

Republish



Farmworkers work on a field outside of Bakersfield in Kern County on July 25 2023. Photo by Larry Valenzuela, CalMatters/CatchLight Local

## IN SUMMARY

*Lea esta historia en [Español](#)*

Acres of orange groves sat unpicked in Kern County this week as word of Border Patrol raids circulated through Messenger chats and images of federal agents detaining laborers spread on local Facebook groups.

The Border Patrol conducted unannounced raids throughout Bakersfield on Tuesday, descending on businesses where day laborers and field workers gather. Agents in unmarked SUVs rounded up people in vans outside a Home Depot and gas station that serves a breakfast popular with field workers.

This appears to be the first large-scale Border Patrol raid in California since the election of Donald Trump, coming just a day after Congress certified the election on January 6, in the final days of Joe Biden's presidency. The panic and confusion, for both immigrants and local businesses that rely on their labor, foreshadow what awaits communities across California if Trump follows through on his promise to conduct mass deportations.

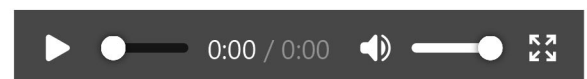
"It was profiling, it was purely field workers," said Sara Fuentes, store manager of the local gas station. Fuentes said that at 9 a.m., when the store typically gets a rush of workers on their way to pick oranges, two men in civilian clothes and unmarked Suburbans started detaining people outside the store. "They didn't stop people with FedEx uniforms, they were stopping people who looked like they worked in the fields." Fuentes says one customer pulled in just to pump gas and agents approached him and detained him.

Fuentes has lived in Bakersfield all her life and says she's never seen anything like it. In one instance, she said a man and woman drove up to the store together, and the man went inside. Border Patrol detained the man as he walked out, Fuentes said, and then demanded the woman get out of the vehicle. When she refused, another agency parked his vehicle behind the woman, blocking her car. Fuentes said it wasn't until the local Univision station showed up that Border Patrol agents backed up their car and allowed the woman to leave.

Fuentes says none of the regular farm workers showed up to buy breakfast on Wednesday morning. "No field workers at all," she said.

Growers and agricultural leaders in California and across the nation have warned that Trump's promised mass deportations will disrupt the nation's food supply, leading to shortages and higher prices. In Kern County this week, just the word of the deportations inspired workers to stay away from the fields.

"People are freaked out, people are worried, people are planning on



Video courtesy of Sara Fuentes



staying home the next couple of days,” said Antonio De Loera-Brust, director of communication for the United Farm Workers. De Loera-Brust said the Border Patrol detained at least one UFW member in Kern County as they “traveled between home and work.”

Videos shared in local Facebook groups and Instagram pages show Border Patrol agents pulling over vehicles along the 99 Highway on Tuesday and Wednesday in Bakersfield.

“They were stopping cars at random, asking people for papers. They were going to gas stations and Home Depot where day laborers gather,” said Antonio De Loera-Brust. “It’s provoking intense anxiety and a lot of fear in the community.”

U.S. Customs and Border Protection did not respond to a request for comment. On social media, Gregory K. Bovino, the Border Patrol chief in El Centro, called the sweeps “Operation Return to Sender.”

“We are taking it to the bad people and bad things in Bakersfield,” the El Centro Border Patrol said in response to a comment on its Facebook page. “We are planning operations for other locals (sic) such as Fresno and especially Sacramento.”



A U.S. Customs and Border Protection patch on the uniform of an agent in the Jacumba mountains in Imperial County on Oct. 6, 2022. Photo by Allison

It's unclear how many people have been detained by Border Patrol or how long the operation would last.

"We're in the middle of our citrus harvesting. This sent shockwaves through the entire community," said Casey Creamer, president of the industry group California Citrus Mutual, on Thursday. "People aren't going to work and kids aren't going to school. Yesterday about 25% of the workforce, today 75% didn't show up."

He pushed back on the Border Patrol's claims they're targeting bad people. He said they appeared to be general sweeps of workers.

"If this is the new normal, this is absolute economic devastation," said Richard S. Gearhart, an associate professor of economics at Cal State-Bakersfield.

In the short term, he predicted farms and dairies could make up the losses, but that homebuilders, restaurants and small businesses would be most hurt financially.

But he's worried about the long-term.

"You are talking about a recession-level event if this is the new long-term norm," he said.

Agriculture comprises about 10 percent of Kern County's gross domestic product and undocumented workers may comprise half of the workforce, he said. And the Central Valley provides about a quarter of the United States' food.

"So, you WILL see, in the long run, food inflation and food shortages," he wrote in a text message.

He predicted immigrants, even ones with documents, would stop shopping, going to school and seeking health care.

"So, this could have some serious deleterious long run impacts beyond lost farm productivity. Losses in education and health would be catastrophic," he said. "Basically, you know how Kern County complains about oil? This event would be analogous to shutting down oil production. Economic catastrophe."

*For the record: The first paragraph of this story has been updated to reflect that orange groves went unpicked. The original version referred to grape fields. However, this time of year, grape fields are being pruned, not picked.*

[READ MORE IMMIGRATION COVERAGE](#)





## Trump allies warn California leaders they could go to prison over sanctuary city laws

DECEMBER 27, 2024



## ‘What’s going to happen to my kids’: California prepares to resist Trump deportations

NOVEMBER 25, 2024

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### THE LATEST



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# **Exhibit 24**

## Along U.S. Borders

*The United States Border Patrol is the mobile, uniformed law enforcement arm of U.S. Customs and Border Protection within the Department of Homeland Security responsible for securing U.S. borders between ports of entry. The Border Patrol was officially established on May 28, 1924 by an act of Congress passed in response to increasing illegal immigration. As mandated by this Act, the small border guard in what was then the Bureau of Immigration was reorganized into the Border Patrol. The initial force of 450 officers was given the responsibility of combating illegal entries and the growing business of human smuggling.*

### Mission

Since the terrorist attacks of September 11, 2001, the focus of the Border Patrol has changed to detection, apprehension and/or deterrence of terrorists and terrorist weapons. Although the Border Patrol has changed dramatically since its inception in 1924, its overall mission remains unchanged: to detect and prevent the illegal entry of individuals into the United States. Together with other law enforcement officers, the Border Patrol helps maintain borders that work, facilitating the flow of legal immigration and goods while preventing the illegal trafficking of people and contraband.





### *Border Patrol Agent on Horseback.*

The Border Patrol is specifically responsible for patrolling the 6,000 miles of Mexican and Canadian international land borders and 2,000 miles of coastal waters surrounding the Florida Peninsula and the island of Puerto Rico. Agents work around the clock on assignments, in all types of terrain and weather conditions. Agents also work in many isolated communities throughout the United States.

## **Daily Duties**

One of the most important activities of a Border Patrol agent is line watch. This involves the detection, prevention and apprehension of terrorists, undocumented aliens and human smugglers at or near the land border by maintaining surveillance from a covert position, following up leads, responding to electronic sensor television systems, aircraft sightings, and interpreting and following tracks, marks and other physical evidence. Some of the major activities are traffic check, traffic observation, city patrol, transportation check, administrative, intelligence, and anti-smuggling activities.

## **Training**





*Border Patrol Agent stands next to border patrol vehicle at checkpoint.*

As one of the most rigorous and demanding law enforcement training programs in the country, U.S. Border Patrol training has become the envy of the federal law enforcement community. All newly hired Border Patrol Agent Trainees are required to complete a 117-day basic training program which includes instruction in Law, Operations, Spanish, Driver Training, Physical Techniques, and Firearms. Scenario-Based Training plays a significant role in the trainees' development as it allows them to apply the theoretical information in life like situations. The U.S. Border Patrol Academy is located in Artesia, NM. While in training, all trainees receive full pay and benefits.

Federal Law Enforcement Center (FLETC) courses are: Communications, Ethics and Conduct, Report Writing, Introduction to Computers, Fingerprinting, and Constitutional Law. The U.S. Border Patrol Academy is located in Artesia, NM.

## History

The U.S. Border Patrol has a long and [rich history](#) of helping to secure and protect the American way of life.





*Black and white image of border patrol agents in the 1920s.*

# **Exhibit 25**



QuickFacts  
Kern County, California

What's New & FAQs 

QuickFacts provides statistics for all states and counties. Also for cities and towns with a *population of 5,000 or more*.

 Enter state, county, city, town, or zip code

-- Select a fact --

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



 TABLE

 MAP

 CHART

 MORE

Table

All Topics 		 Kern County, California
 Hispanic or Latino, percent (b) (b)		 57.1%
 PEOPLE		
Population		
 Population estimates, July 1, 2024, (V2024)		 NA
 Population estimates, July 1, 2023, (V2023)		 913,820
 Population estimates base, April 1, 2020, (V2024)		 NA
 Population estimates base, April 1, 2020, (V2023)		 909,229
 Population, percent change - April 1, 2020 (estimates base) to July 1, 2024, (V2024)		 NA
 Population, percent change - April 1, 2020 (estimates base) to July 1, 2023, (V2023)		 0.5%
 Population, Census, April 1, 2020		909,235
 Population, Census, April 1, 2010		839,631
Age and Sex		
 Persons under 5 years, percent		 6.9%
 Persons under 18 years, percent		 28.4%
 Persons 65 years and over, percent		 12.2%
 Female persons, percent		 49.3%
Race and Hispanic Origin		
 White alone, percent		 81.4%
 Black alone, percent (a) (a)		 6.2%
 American Indian and Alaska Native alone, percent (a) (a)		 2.8%
 Asian alone, percent (a) (a)		 5.9%
 Native Hawaiian and Other Pacific Islander alone, percent (a) (a)		 0.3%
 Two or More Races, percent		 3.5%
 Hispanic or Latino, percent (b) (b)		 57.1%
 White alone, not Hispanic or Latino, percent		 30.0%
Population Characteristics		
 Veterans, 2019-2023		32,696
 Foreign-born persons, percent, 2019-2023		19.7%
Housing		
 Housing Units, July 1, 2023, (V2023)		309,653
 Owner-occupied housing unit rate, 2019-2023		59.8%
 Median value of owner-occupied housing units, 2019-2023		\$310,600
 Median selected monthly owner costs - with a mortgage, 2019-2023		\$1,901
 Median selected monthly owner costs -without a mortgage, 2019-2023		\$599
 Median gross rent, 2019-2023		\$1,220
 Building Permits, 2023		2,451
Families & Living Arrangements		
 Households, 2019-2023		281,416
 Persons per household, 2019-2023		3.15
 Living in the same house 1 year ago, percent of persons age 1 year+ , 2019-2023		90.4%
 Language other than English spoken at home, percent of persons age 5 years+, 2019-2023		45.2%
Computer and Internet Use		
 Households with a computer, percent, 2019-2023		94.1%
 Households with a broadband Internet subscription, percent, 2019-2023		89.8%
Education		
 High school graduate or higher, percent of persons age 25 years+, 2019-2023		77.1%
 Bachelor's degree or higher, percent of persons age 25 years+, 2019-2023		18.6%
Health		
 With a disability, under age 65 years, percent, 2019-2023		8.5%
 Persons without health insurance, under age 65 years, percent		 7.7%
Economy		
 In civilian labor force, total, percent of population age 16 years+, 2019-2023		58.4%
 In civilian labor force, female, percent of population age 16 years+, 2019-2023		53.3%
 Total accommodation and food services sales, 2022 (\$1,000) (c)		2,111,941



Total health care and social assistance receipts/revenue, 2022 (\$1,000) <span>(c)</span>	5,727,357
Total transportation and warehousing receipts/revenue, 2022 (\$1,000) <span>(c)</span>	2,689,976
Total retail sales, 2022 (\$1,000) <span>(c)</span>	13,442,643
Total retail sales per capita, 2022 <span>(c)</span>	\$14,663
Transportation	
Mean travel time to work (minutes), workers age 16 years+, 2019-2023	24.4
Income & Poverty	
Median households income (in 2023 dollars), 2019-2023	\$67,660
Per capita income in past 12 months (in 2023 dollars), 2019-2023	\$29,238
Persons in poverty, percent	19.0%
BUSINESSES	
Businesses	
Total employer establishments, 2022	14,233
Total employment, 2022	206,892
Total annual payroll, 2022 (\$1,000)	11,061,785
Total employment, percent change, 2021-2022	6.8%
Total nonemployer establishments, 2022	55,844
All employer firms, Reference year 2022	10,551
Men-owned employer firms, Reference year 2022	6,495
Women-owned employer firms, Reference year 2022	S
Minority-owned employer firms, Reference year 2022	3,881
Nonminority-owned employer firms, Reference year 2022	5,397
Veteran-owned employer firms, Reference year 2022	S
Nonveteran-owned employer firms, Reference year 2022	8,839
GEOGRAPHY	
Geography	
Population per square mile, 2020	111.8
Population per square mile, 2010	103.3
Land area in square miles, 2020	8,134.65
Land area in square miles, 2010	8,131.92
FIPS Code	06029

[About datasets used in this table](#)

Value Notes

Methodology differences may exist between data sources, and so estimates from different sources are not comparable.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info icon to the left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2024) refers to the final year of the series (2020 thru 2024). Different vintage years of estimates are not comparable.

Users should exercise caution when comparing 2019-2023 ACS 5-year estimates to other ACS estimates. For more information, please visit the [2023 5-year ACS Comparison Guidance](#) page.

Fact Notes

- (a) Includes persons reporting only one race
- (b) Hispanics may be of any race, so also are included in applicable race categories
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data

Value Flags

- D Suppressed to avoid disclosure of confidential information
- F Fewer than 25 firms
- FN Footnote on this item in place of data
- NA Not available
- S Suppressed; does not meet publication standards
- X Not applicable
- Z Value greater than zero but less than half unit of measure shown
- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper interval of an open ended distribution.
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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Measuring America's People, Places, and Economy

# **Exhibit 26**

## **APPENDIX A**

### Broadcast Statement of Policy

**This Broadcast states the underlying laws and policies applicable to all arrests effected under 8 U.S.C. § 1357(a)(2) / INA § 287(a)(2) and is to be interpreted consistent with all implementing regulations, as well as any DHS or ICE policies or memoranda governing immigration enforcement priorities and any additional requirements such policies or memoranda may impose upon the taking of any action to enforce the immigration laws of the United States.**

#### A. Warrantless Arrests

Under 8 U.S.C. § 1357(a)(2) / INA § 287(a)(2), Immigration & Customs Enforcement (“ICE”) Officers may conduct warrantless arrests if there is “reason to believe that the alien [] [to be] arrested is [present] in the United States in violation of any [U.S. immigration] law and is likely to escape before a warrant can be obtained for [the] arrest.” The “reason to believe” standard requires ICE Officers to have probable cause that an individual is in the United States in violation of U.S. immigration laws *and* probable cause that the individual is likely to escape before a warrant can be obtained for the arrest.

In considering “likelihood of escape,” an ICE Officer must consider the totality of circumstances known to the officer before making the arrest. While there is no exhaustive list of factors that should be considered in determining whether an individual is “likely to escape before a warrant can be obtained” under 8 U.S.C. § 1357(a) / INA § 287(a), factors relevant to the determination may include the ICE Officer’s ability to determine the individual’s identity, knowledge of that individual’s prior escapes or evasions of immigration authorities, attempted flight from an ICE Officer, ties to the community (such as a family, home, or employment) or lack thereof, or other specific circumstances that weigh in favor or against a reasonable belief that the subject is likely to abscond. The particular circumstances before the ICE Officer are not to be viewed singly; rather, they must be considered as a whole. However, mere presence within the

United States in violation of U.S. immigration law is not, by itself, sufficient to conclude that an alien is likely to escape before a warrant for arrest can be *obtained*.

When conducting enforcement actions, ICE Officers shall, at the time of arrest or as soon as it is practical and safe to do so, identify themselves as immigration officers in accordance with 8 C.F.R. § 287.8(c)(2)(iii).

After having made an arrest under 8 U.S.C. § 1357(a)(2) / INA § 287(a)(2), an ICE Officer must document the facts and circumstances surrounding that warrantless arrest in the narrative section of the alien's I-213 as soon as practicable. This documentation must include: (1) that the alien was arrested without a warrant; (2) the location of the arrest and whether this location was a place of business, residence, vehicle, or a public area; (3) whether the alien is an employee of the business, if arrested at a place of business, or whether the alien is a resident of the residence, if arrested at a residential location; (4) the alien's ties to the community, if known at the time of arrest, including family, home, or employment (**Note:** Information learned post-arrest relevant to custody determination should be documented separately from the information relevant to likelihood of escape known at the time of the warrantless arrest.); (5) the specific, particularized facts supporting the conclusion that the alien was likely to escape before a warrant could be obtained; and (6) a statement of how "at the time of arrest, the designated immigration officer [did], as soon as it [wa]s practical and safe to do so, identify himself or herself as an immigration officer who is authorized to execute an arrest; and state[d] that the person is under arrest and the reason for the arrest."

## B. Vehicle Stops

The policy above applies to all warrantless arrests under 8 U.S.C. § 1357 (a) (2) / INA § 287(a)(2), including warrantless arrests resulting from vehicle stops.

As federal law enforcement officers, ICE Officers lack federal statutory authority to enforce state or local vehicle or traffic laws. *See* 8 U.S.C. §§ 1357 (a)(4), (a)(5) / INA §§ 287(a)(4), (a)(5). Accordingly, when making vehicle stops, ICE Officers shall not state to the driver or occupant(s) of a vehicle that the purpose for a stop is related to any vehicle or traffic laws and regulations.

ICE Officers may stop a vehicle to enforce civil immigration laws only if they are aware of specific, articulable facts that reasonably warrant suspicion that the vehicle contains an alien(s) who may be illegally in the country.

As soon as practicable after making an arrest under 8 U.S.C. § 1357(a)(2) / INA § 287(a)(2) pursuant to a vehicle stop, in addition to the documentation requirements for warrantless arrests described above, the ICE Officer also must document the facts and circumstances surrounding the vehicle stop that resulted in a warrantless arrest in the narrative section of the alien's I-213. This documentation shall include the specific, articulable facts that formed the basis for the ICE Officer's reasonable suspicion that an alien in the vehicle stopped was present within the United States in violation of U.S. immigration law.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF ELIZABETH  
STRATER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

1 I, Elizabeth Strater, declare:

2 1. I serve as Director of Strategic Campaigns and National Vice President of the  
3 United Farm Workers of America (“UFW”). I have worked for UFW since 2017 and have been  
4 National Vice President since I was elected by a Convention of farm worker union members in  
5 September 2024. As a member of the elected Union Executive Board, I help direct the union’s  
6 work in organizing, negotiating, public campaigns, rulemaking, legislative campaigns and wide-  
7 reaching advocacy on behalf of farm workers.

8 2. As Director of Strategic Campaigns, I direct campaigns on behalf of farm workers  
9 to empower them to improve their safety, wages, working conditions and to underscore their  
10 basic human dignity. An important part of my role is to humanize the essential contributions of  
11 farm workers and to protect the rights of UFW’s membership, the majority of whom are  
12 immigrants. I have detailed knowledge about UFW’s membership demographics, membership  
13 criteria, member needs and priorities, and how members direct UFW’s mission and advocacy. As  
14 part of my role as Director of Strategic Campaigns and National Vice President, I regularly hear  
15 from UFW members about their safety, wages, working conditions, immigration issues, and other  
16 concerns members face in their communities. I also hear these concerns communicated through  
17 UFW organizers who speak directly with members and report to the Board. In recent weeks, I  
18 have heard from numerous members about the impact of Operation Return to Sender.

19 3. I make this statement based upon personal knowledge, files, and documents of  
20 UFW that I have reviewed, as well as information supplied to me by employees of UFW whom I  
21 believe to be reliable. These files, documents, and information are of a type that is generated in  
22 the ordinary course of our business and that I would customarily rely upon in conducting UFW’s  
23 business. If called as a witness, I could testify truthfully to these facts.

24 **Background on UFW**

25 4. UFW is the first and largest farm worker union in the country. It represents  
26 thousands of migrant and seasonal farm workers in various agricultural occupations throughout  
27 the United States. It is headquartered in Kern County in Keene, California.

28 5. As of February 2025, UFW has approximately 7,000 members.

1           6.       UFW members reside throughout the country. California is home to more UFW  
2 members than any other state. In California, UFW members reside across the entire state: as far  
3 south as San Diego County and as far north as Sonoma County, with the highest density in the  
4 Central Valley region. UFW members also live in counties across the Eastern District of  
5 California, including Fresno County, Kern County, Madera County, Merced County, San Joaquin  
6 County, Solano County, Stanislaus County, and Tulare County.

7           7.       UFW membership is voluntary and consists of various categories of members.  
8 Among these, contributing or associate members are individuals who make a monthly or annual  
9 contribution of a designated amount to UFW. Dues-paying members are those who benefit from a  
10 UFW collective bargaining agreement. In addition to these categories, UFW recognizes other  
11 forms of membership, including full-time employees who have been employed for at least two  
12 years, individuals recognized as martyred members due to their sacrifice in the struggle for social  
13 justice, honorary members who are family members of martyred members, and retired members  
14 who contribute voluntarily after leaving active employment.

15           8.       Generally, individuals seeking to become contributing or associate members of  
16 UFW complete an official application, which is reviewed and processed by UFW staff for  
17 approval. Dues-paying members become members through the procedures set forth in the  
18 California Agricultural Labor Relations Act or other applicable laws, their collective bargaining  
19 agreements, and union rules.

20           9.       UFW members play an important role in deciding what activities UFW engages in  
21 as an organization. At the UFW's quadrennial Constitutional Convention, members introduce and  
22 vote on motions to govern and guide the union's work, and to elect the Union Executive Board.  
23 On an ongoing basis, UFW members respond to surveys, provide feedback, and participate in  
24 advisory meetings (known as "consejo de base" in Spanish) to actively participate in the Union's  
25 decisions. UFW has created various programs in response to members' feedback and requests.  
26 For example, in 2008, in response to requests from our members, we created educational  
27 scholarships for students who are working toward an undergraduate degree and are either eligible  
28 UFW members or their dependents in California, Oregon, and Washington state.



1           10.     UFW membership comes with a variety of benefits. Dues-paying members receive  
2     protections from collective bargaining in which UFW engages on their behalf. Through an  
3     established negotiating committee comprised of workers, UFW members negotiate benefits such  
4     as medical insurance, pension, wages, paid time off, working conditions, seniority, right to recall,  
5     equipment provisions and other terms of employment. Contributing or associate members (also  
6     called “direct” members) receive accidental life insurance of \$4000, access to UFW discounts  
7     with private businesses, and other benefits. In addition, for services that prioritize agricultural  
8     workers, UFW direct membership establishes eligibility.

9           11.     Founded in 1962 by Cesar Chavez, Dolores Huerta, Larry Itliong and other  
10    leaders, UFW was created from the merger of workers’ rights organizations to form one union.  
11    Our mission is to improve the lives, wages, and working conditions of agricultural workers and  
12    their families.

13          12.     To fulfill our mission, UFW engages in collective bargaining, worker education,  
14    advocacy, state and federal legislation, and public campaigns. Our stated values are integrity, “Sí  
15    se puede” attitude, dignity, and innovation. We promote total nonviolence as a core tenet. As a  
16    result of UFW’s work, thousands of agricultural workers are protected under UFW contracts.  
17    UFW has also sponsored and advocated for legal reforms to protect all farm workers at the state  
18    and federal level, including related to overtime pay, heat safety, pesticides safety, COVID-19  
19    protections, and other policies to protect farmworkers and advance their rights.

20          13.     As part of this work, UFW is a national leader in the movement for immigration  
21    reform and immigrants’ rights. For example, in 2022, UFW’s President Teresa Romero  
22    participated in the House Education and Labor Subcommittee on Workforce Protections hearing  
23    titled “Second Class Workers: Assessing H2 Visa Program Impact on Workers.” The H2-A visa  
24    applies to seasonal farm workers. At this hearing, President Romero advocated for legislation that  
25    would provide such farm workers with a path to citizenship and called on the federal government  
26    and Congress to establish heat standards to protect farm workers from preventable heat deaths.  
27    We have also spearheaded national public campaigns and congressional lobbying efforts to raise  
28

1 public awareness of the critical role migrant farm workers play in our communities and economy  
2 and advocate for immigration reform, including a path to citizenship for farm workers.

3 14. UFW members reach out to us to seek assistance, advocacy, advice, and  
4 information. My team is in constant contact with its membership through in-person meetings,  
5 emails, phone calls, text messages, and social media, among other platforms. Members guide the  
6 organization at Conventions and quarterly consejo de base (advisory) meetings and will reach out  
7 to union staff, including me and my direct reports, on a daily basis via text message, phone, social  
8 media, email or at a UFW office.

9 **UFW Members Were Harmed by “Operation Return to Sender” and Fear Harm from**  
10 **Future Border Patrol Operations**

11 15. Based on my reports from members about their experiences with “Operation  
12 Return to Sender,” I understand that during the week of January 6, 2025, Border Patrol agents  
13 based in El Centro, Imperial County, fanned across Kern County and the surrounding region and  
14 arrested dozens of individuals as part an operation they dubbed “Return to Sender.” They  
15 appeared to target certain populations for federal immigration enforcement, including farm  
16 workers commuting to and from work on highways and roads near agricultural operations. As  
17 described below, at least two UFW members were pulled over, arrested, detained, forced to  
18 accept “voluntary” departure, and expelled to Mexico within days, leaving behind, between them,  
19 seven young children in the U.S.

20 16. Based on my reports from members and their families, I understand that Border  
21 Patrol’s operation has caused widespread panic among UFW members across California, and  
22 even in Oregon and Washington. On the days of the raids, many UFW members were already at  
23 work and heard about Border Patrol’s activities through word-of-mouth. Fearing they could be  
24 targeted, many of them remained in the fields until late at night, afraid to drive home on highways  
25 where Border Patrol might indiscriminately pull them over, arrest and detain them, and seek to  
26 expel them from the country.

27 17. I also understand that the panic and fear described above were, and are, felt by  
28 UFW members of diverse immigration statuses because, based on UFW’s institutional and direct

1 understanding with such raids, Border Patrol's practices target non-white and/or Spanish-  
2 speaking farm workers broadly, with little regard to whether particular farm workers have lawful  
3 presence or deep ties to the local community. For instance, UFW members who are long-time  
4 lawful permanent residents nevertheless feel anxious about being swept up in future raids because  
5 of reports that Border Patrol's operation indiscriminately arrested people even if they had U.S.  
6 citizenship or lawful permanent residence. UFW members with employment authorization  
7 documents, such as those with H-2A temporary agricultural visas, T-visas, Temporary Protected  
8 Status, Deferred Action for Labor Enforcement, or Deferred Action for Childhood Arrivals,  
9 similarly express fear to me and my team that Border Patrol will seize, arrest, and/or detain them  
10 for removal without regard to their authorization to be in the U.S.

11 18. In response to "Operation Return to Sender" and the harms it inflicted on UFW  
12 members, we mobilized quickly to support our members. We connected members with  
13 immigration attorneys and helped them identify where their loved ones were being detained. We  
14 aided farm workers by helping to arrange travel between their homes and Border Patrol's  
15 detention centers, often hundreds of miles away. When breadwinners were detained or summarily  
16 expelled from the country, we assisted affected families in locating emergency food, diapers, and  
17 infant formula supplies needed for survival.

18 19. In the aftermath of "Operation Return to Sender," many UFW members read news  
19 reports that leaders in the El Centro Border Patrol Sector expressed their plans to execute future  
20 operations in the interior of the country, including as far north as the California-Oregon state  
21 border line.

22 20. I also understand based on my reports from members and their families that the  
23 fear of future immigration enforcement operations similar to "Operation Return to Sender" has  
24 deeply affected UFW members and has prompted many of them to change how they arrange their  
25 lives. For example, many UFW members no longer commute to and from work in the same  
26 vehicle as their spouses, and whenever possible, no longer run daily errands together. Some  
27 members used to work at the same worksite as their spouses; after the raids, either the member or  
28

1 their spouse changed jobs to reduce the likelihood of both spouses being arrested simultaneously  
2 during a workplace raid or Border Patrol roving patrol along their commute.

3 21. Many UFW members have young children. They are terrified of being swept up in  
4 a raid and separated from their children, who may have no one to take care of them. In the days  
5 after the raids, many members kept their children home from school or daycare and avoided  
6 going to doctor's appointments, church, or the store, paralyzed by the fear of being arrested with  
7 no notice. Members with young children have arranged for a trusted community member to pick  
8 their children up from school or daycare to minimize the risk of being detained, arrested, or taken  
9 away by Border Patrol in front of their children. Members who are parents of school aged  
10 children are reluctant to attend school meetings in case of an indiscriminate raid, hindering them  
11 from being an active participant in their child's education. These members leave for work each  
12 day scared they will not come home to their children because of another enforcement action by  
13 Border Patrol or other immigration authorities.

14 22. As a result of Border Patrol's January operation, and Border Patrol's statements  
15 that they will replicate their operations elsewhere in California, many UFW members, regardless  
16 of the stability or permanence of their immigration status, fear that future operations will again  
17 target farm workers, especially those who appear non-white. They are terrified that Border Patrol  
18 will—again—arrest people without warrants and without regard to how long someone has been  
19 living in the community or the family members they have waiting for them, including young  
20 children; that Border Patrol will—again—detain people, regardless of immigration status, in a  
21 detention facility without the ability to contact their family members or an attorney; and that  
22 Border Patrol will pressure or deceive individuals to agree to voluntary departure unknowingly  
23 and involuntarily, separating them from their family members, homes, and all they have worked  
24 for without even a chance to say goodbye or arrange their affairs.

25 23. I also understand based on my reports from members and their families, of Border  
26 Patrol's tactics during "Operation Return to Sender" quickly circulated among the UFW  
27 community. These reports and videos left many UFW members feeling deeply fearful, regardless  
28 of the stability or permanence of their immigration status. Our members have expressed their

1 alarm that, like during “Operation Return to Sender,” Border Patrol agents conducting any future  
 2 operation will run roughshod over their constitutional rights if they attempt to assert them during  
 3 a stop, seizure, arrest, and/or detention.

4 24. Because of “Operation Return to Sender” and the deep harms it inflicted on farm  
 5 worker families and communities, UFW members feel chilled from exercising their right to speak  
 6 up about workplace abuses or wage theft. They are scared that speaking up will attract negative  
 7 attention to themselves, and that a vengeful employer could call immigration enforcement to  
 8 report them. They feel the risks of being separated from their families and expelled from their  
 9 homes are too great.

10 **Stories of UFW Members Harmed By “Operation Return to Sender” and Who Fear Harm**  
 11 **From Future Operations**

12 *Alicia, Benjamin, and Carlos*

13 25. Through my role as National Vice President in the ordinary course of UFW’s  
 14 business, I received reports of UFW members impacted by “Operation Return to Sender,”  
 15 including “Alicia,”<sup>1</sup> who is a farmworker and UFW member who lives in Kern County,  
 16 California with her four school-age children, her husband, UFW member “Benjamin,” and her  
 17 brother-in-law, UFW member “Carlos.” Alicia had lived with “Benjamin,” until Border Patrol  
 18 agents coerced him into “voluntary” departure and expelled him to Mexico as part of “Operation  
 19 Return to Sender.” Alicia and Benjamin have lived and worked in Kern County for the past 10  
 20 years working in berry, table grape, almond, and citrus agriculture.

21 26. On January 7, 2025 at about 2:00 p.m., Alicia was in a car with Benjamin and  
 22 “Carlos,” on their way home from the citrus orchards where they all worked together. They were  
 23 on Highway 99, a common route for farm workers to get to rural roads where their worksites are  
 24 located. They were traveling within the speed limit and obeying traffic laws.

25 27. Alicia, Benjamin, and Carlos all noticed one marked and two unmarked vehicles  
 26 were parked on the shoulder with police-style lights on the grill. When Alicia, Benjamin, and

27 <sup>1</sup> To protect the privacy and security of our members, I am using fictitious names to identify  
 28 them.

1 Carlos's car passed these vehicles, the vehicles left the shoulder, pulled up behind them, and  
 2 signaled with their lights for them to pull over. They complied. Several men approached the car  
 3 and asked Alicia, Benjamin, and Carlos if they had "papers." Upon information and belief, these  
 4 were Border Patrol agents. The agents did not appear to know who was in the car, and did not  
 5 appear to have any reason for pulling the car over, other than to ask for "papers." In light of the  
 6 police-style lights that the agents used, Alicia, Benjamin, and Carlos did not feel like they were  
 7 free to leave.

8 28. After asking for "papers," the Border Patrol agents arrested Alicia, Benjamin, and  
 9 Carlos. They did not present a warrant for arrest. They did not ask any further questions.

10 29. After they had handcuffed her, the agents asked Alicia if she had family. When she  
 11 told them she had children, an agent "offered" to go pick up the children so they could all be  
 12 taken to Mexico together. The men did not ask Benjamin or Carlos about their ties to the  
 13 community or otherwise conduct an assessment of flight risk.

14 30. The men transported Alicia, Benjamin, and Carlos to a large tent on the outskirts  
 15 of Bakersfield, which appeared to have been set up as a mobile processing center. The Border  
 16 Patrol agents said they would be detained for many months. Alicia begged the agents to release  
 17 her, explaining that she had four young children that needed to be picked up from daycare and no  
 18 one else to care for them. An agent called the daycare to speak to a teacher and confirm Alicia  
 19 was telling the truth. After confirming it, the agent released her, hours after she had been arrested.

20 31. Border Patrol agents transported Benjamin and Carlos to the El Centro Border  
 21 Patrol Station, where they were detained in cold, windowless cells. Border Patrol agents did not  
 22 provide Benjamin or Carlos with any hygiene items and gave them only a thin aluminum sheet  
 23 for warmth. It was impossible for Benjamin or Carlos to sleep because the lights in the cell were  
 24 on day and night and there was nothing to lie down on except hard, cold concrete.

25 32. Border Patrol agents forced Benjamin and Carlos into accepting voluntary  
 26 departure. When Benjamin and Carlos indicated they did not want to agree to voluntary  
 27 departure, Border Patrol agents deliberately displayed their weapons as a show of intimidation.  
 28 Scared, Benjamin and Carlos signed where they were told. Border Patrol agents never informed

Benjamin or Carlos that taking “voluntary” departure involved waiving their right to a hearing in immigration court, nor did they inform them of the consequences of voluntary departure, including that it could result in a 3-year or 10-year period of inadmissibility. Instead, Border Patrol agents also lied to Benjamin and Carlos before they signed, and claimed that “voluntary” departure would make it easier for them to return to the U.S. Benjamin and Carlos signed their names on a small screen that had space only for their signature. Border Patrol did not show them the documents they were signing nor provide them any documents in English or Spanish.

33. Neither Benjamin nor Carlos understood what voluntary departure was. No one explained to them that voluntary departure meant they could be barred from returning to the U.S. for years. No one explained the rights they would have had in an immigration court hearing. If they had understood their rights, and the consequences of voluntary departure, neither Benjamin nor Carlos would have signed the documents. They would have insisted on an opportunity to see a judge.

34. Border Patrol’s actions tore Alicia’s, Benjamin’s, and Carlos’s lives apart. Benjamin is stranded in Mexico, forcing Alicia to raise their four children alone. While she grieves her separation from her husband, she also must manage their household alone and care for her children without her husband’s presence or support. Alicia does not know how she will provide for her children on a single income. Alicia and Benjamin still feel shocked by what happened to them. Both are experiencing profound sadness over their family’s separation.

35. Alicia continues to work as a farm worker in the Kern County area. She cannot avoid the locations Border Patrol targets in its immigration sweeps. She must travel through agricultural areas to get to and from work. She cannot avoid getting gas or running errands at stores in Bakersfield, including in locations where other farm workers shop and gather. She feels enormous stress and anxiety that because she cannot avoid these locations, Border Patrol agents will seize her again, regardless of whether they have the requisite reasonable suspicion to do so, and will arrest her again regardless of whether she poses a flight risk. She fears Border Patrol agents will force her into voluntary departure, like they forced her husband and brother-in-law. If she is expelled from the country, her children will be left without a parent in the United States.



1 Alicia cannot bear the thought of being separated from her children the way she has been  
2 separated from her husband.

3 36. Benjamin is worried for his children, two of whom are still in diapers. He is  
4 devastated that he is separated from and unable to support his wife and his children, as he knows  
5 they are struggling without him.

6 Fernando

7 37. Through my role as National Vice President in the ordinary course of UFW's  
8 business, I also received a report of how "Operation Return to Sender" impacted "Fernando," a  
9 farm worker and UFW member who has lived in Kern County for around 20 years. Fernando has  
10 raised a family with his wife, supporting his family by working in the fields.

11 38. On January 9, 2025, Fernando was in a car driving home after work on a public  
12 road between Bakersfield and Mettler, California. They were traveling within the speed limit and  
13 obeying traffic laws. On the highway, traveling on a route commonly taken by agricultural  
14 workers when traveling between orchard worksites and farm worker communities, a truck turned  
15 on flashing lights and signaled for their car to pull over.

16 39. When Fernando's car came a stop, several men jumped out of their vehicles and  
17 approached the car, yelling in an intimidating manner. Upon information and belief, these were  
18 Border Patrol agents. They grabbed the handles of the locked car doors and pounded on the  
19 closed windows. They warned Fernando and his companions that if they did not open the  
20 windows, they would smash the glass. The passengers, including Fernando, sat still and did not  
21 respond. In Spanish, the Border Patrol agents began counting down backwards from "five." When  
22 they reached "one," they smashed the windows using a black baton-like stick, causing shards of  
23 broken glass to fall all over the car's occupants. The time from approaching the vehicle to  
24 smashing the windows was approximately 15 seconds.

25 40. The agents reached through the broken windows to unlock the car doors and  
26 forcefully dragged Fernando and other passengers out of the car and onto the side of the highway.  
27 The agents arrested Fernando. The vehicle was impounded.



41. The agents did not identify themselves, did not appear to know Fernando was, and did not appear to have any reason for pulling the car over, other than to target its passengers for federal immigration enforcement. The agents did not present a warrant for arrest or ask Fernando anything about his family, community ties, employment, or other factors related to his likelihood of flight risk.

Gabriela

42. Through my role as National Vice President in the ordinary course of UFW's business, I also understand how "Operation Return to Sender" impacted "Gabriela" is a farm worker and UFW member who has lived in Fresno for 22 years. Gabriela has a daughter and eight grandchildren. Gabriela helps her daughter with childcare when her daughter had doctor's appointments or needs assistance picking up the children from school. Gabriela has worked as a farm worker in the stone fruit, table grape, and persimmon orchards, and the bell peppers and tomato fields in the San Joaquin Valley for over 20 years. Gabriela has legal authorization to work in the United States. Gabriela feels anxiety and fear that she will be subjected to Border Patrol's unlawful practices when Border Patrol follows through on its threat to bring "Operation Return to Sender" to her community in Fresno. Gabriela is an active member of her community and has heard other farm workers express the same fears.

43. Gabriela cannot avoid traveling through and visiting the types of locations that Border Patrol targeted in "Operation Return to Sender." Gabriela must drive in and around the Fresno region, including on highways and in agricultural areas, to commute to and from work. She fills up her car with gas, purchases food, and runs errands at businesses frequented by other farm workers. Gabriela fears that Border Patrol agents will seize her without reasonable suspicion to do so, simply because of where she is, her skin color, or her apparent occupation as a farm worker. Although she has a child and grandchildren who live in the community and deep community ties, she fears that Border Patrol will arrest her without a warrant without regard to whether she is actually a flight risk. After arresting her, Gabriela fears that Border Patrol will coerce her into voluntary departure.

1           44. Gabriela is fearful and anxious at the thought of being detained and separated from  
2 her child and grandchildren. She does not know who would care for the loved ones who depend  
3 on her, even if she were detained for a brief period. She cannot imagine the grief and pain of  
4 being expelled from the country and separated forever from her loved ones.

5           I declare under penalty of perjury that the foregoing is true and correct.

6 Executed on March 7, 2025

7   
8 \_\_\_\_\_  
9 Elizabeth Strater

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF ERNESTO CAMPOS  
GUTIERREZ IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

DECLARATION OF ERNESTO CAMPOS GUTIERREZ IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION  
Case No. 1:25-cv-00246-JLT-BAM

2884273

1 I, Ernesto Campos Gutierrez, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a  
3 witness, could testify truthfully to those facts.

4 2. My name is Ernesto Campos Gutierrez. I am 44 years old. I have lived in  
5 Bakersfield, CA, for over 20 years. I am a U.S. citizen. I own my home, where I live with my  
6 partner and children. I own my own gardening and landscaping business. I am also a member of  
7 my local church and involved with church activities.

8 3. On January 8, 2025 at around 9:40 a.m., I was driving in Bakersfield on my way to  
9 a gardening job. I had a passenger in the front passenger seat. My truck is registered under my  
10 name, had current license plates and registration, and had no stickers or decals. I was hauling a  
11 mini trailer containing gardening equipment. I was driving within the speed limit.

12 4. An unmarked, white Chevrolet Tahoe followed me for a couple minutes. Then, it  
13 turned on flashing lights and signaled for me to pull over. I complied. The Tahoe stopped behind  
14 me. A Black male agent got out of the Tahoe, walked over to my truck, and tried to pull open the  
15 driver's side door, but the door was locked. He was wearing a vest that said the words "POLICE"  
16 in large letters. Through the closed car window, he asked for our IDs. He called to another person  
17 and said he "had two bodies." He did not identify himself, show me a warrant, or explain why he  
18 had pulled me over.

19 5. I lowered my window, asked the agent why he had pulled us over, and handed him  
20 my REAL ID driver's license. The agent glanced at the license and told me to hand him the keys  
21 to my truck. I told him I was not going to give him my keys because he had not told me who he  
22 was or why he had pulled me over. The agent said he needed my keys because I was going to  
23 drive away. I said my truck was turned off and I was not going to drive away. I had just handed  
24 the agent my driver's license, and as such, had no intention of driving away and leaving my  
25 driver's license behind.

26 6. The agent pulled out a knife and proceeded to slash both tires on the driver's side  
27 of my truck. I was shocked. When the agent pulled out a knife, I suddenly felt afraid he might  
28

1 attack us or pull out a gun. I could not believe the agent had slashed my tires. I asked again who  
2 he was and why he had pulled us over. He refused to answer my questions.

3 7. Another truck arrived and blocked me in by parking right in front of my vehicle. A  
4 white male agent got out of the truck and stood next to my vehicle while the first agent returned  
5 to his vehicle to check my license.

6 8. The Black agent came back to the passenger side of my vehicle and ordered my  
7 passenger to lower his window and open the door. My passenger lowered the window a few  
8 inches. The agent pulled out a handheld tool and threatened to break the window. He ordered my  
9 passenger to open the window and open the door. My passenger complied. The agent forcibly  
10 grabbed my passenger out of the truck and handcuffed him. The agent never asked my passenger  
11 any questions about his community ties. I told the agent he should not have slashed my tires. The  
12 agent said, "I'm not going to argue with you, bro. You did what you did, I did what I did."

13 9. A Hispanic agent arrived. He said I was under arrest for "alien smuggling." I tried  
14 to explain to the agent that my passenger had an open immigration case. He did not respond. He  
15 handcuffed me and took away my phone and wallet. He never asked me any questions about my  
16 community ties. None of the agents ever identified themselves, presented a warrant, nor explained  
17 why they had pulled me over.

18 10. I videorecorded part of these interactions using my cell phone.

19 11. The agents placed me and my passenger in the back of a truck that said  
20 "Immigration." They left my truck on the side of the road and drove us to a facility about 20  
21 minutes away. During the drive, I asked the agents why they had arrested me when I am a United  
22 States citizen. They said it was because I had been transporting someone without documents.

23 12. I was detained at the facility in handcuffs for about four hours. I asked for a phone  
24 call to call my partner. The Hispanic agent said I did not have the right to make a call. At one  
25 point, the Black agent told the Hispanic agent that he had slashed my tires because I had become  
26 aggressive and "flipped" him off. I told the Hispanic agent that was a lie, and if he wanted to find  
27 out the truth he should review the body camera footage. The Hispanic agent listened to me but did  
28 not reply.

1           13.     After detaining me for about four hours, the agents placed me in a truck, drove me  
2 to my home and dropped me off.

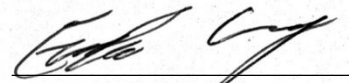
3           14.     I had to spend approximately \$500 to replace the two slashed tires on my truck.  
4 My partner spent about \$350 on the two tow trucks that towed my truck and mini trailer home.  
5 Additionally, I lost wages because the Border Patrol detained me for so many hours which forced  
6 me to cancel all the clients I had scheduled for that day.

7           15.     I'm scared and in disbelief of how I was treated during this incident. I believe the  
8 Border Patrol stopped me solely because of the color of my skin and my appearance. I travel in  
9 and around Bakersfield frequently for work and my daily life.

10          16.     This declaration was read to me in full in Spanish on February 24, 2025 by Mayra  
11 Joachin. I completely understand the content of this declaration.

12           I declare under penalty of perjury that the foregoing is true and correct.

13 Executed on February 24, 2025 at Bakersfield, California.

14   
15 Ernesto Campos Gutierrez

16  
17 **CERTIFICATE OF INTERPRETATION**

18           I, Mayra Joachin, certify that I am fluent in Spanish and English and that I am competent  
19 to interpret between these languages. I further certify that I have read the foregoing to Ernesto  
20 Campos Gutierrez in Spanish. I further declare that I am competent to render this interpretation  
21 and that I would testify to the same under the penalty of perjury if I were called upon to do so.

22  
23 Date: February 24, 2025

24 /s/ Mayra Joachin  
25 Mayra Joachin  
26  
27  
28

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF JESUS RAMIREZ  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

1 I, Jesus Ramirez, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a  
3 witness, could testify truthfully to those facts.

4 2. My name is Jesus Ramirez. I am 64 years old, and I live in Bakersfield, California,  
5 where I rent my home. I am the primary caretaker for my minor son, and the only living parent to  
6 both my daughter and son. I moved to Bakersfield recently, only about one month before my  
7 arrest. Before then, I lived in San Mateo.

8 3. I have worked in Bakersfield and San Mateo as a day laborer, fixing roofs and  
9 sprinklers and mowing grass.

10 4. On or around January 7, 2025, I was detained by Border Patrol agents at the  
11 Home Depot at 4001 Ming Avenue in Bakersfield. At around 11 a.m., I was standing with some  
12 other day laborers in the Home Depot parking lot when we were surrounded by Border Patrol  
13 agents. I knew they were Border Patrol agents because they had badges on their vests. I was not  
14 doing anything unlawful when they surrounded us. The agents arrived in multiple vehicles, some  
15 of which had sirens on when they surrounded us. We could not go anywhere because there were  
16 many agents all around us.

17 5. Border Patrol agents repeatedly demanded we show our "papers." I reached for my  
18 wallet to locate my ID and as I pulled it from my pocket, an agent snatched the wallet from me  
19 and removed my ID. He looked at it but did not ask me any questions about it. He returned my  
20 wallet but kept my ID.

21 6. The Border Patrol agent did not ask me any questions about my family or ties to  
22 the community. If he had asked, I would have told him I have family in Bakersfield and  
23 elsewhere in California. I would have told him my children live in California, and my son is still a  
24 minor. I would have told him I am the only remaining living parent to my children.

25 7. It was clear to me the agents did not know who I was. They did not show me any  
26 document or have a warrant for me.

27 8. I was loaded into a vehicle in the parking lot of Home Depot and transported  
28 behind the store, where I was loaded into a bigger vehicle. The vehicle was full of other people. A



1 Border Patrol agent said I was going to be taken “home,” and I believed he meant that I was  
2 going to be taken to my own home in Bakersfield.

3 9. It was not until Border Patrol drove us to a makeshift processing station that I  
4 learned to my shock that immigration was formally arresting me.

5 10. At the makeshift processing station, Border Patrol told me to remove my shoelaces  
6 and put them in a bag with other belongings. I was detained there for about 7 or 8 hours with  
7 about twelve other individuals. We were offered only some small crackers and one small bottle of  
8 water. At the end of our long wait, we were ordered to board a bus, which filled with people.  
9 Another person asked a Border Patrol agent where they were taking us, and I heard the agent say  
10 Calexico.

11 11. The bus stopped at a gas station. We remained on the bus. After about an hour, the  
12 bus continued to El Centro, a Border Patrol detention center in Imperial County.

13 12. At El Centro, Border Patrol agents took my fingerprints. An agent ordered me to  
14 sign a document and said it was required for a judge to review my case. The document was in  
15 English, a language I do not read. The document was not translated or explained to me. I  
16 requested an opportunity to make a phone call to a family member but was denied.

17 13. In the afternoon of January 9, I was moved from El Centro to Imperial Regional  
18 Detention Facility, an ICE detention center, along with about eight other men.

19 14. I have been in immigration detention since early January. I have had one court date  
20 with an immigration judge who only told me that crossing the border is illegal and did not ask me  
21 any questions or tell me anything else. I have another immigration court date scheduled for  
22 February 20.

23 15. I feel devastated about what has happened. I worry every day about how my  
24 children are doing. Their mother tragically died years ago, and I am their only living parent. I am  
25 heartbroken thinking about what they must be going through without me. They are the most  
26 important people in the world to me. I long to be released from detention so I can be reunited with  
27 my children and take care of them, support them, and guide them in their lives.

28 16. This declaration was read to me in full English and Spanish on February 13, 2025

1 by Maricela Sanchez. I completely understand the content of this declaration.

2 I declare under penalty of perjury that the foregoing is true and correct.


3 Executed on February 13, 2025 at Calexico, California.

4   
5 Jesus Ramirez

6  
7 **CERTIFICATE OF INTERPRETATION**

8 I, Maricela Sanchez, certify that I am fluent in Spanish and English and that I am  
9 competent to interpret between these languages. I further certify that I have read the foregoing to  
10 Jesus Ramirez in Spanish. I further declare that I am competent to render this interpretation and  
11 that I would testify to the same under the penalty of perjury if I were called upon to do so.

12  
13  
14 Date: February 13, 2025

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16 Maricela Sanchez  
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*Attorneys For Plaintiff Oscar Morales Cisneros*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,  
Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF JUAN VARGAS  
MENDEZ IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

1 I, Juan Vargas Mendez, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a  
3 witness, could testify truthfully to those facts.

4 2. My name is Juan Vargas Mendez. I am 37 years old. I am currently living in  
5 Mexico because Border Patrol expelled me from the U.S. by “voluntary departure” without my  
6 knowing and voluntary consent. Until I was arrested by Border Patrol, I lived in Bakersfield,  
7 California with my U.S.-citizen wife and our family. We have been married since 2013 and have  
8 three U.S.-citizen children together: a seven-year-old boy, a four-year-old boy, and a three-year-  
9 old girl. My wife’s eight-year-old son, also a U.S. citizen, is also part of our family. I am proud to  
10 be his stepfather and I consider him my son. He has been diagnosed with epilepsy and suffers  
11 from seizures, and he depends on me as a caregiver. I have no criminal history.

12 3. I lived in Kern County for about 20 years. I worked as a farmworker at the same  
13 ranch for more than 10 years, picking oranges. I also sometimes worked as a gardener with my  
14 friends.

15 4. On January 8, 2025 at around 5:00 p.m., five of my coworkers and I were driving  
16 home in a van after working in the fields. The van had large windows. We were traveling on  
17 Maricopa Highway, which is a central highway for farmworkers in southwest Kern County,  
18 especially to get to many orange and almond fields. I often got off work and went home via  
19 Maricopa highway around this time.

20 5. As we approached the David Road exit, we heard loud sirens. I looked at the  
21 speedometer and saw we were driving under 40 miles an hour, well within the speed limit. A gray  
22 SUV with lights flashing on its roof pulled in front of us on the road and stopped, forcing our car  
23 to quickly stop on the road. Through the window, I saw a second SUV, also with flashing lights  
24 and sirens, come to a stop immediately behind us. Both cars surrounded us very quickly and  
25 aggressively, blocking us in so it was impossible to drive away. I could not see any identifiable  
26 logos or markings on the vehicles.

27 6. I watched four people exit from the SUVs, two from each car. They were all  
28 wearing regular clothing, not uniforms. I did not know who they were, but thought they might be

1 the police because their vehicles had sirens and flashing lights.

2 7. One of the men approached our van, and our driver rolled down his window. The  
3 man demanded the driver and front passenger show their license and proof of residency. The  
4 driver and front passenger showed him their IDs. The man sounded so angry and aggressive that I  
5 felt afraid he might hurt us. He did not explain why we had been stopped.

6 8. As the agent was reviewing the IDs, two other agents flung open the door on the  
7 right side of the van. The agents did not ask for consent to open the van door or search the van,  
8 and no one in the car had provided such consent. Of the two agents who opened the van doors,  
9 one appeared to be Latino while the other appeared white. The Latino agent shouted in Spanish  
10 that we needed to show him our IDs, and warned us that we had better “tell the truth.” I saw both  
11 agents had guns on their waists. They kept yelling at us, “Hurry up and tell me the truth,” over  
12 and over again.

13 9. I felt very intimidated by the agents and was afraid they would hurt me. I did not  
14 produce an ID because I was not carrying one with me. Two agents grabbed me and dragged me  
15 out of the van. They grabbed one of my coworkers and dragged him out, too. They demanded we  
16 hand over our personal belongings. I gave them my phone, wallet, and a medical spray I use to  
17 help me breathe. I did not feel I had any choice and I did not feel free to leave.

18 10. The agents put my hands behind my back and handcuffed me. They did not  
19 identify themselves or explain why my coworker and I were being arrested. They did not show us  
20 any warrants. They never asked about my community ties to Kern County, such as how long I had  
21 lived there, my family, or my employment. The agents mocked us, calling us “Mexican bitches.”  
22 They searched me and put me and my coworker in the backseat of an SUV.

23 11. They took off our handcuffs and drove us away. The agents continued mocking us  
24 and calling us names. I was really afraid, but after a little while I tried talking to one of the agents.  
25 At this point, I suspected they were immigration agents. I asked him, “Why are you trying to take  
26 me?” I told him I have lived in the area for 20 years; I have a wife and four kids who are all  
27 citizens; I have no criminal record. He responded he did not care and that I was “going to  
28 Mexico.”

1           12.     After about a half hour, we arrived at a large white warehouse with barbed wire.  
2     There were about eight other arrested people gathered there, and about 15 armed agents. They  
3     told us they were Border Patrol. They took our temperatures, our fingerprints, and photos.

4           13.     They forced us onto a bus. After driving for about another half hour, they ordered  
5     us off the bus and into the back of a truck. It was very tight and uncomfortable. There were no  
6     seats or seatbelts, so we all sat or squatted on the floor and tried to keep our balance. The back of  
7     the truck was completely covered, with no windows. The truck drove for a very long time. It felt  
8     like about four or five hours. We did not stop even once for people to use the bathroom.

9           14.     When we finally stopped, they squeezed us into a larger van, which drove for a  
10    few more hours. Finally, we arrived at a detention facility at around 1:00 a.m. No one told us  
11    where we were.

12          15.     Agents spoke to us individually. An agent told me I had been arrested because I  
13    am “illegal” here, and said I would be deported. I told the agent I had been in the area for 20  
14    years, I have a family, I am a hardworking man, and I have no criminal record. The agent told me  
15    he didn’t care; that I would be deported anyway. Then he directed me to a holding room.

16          16.     As soon as I stepped into the holding room, I started to shiver because it was  
17    freezing cold. An agent told me to take off my work boots and gave me thin slippers which did  
18    not keep out the cold. There were about 20 to 25 of us detained in the room. Some people who  
19    were already detained here told us we were at El Centro. For warmth, we received only a thin  
20    aluminum sheet, which helped very little against the cold. There were two concrete benches in the  
21    room, but no beds. I did not receive a toothbrush, toothpaste, soap, or other hygiene products.  
22    They gave us each juice, a stale hot dog, and an apple. I did not eat the hot dog because someone  
23    else said it had made them sick.

24          17.     I have a medical problem with my nose that makes it difficult for me to breathe. I  
25    need to use a nasal spray to help me breathe. My spray had been confiscated by the agents when  
26    they arrested me and they had not returned it to me. I asked for my spray repeatedly, but no one  
27    helped me. I had trouble breathing during the whole time I was detained because I was not  
28    allowed to access my medicine.

1           18.     On January 9, at around noon, an agent took me to a room. He showed me a 7- or  
2     8-page packet and said I needed to sign the documents. The papers were in English, a language I  
3     do not read. The agent did not explain to me what the documents said. He only said if I didn't  
4     sign, I would go to prison for months or years. I did not want to sign anything I could not  
5     understand. I asked the agent three or four times to please allow me to call my wife. Each time,  
6     the agent said no.

7           19.     Finally, after about fifteen minutes of this standoff, my resolve crumbled. I was  
8     freezing cold, I had trouble breathing without my medicine, and I was terrified of the prospect of  
9     going to prison for a long time. I was scared my family would never know where I was if I  
10    refused to sign and was taken to prison. The agents had a small digital pad ready. I signed my  
11    name on it. The digital pad was about the size of a cell phone, had a space for my signature and  
12    nothing else, and did not display the documents I was apparently signing. I suspected the  
13    documents might be about my deportation, but I was not certain. No one helped me understand  
14    what I was signing, gave me any copies of the documents in English or Spanish, or explained  
15    what voluntary departure was. No one explained that voluntary departure meant I could be barred  
16    from returning to the U.S. for years. No one explained I had the option to go before an  
17    immigration judge, or the rights I would have in an immigration court hearing. If I had  
18    understood my rights, and the consequences of voluntary departure, I would never have agreed to  
19    sign those documents. I would have insisted on an opportunity to speak to a judge, no matter how  
20    much pressure they put on me.

21          20.     Only about two hours later, at about 2 pm on January 9, Border Patrol agents  
22    placed me onto a bus and told me they were taking me to Mexico. They drove me to the border  
23    across from Mexicali, Mexico and dropped me off. When we arrived, a Border Patrol agent gave  
24    me a copy of the documents they claim I signed and a list of pro bono legal services. After my  
25    wife translated one of the documents for me, I realized that my signature was on an English-  
26    language document apparently agreeing to voluntary departure. I also learned that the document  
27    says, "Notice read to subject by Esteban Echeverria, in the Spanish language." This is false. If  
28    someone had read the document to me in Spanish, I would not have signed it because I did not

1 want to agree to be deported. Border Patrol agents returned my wallet, phone, shoelaces, nasal  
2 spray, and work boots. I had nothing else besides the clothes on my back.

3 21. Being away from my wife and children has been the most devastating experience  
4 of my life. After my expulsion, my wife and children came to Mexico to visit me for two days,  
5 but I have not seen them since. I am depressed and often cry while on the phone with my wife. I  
6 never wanted to be deported from the U.S. My family means everything to me. I am so worried  
7 my kids will think I abandoned them. They are too young to understand why I haven't come  
8 home. I am in disbelief that I have no idea when I will be able to live with them again.

9 22. My eight-year-old stepson, who has epilepsy, depends on me at nights when my  
10 wife is at work. We do not have other relatives nearby to help. I used to administer his medicine  
11 and help him cope with his seizures. My wife tells me that since my expulsion, his seizures have  
12 become worse. She says all the children have become quiet and scared. They are not eating well  
13 and are losing weight. I feel my heart is breaking when I think about how they are suffering  
14 because of what happened to me.

15 23. I understand that, as a class representative, I represent the interests of everyone in  
16 the class, and not just myself. I understand I need to stay informed about what is happening with  
17 my case and stay in touch with my attorney to give them information they need. I am committed  
18 to being a class representative because I do not want other people in the community to be harmed  
19 by Border Patrol's unlawful practices the way I was. I have never served as a class representative  
20 in any prior action.

21 24. This declaration was read to me in full in Spanish on February 18, 2025 by  
22 Angelina Alas. I completely understand the content of this declaration.

23 I declare under penalty of perjury under the laws of the United States of America that the  
24 foregoing is true and correct.

25 Executed on February 18, 2025.

26 Juan Carlos Vargas Mendez  
27 Juan Vargas Mendez  
28



**CERTIFICATE OF INTERPRETATION**

I, Angelina Alas, certify that I am fluent in Spanish and English and that I am competent to interpret between these languages. I further certify that I have read the foregoing to Juan Vargas Mendez in Spanish. I further declare that I am competent to render this interpretation and that I would testify to the same under the penalty of perjury if I were called upon to do so.

Date: February 18, 2025

/s/ Angelina Alas

Angelina Alas

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF LUIS PEREZ CRUZ  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

1 I, Luis Perez Cruz, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a  
3 witness, could testify truthfully to those facts.

4 2. My name is Luis Perez Cruz. I am 28 years old and I have lived in Bakersfield,  
5 California with my mother for over two years. I have other family ties in Bakersfield, including  
6 cousins. I work as a painter.

7 3. On January 7, 2025, I stopped by Home Depot on my way to work. I ran into two  
8 of my cousins in the parking lot and was chatting with them. Two men wearing civilian clothes  
9 walked up to us. They said they were from Border Patrol and told us to show them IDs saying  
10 that we were in the United States legally or had permits to be here. They also asked us if we had  
11 open immigration cases. I remained silent. One of the Border Patrol agents then grabbed me and  
12 began to handcuff me. I did not feel that I was free to leave. The agent said that whether or not we  
13 showed ID, they would arrest us. I felt that I had no choice, so I showed the agent my ID.

14 4. None of the agents asked me anything about my family, community ties, work, or  
15 life in Bakersfield. The agents did not present me with a warrant of any kind and did not appear to  
16 have any idea who I was before they demanded my ID.

17 5. The agents picked me up, along with other people they were arresting, in a truck  
18 and drove us behind the Home Depot. There, they loaded us into a van and transported us to a  
19 station they had set up on 7th Standard Road. They took my fingerprints, name, and my wife and  
20 children's names at the station. Then they loaded me into a large bus that looked like a  
21 Greyhound bus and drove me to a holding center in El Centro, California.


22 6. There, the agents tried to make me sign documents. They refused to show me the  
23 documents they wanted me to sign and only showed me the screen where I needed to sign, but  
24 suggested signing would lead to me being deported. I refused to sign anything until I saw a judge.  
25 After nearly four days, the agents eventually fitted me with a wrist monitor, gave me papers about  
26 going to immigration court, and released me to a shelter in Calxico.

27 7. This incident still gives me a lot of fear. The agents were very aggressive, and now  
28 that I have an immigration case, I am afraid they will pick me up again and treat me even worse.

8. This declaration was read to me in full Spanish on February 24, 2025 by Mayra Joachin. I completely understand the content of this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2025 at Bakersfield, California.

  
Luis Perez Cruz

## CERTIFICATE OF INTERPRETATION

I, Mayra Joachin, certify that I am fluent in Spanish and English and that I am competent to interpret between these languages. I further certify that I have read the foregoing to Luis Perez Cruz in Spanish. I further declare that I am competent to render this interpretation and that I would testify to the same under the penalty of perjury if I were called upon to do so.

Date: February 24, 2025

/s/ Mayra Joachin  
Mayra Joachin

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,  
Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF MARIA  
GUADALUPE HERNANDEZ ESPINOZA  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

1 I, Maria Guadalupe Hernandez Espinoza, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a  
3 witness, could testify truthfully to those facts.

4 2. My name is Maria Guadalupe Hernandez Espinoza, and I am 46 years old. I am  
5 currently living in Mexico because Border Patrol expelled me from the U.S. by “voluntary  
6 departure” without my knowing and voluntary consent. Until I was arrested by Border Patrol, I  
7 lived in Bakersfield for about 10 years. My partner and I have rented the same apartment in  
8 Bakersfield for the past three years. I have no criminal history.

9 3. I have worked in the agricultural sector for close to 20 years. I picked and packed a  
10 variety of different fruits and vegetables, including broccoli, onions, cabbage, lettuce, apples, and  
11 tomatoes. I raised my three daughters with my ex-husband. I am very proud of my daughters  
12 because they’re hardworking like me. My two eldest daughters are married, and I have a  
13 grandson. My youngest daughter is attending university. Everything I worked for is in  
14 Bakersfield.

15 4. On January 7, 2025, around 5:30 p.m., my partner, a coworker, and I were driving  
16 on CA-58, heading home to Bakersfield after working at a tomato greenhouse plant in Tehachapi.  
17 My partner was driving us in his black Nissan Sentra, which is registered under his name. His car  
18 has no stickers or decals, and the license plate and registration were current. My partner was not  
19 breaking any traffic laws. He was getting ready to exit when we were approached from behind by  
20 an unmarked white Ford pickup truck. The truck followed us and flashed its lights at us, and I  
21 heard something that sounded like a police siren. My partner pulled over.

22 5. A man in a white shirt came to the driver’s side door and asked my partner to turn  
23 off the car. My partner complied. This caused the car doors to unlock, and the man pulled open  
24 the driver’s side door and ordered my partner to step out of the car. The man did not identify  
25 himself, show a warrant, or ask us any questions. The man took my partner toward his truck while  
26 my coworker and I stayed in the car. I was very nervous, and my coworker began to cry. I noticed  
27 six or so white Chevrolet Malibus pull up behind us. They were all unmarked. Each car had three  
28 to four men inside, most of whom wore white shirts and civilian clothing. I did not see any of

1 them with a badge, but I could see they had guns on their waists.

2 6. Two more agents approached our car and asked me and my coworker to get out,  
3 which we did. They wore green pants and white shirts. They did not have badges or other  
4 identifying information on their clothing. They walked us over to the white Ford truck where my  
5 partner and the first agent were.

6 7. The agents asked us for our IDs, if we had papers, and if we were here legally. I  
7 did not answer their questions, and I did not produce an ID because I was not carrying one with  
8 me. The agents did not explain why they had pulled us over. The agents never asked me questions  
9 about my community ties, such as the many years I lived here, my work history, or my children  
10 and grandson.

11 8. The agents began searching my partner's car. They never asked if they could  
12 search the car and my partner never consented to a search. They took my partner's wallet from  
13 the car and pulled out his ID.

14 9. The agents said we were under arrest and took all three of us into the backseat of  
15 the white Ford truck. I was not handcuffed, but since they said we were arrested, I did not feel  
16 free to go. The agents did not explain why they had arrested us. I was still unsure who the agents  
17 worked for, but I could tell from their vehicles, sirens, handguns, and matching clothing that they  
18 worked for some type of law enforcement agency. I had no inkling they were affiliated with  
19 immigration.

20 10. The agents left my partner's car on the side of the road and transported us to a  
21 makeshift processing area on 7th Standard Road in Bakersfield. When we arrived at the makeshift  
22 processing area, I saw a white truck with a green stripe on it and recognized it as a Border Patrol  
23 truck. That was the moment I realized we were in Border Patrol custody. They had brought many  
24 people to this makeshift processing station, dozens of men and just one other woman besides me  
25 and my coworker. The Border Patrol agents took away my personal belongings including my  
26 inhaler, reading glasses, and 80 dollars cash. I asked an agent if I could make a phone call to my  
27 family, but they said no. We remained at the makeshift processing center for about an hour before  
28 we were loaded onto a bus.

1           11.     The bus left Bakersfield in the late evening and drove on CA-58 through Mojave.  
2     About three hours into the drive, the bus stopped to switch drivers. One of the drivers looked at  
3     us, laughed, and said, “Vamos por mas mojados,” which means “Let’s go for more wetbacks.” I  
4     was so nervous that I suffered from several anxiety attacks while on the bus.

5           12.     The bus continued driving and arrived at El Centro Border Patrol station in the  
6     early morning hours of January 8. I was exhausted, scared, and hungry. The agents ordered us off  
7     the bus and searched us. To my horror, they searched me in front of dozens of men, lifting my  
8     shirt and exposing my bra. I felt humiliated; it was so indecent. They took away my sweater and  
9     scarf. The agents then took my photograph and fingerprints.

10          13.     The agents locked me in a frigid room where I met two other women and their  
11     children. They said they were asylum seekers and had been in the room for days.

12          14.     The agents began calling in people for an initial interview. A Latina agent said I  
13     could either agree to voluntary departure or see a judge. She said, “If you choose to see a judge, it  
14     will take around two to three years to see a judge and either way, you’ll likely end up deported.”  
15     Feeling extremely anxious, sleep deprived, and terrified at the thought of being detained for years,  
16     I impulsively said I would agree to voluntary departure. The agent did not have us sign anything.  
17     After this quick conversation, I was sent back to the room where I thought about my decision. I  
18     realized I wanted to see a judge and have an opportunity to return to Bakersfield. I knew I had to  
19     quickly tell an agent I had changed my mind.

20          15.     When a different agent came by to drop off diapers for one of the children, I told  
21     her I had changed my mind about voluntary departure and that I wanted to see a judge. I reiterated  
22     I wanted to see a judge and that I would not sign anything agreeing to my deportation. She told  
23     me I was not allowed to see a judge.

24          16.     I was overcome with anxiety; I felt so stressed and did not know what to do. When  
25     I tried to sleep, I kept waking up and crying. I still had not been able to contact my family. I could  
26     not tell what time it was since we were kept indoors and not exposed to any windows or sunlight.  
27     I had to repeatedly ask the agents for the time to keep track of the time. There was no bed and  
28     nowhere to sleep or rest except the floor or a metal bench. At one point, a man came to the room



1 and I thought he was another agent. I told him I wanted to see a judge, but he told me he was a  
2 janitor. I made sure to tell every agent who passed by our room that I wanted to see a judge, but  
3 no one listened or cared.

4 17. Eventually, I was brought to a large room where a female agent I had not met  
5 before was sitting in front of a computer. I told her I wanted to see a judge. She told me I could  
6 not. I said why not, if I haven't signed any documents? She said, "That doesn't matter, your  
7 signature doesn't matter, all of you are going to be deported." She told me I needed to sign some  
8 documents. I was skeptical and asked what I was signing. I tried to look at the documents on her  
9 computer screen, but she did not let me.

10 18. The agent claimed the documents were related to my fingerprints and would prove  
11 my identity. She directed me to write my initials on a small digital device. The screen on the  
12 device showed an "X" and a line for my signature and nothing else. Based on the agent's words, I  
13 believed I had no choice but to sign. I never got to see the documents I was signing, despite  
14 asking. After signing, I asked one more time, "Is there any way I can see a judge?" She said no,  
15 and said I did not have the right to see a judge.

16 19. The agent never explained I was signing documents related to voluntary departure.  
17 If I had known they were documents accepting voluntary departure, I never would have signed  
18 them. No one ever told me I could be barred from reentering the U.S. if I accepted voluntary  
19 departure, and no one gave me a document explaining that. No one ever told me anything about  
20 what rights I would have had before an immigration judge, only that I had no right to see one. I  
21 was never given an opportunity to speak to a lawyer or call a family member.

22 20. The next day, January 9, 2025, at around 1:00 p.m., the agents called me from my  
23 room. The agents gave me the belongings they had taken away from me when I arrived at El  
24 Centro station and said they were sending me to Mexico. All my hopes and dreams of returning to  
25 Bakersfield were shattered. I felt horrified. I couldn't believe what was happening. It is incredibly  
26 difficult for me to remember this moment and relive the emotions I felt. I was loaded onto a truck  
27 with a group of other people and taken to Mexicali, Mexico.

28 21. When we arrived in Mexicali, I had no money and no cell phone. A Border Patrol

1 agent gave me a copy of the document I signed and a list of pro bono legal services providers in  
2 southern California. This was the first time I was able to see that my signature was on a document  
3 purporting to agree to voluntary departure. Most of the document is in Spanish, but at the bottom,  
4 it says in English, "Notice read to subject by Elisabeth Cota, in the Spanish language." A friend in  
5 Mexicali read this and translated it for me. I was in shock. This statement is false. If anyone had  
6 read the form to me in Spanish, I would not have signed it because I did not want to accept  
7 voluntary departure. My whole life was left in Bakersfield.

8 22. I feel like my life has been turned upside down. I feel traumatized. I have trouble  
9 sleeping. I wake up in the middle of the night and cry. The life I built in the United States is gone;  
10 everything I worked for is gone. I believe Border Patrol stopped us because we were Latinos, and  
11 we looked like farmworkers who had just gotten off from work. I have a lot of trouble processing  
12 the injustice of what happened to me and others like me.

13 23. I understand that, as a class representative, I represent the interests of everyone in  
14 the class, and not just myself. I understand I need to stay informed about what is happening with  
15 my case and stay in touch with my attorneys to give them information they need. I am committed  
16 to being a class representative because I do not want other people in the community to be harmed  
17 by Border Patrol's unlawful practices the way I was. I have never served as a class representative  
18 in any prior action.

19 24. This declaration was read to me in full English and Spanish on February 13, 2025  
20 by Maricela Sanchez. I completely understand the content of this declaration.

21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct.


23 Executed on February 13, 2025.

24 Maria Guadalupe H.  
25 Maria Guadalupe Hernandez Espinoza  
26  
27  
28

**CERTIFICATE OF INTERPRETATION**

I, Maricela Sanchez, certify that I am fluent in Spanish and English and that I am competent to interpret between these languages. I further certify that I have read the foregoing to Maria Guadalupe Hernandez Espinoza in Spanish. I further declare that I am competent to render this interpretation and that I would testify to the same under the penalty of perjury if I were called upon to do so.

Date: February 13, 2025

/s/   
Maricela Sanchez

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF OSCAR MORALES  
CISNEROS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

1 I, Oscar Morales Cisneros, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a  
3 witness, could testify truthfully to those facts.

4 2. My name is Oscar Morales Cisneros, and I am 51 years old. I currently reside in  
5 Bakersfield, where I own my home. I have lived in Bakersfield since 2021. Before moving to  
6 Kern County, I worked and lived in Los Angeles County for about 15 years. I have been married  
7 to my wife for around 30 years now and we have two daughters together. I also have two  
8 grandsons and one granddaughter.

9 3. I am a maintenance worker and a construction worker. I am a practicing Catholic  
10 and attend mass every Sunday in Bakersfield. I also support our local church by donating money  
11 to local causes organized by the church and church members. I do not have any criminal history.

12 4. On January 7, 2025, after leaving work to head home, I stopped at a water refill  
13 station outside a liquor store to fill up my empty water jugs. The liquor store is located in a  
14 predominantly Latino-populated neighborhood. After refilling my jugs with water, I got in my  
15 truck. My truck is registered to me, my license plates and registration are up-to-date, and it does  
16 not have any stickers or decals. I shifted my truck into reverse and was about to back out when a  
17 grey Chevrolet Tahoe pulled up behind me and blocked me in the parking lot. It was unmarked  
18 and looked like a regular civilian vehicle. I put the truck back in park and lowered my driver's  
19 side window. I saw two agents standing outside my truck. One was a white man, and the other  
20 was a Latino man. They both wore green uniforms with "Border Patrol" written on them.

21 5. In Spanish, the Latino agent asked me if I had papers and was here legally. I  
22 exercised my right to remain silent and did not answer his questions. The white agent asked me  
23 for my driver's license, which I provided. The agents did not explain why they had blocked my  
24 truck in, nor why they needed my license. The agents took my license and walked back to the  
25 Chevy Tahoe. I called my daughter on my cell phone to tell her what was going on. The Latino  
26 agent returned and asked who I was calling, and I said I was calling my daughter. When my  
27 daughter answered, I told her Border Patrol had stopped me. The Latino agent asked me to put my  
28 phone on speakerphone and asked to speak with my daughter. I heard him identify himself to her

1 as Officer Sanchez.

2 6. Officer Sanchez told my daughter in Spanish I was being detained by Border  
3 Patrol for being here illegally without documents, and that I would be able to call her in two  
4 hours. My daughter asked, "But what did he do?" Officer Sanchez told my daughter I was here  
5 illegally and that he had to end the call. He asked me to step out of my vehicle. I complied. He  
6 handcuffed me and placed me in the back of the Chevy Tahoe. I asked Officer Sanchez if I could  
7 call someone to pick up my truck, and he said no. The agents never presented me with a warrant  
8 or, aside from what Officer Sanchez said to my daughter, explained why they arrested me. They  
9 did not ask about my ties to the community, such as my family members, my work history, or  
10 how long I have lived in the neighborhood.

11 7. We drove around Bakersfield. I was in handcuffs the entire time. I did not know  
12 where they were taking me, and I was not sure exactly where we were because they made many  
13 turns. At one point, the agents stopped at a gas station and pulled up behind a vehicle to block it  
14 in, like they had done to me. The agents got out and spoke to a person in the vehicle, and I  
15 overheard one of the agents say in English, "We're doing our job." Eventually, they were let go  
16 and the agents returned to the Chevy Tahoe.

17 8. After about two hours of driving around like this, the agents took me to a station  
18 where Border Patrol was holding other people and a bus was waiting. I was not sure where we  
19 were. The agents took my personal belongings and put them in a bag. I was fingerprinted and my  
20 photo was taken. I asked the agent who took my fingerprints if I could call my daughter since  
21 Officer Sanchez had said I could do so after two hours. He allowed me to call her, and I told my  
22 daughter I was going to be taken away. The agent then took my phone, turned it off, and placed it  
23 in the bag with my other belongings. He placed the bag under the bus in the storage compartment.

24 9. I felt very anxious and asked for water. I was given a bottle of water and waited on  
25 the bus until it filled up with other detained people. When it was full, there were about 40 people  
26 on the bus. We left the station late in the evening, I believe around 10 or 11 p.m., and drove for  
27 about three hours. I did not know where we were going, and the agents did not tell us. The bus  
28 stopped at a gas station to switch drivers. By this point, everyone on the bus was saying they were

1 hungry. I was also hungry because I had not eaten since lunch. The agents passed around some  
2 granola bars and some small water bottles. We continued driving until we arrived at a detention  
3 center in El Centro in the early morning hours.

4 10. At the detention center, the agents made everyone remove their clothing. It was  
5 very cold. They made me remove my undergarments as well as my vest and thermal pants, which  
6 I wore to keep warm. They made us take off our shoes and gave us each a pair of sandals. I  
7 experience joint pain whenever I am cold, so I was in pain the entire time I was detained.

8 11. When they finished processing me, I was taken to see an agent. The agent said I  
9 had two options: I could agree to voluntary departure, or I could wait to see a judge. He said  
10 voluntary departure would make it easier for me in the future if I decided to “fix” my papers, but  
11 if I wanted to see a judge, I would have to wait for two to six months. I told him I wanted to speak  
12 to a judge, and I wanted to speak to my attorney or make a phone call. He told me I did not have  
13 the right to an attorney or a phone call. I repeated that I needed to speak with my attorney or make  
14 a phone call. The agent said no.

15 12. After this conversation, I was placed in a very cold cell for the night. The cell had  
16 about 10 to 12 other people. The only places to lie down were the floor or a steel bench. I was  
17 given only a silver foil blanket to keep warm. I tried to sleep, but it was very difficult because it  
18 was so cold and uncomfortable, and I would wake up every time an agent shouted for someone  
19 else to leave the cell.

20 13. Later that day, on January 8, I was called to the office area again. An agent  
21 presented me with the same two options as the day before. This time, I was told if I agreed to  
22 voluntary departure, I would be released the next day, and it “wouldn’t affect me in the future” if  
23 I wanted to submit a new immigration application. The agent said if I wanted to wait to speak to a  
24 judge, I would have to wait many months. Again, I asked to speak to my attorney and to make a  
25 phone call. Again, I was told I did not have a right to an attorney or a phone call. I was sent back  
26 to the freezing cell.

27 14. That night, I was called to the counter office area again for more questioning.  
28 Again, I asked for a phone call and to speak to my attorney, and again I was denied. The agent

1 seemed angry because I refused to agree to voluntary departure. None of the agents I spoke to  
2 during my detention ever told me that taking voluntary departure included consequences, like  
3 being barred from reentering the U.S. for years. None of them explained that if I chose to speak to  
4 a judge, I would have certain legal rights. The agent ordered me back to my cell.

5 15. The cell was still freezing cold. I noticed that every time I came back to the cell,  
6 the temperature felt colder than before. My silver foil blanket shook from the force of the cold air  
7 blowing in the room. Again, I had a very hard time sleeping because it was so cold and  
8 uncomfortable. I also noticed the days began to blur into one another. It was hard for me to keep  
9 track of time since there was no natural sunlight and the lights were kept on all day and night.

10 16. On January 9, the agents loaded me onto a bus with around 18 other people and  
11 took us to Imperial Regional Detention Center, about 10 or 15 minutes' drive away. No one  
12 explained why we were being moved. At Imperial, they took my temperature and put me in a  
13 holding cell. Agents called people out of the holding cell a few at a time, but I was not one of  
14 them. An hour later, five people from the group, including me, were loaded back on a bus and  
15 taken back to El Centro. I do not know why this happened.

16 17. On January 10, I was taken out of my cell again, to speak with another agent. The  
17 agent gave me the same two options: I could agree to voluntary departure or see a judge. I said I  
18 wanted to see a judge and I wanted to speak to an attorney.

19 18. To my surprise, the agent told me to sign my name on a small electronic pad to be  
20 released. I was scared to sign because I thought he was tricking me into agreeing to voluntary  
21 departure. I asked the agent why I needed to sign. He said I had to sign to see a judge and be put  
22 on a monitoring device. I repeated I did not want to sign anything agreeing to voluntary  
23 departure. The agent said that was not what I was signing. The agent did not allow me to see or  
24 read the documents, and he did not explain anything else about what the documents said. Since I  
25 wanted to see a judge, and I worried I would not be allowed to unless I signed my name, I signed,  
26 even though I felt scared to sign documents without an opportunity to read them. The small  
27 electronic screen where I signed my name only had space for my signature. It did not display any  
28 of the documents I was signing. I was fitted with a monitoring device on my wrist.



1           19. I was released from El Centro that evening. Border Patrol dropped a group of us  
2 off at a shelter nearby and told us to figure out our transportation home. I was able to get a ride  
3 back to Bakersfield with a person I had met while detained.

4           20. Since my ordeal with Border Patrol, I have felt stress, desperation, and a lot of  
5 uncertainty. I feel scared whenever I leave my house, because I'm nervous I will encounter  
6 Border Patrol and be arrested and detained again. I try to limit how much I have to go out, though  
7 that is not always possible. I have a hard time sleeping now. I wake up in the middle of night, my  
8 heart racing, thinking about the possibility Border Patrol will arrest and detain me again.  
9 Sometimes, I look out my window to see if Border Patrol is there. I feel traumatized and scared.

10           21. The way I was treated was frustrating and frightening. I tried to exercise my right  
11 to remain silent, and my right to a phone call and attorney, but no one respected my rights. This  
12 incident made me feel like I do not have rights at all, even though I know I do. I worry that  
13 something like this could happen to my family members.

14           22. Since my arrest and detention, I feel too scared to go to the store where I was  
15 arrested. I also feel nervous just walking around in my neighborhood. I try to keep a low profile  
16 because I fear my neighbors might call Border Patrol or ICE on me. I never felt this way before  
17 Border Patrol arrested me. Now, when I go out to run errands, I wear a thick sweater with a hood.  
18 I cover my head with the hood to hide the color of my skin as much as possible. I believe I was  
19 arrested by Border Patrol because of the color of my skin, so if I can hide the color of my skin,  
20 maybe it will reduce the chances Border Patrol will arrest me again. I no longer feel comfortable  
21 calling 911 if there is an emergency because I am afraid the local police will call Border Patrol to  
22 arrest me.

23           23. I understand that, as a class representative, I represent the interests of everyone in  
24 the class, and not just myself. I understand I need to stay informed about what is happening with  
25 my case and stay in touch with my attorneys to give them information they need. I am committed  
26 to being a class representative because I do not want other people in the community to be harmed  
27 by Border Patrol's unlawful practices the way I was. I have never served as a class representative  
28 in any prior action.

24. This declaration was read to me in full English and Spanish on February 20, 2025 by Maricela Sanchez. I completely understand the content of this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 20, 2025 at Bakersfield, California.



Oscar Morales Cisneros

### CERTIFICATE OF INTERPRETATION

I, Maricela Sanchez, certify that I am fluent in Spanish and English and that I am competent to interpret between these languages. I further certify that I have read the foregoing to Oscar Morales Cisneros in Spanish. I further declare that I am competent to render this interpretation and that I would testify to the same under the penalty of perjury if I were called upon to do so.

Date: February 20, 2025



Maricela Sanchez

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*Attorneys For Plaintiff Oscar Morales Cisneros*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,  
Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF WILDER MUNGUIA  
ESQUIVEL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

1 I, Wilder Munguia Esquivel, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a  
3 witness, could testify truthfully to those facts.

4 2. My name is Wilder Munguia Esquivel, and I am 38 years old. I live in Bakersfield,  
5 California, with my brother, my sister-in-law, and their daughter, all of whom are U.S. citizens. I  
6 have lived in Kern County with them for about 12 years. My brother owns our home. Before  
7 living in Bakersfield, I lived in Los Angeles, California.

8 3. I have worked as a day laborer for about 12 years. I am also a licensed handyman.  
9 I am a Christian and I attend services about twice a week at Iglesia Casa de Fe in Bakersfield,  
10 where I have been a church member for over ten years. I have no criminal history.

11 4. On January 7, 2025, at around 12 p.m., I was outside Home Depot at 4001 Ming  
12 Avenue in Bakersfield. I was standing in a group with other day laborers when several unmarked  
13 vehicles pulled up. At least ten men got out of the vehicles and aggressively swarmed around us.

14 5. They immediately demanded our “papers”. One of them asked me directly in  
15 Spanish, “Do you have papers? Do you have identification? Where are you from?” I did not  
16 respond. I had no idea who he or any of the other men were. They wore civilian clothing and I did  
17 not see any badges. Most of them were wearing masks covering their faces, with holes only for  
18 their eyes. Some of them wore large sunglasses. My first thought was they might be terrorists  
19 mugging or kidnapping us. I even wondered if my friends and I could be murdered. The man  
20 questioning me was not only wearing a mask covering his entire face, he was also wearing a hat  
21 and thick sunglasses. I felt terrified. The man kept yelling at me, louder and louder, asking me  
22 again and again if I had papers and where I was from. I began to slowly walk away. The man  
23 followed, continuing to yell questions at me. I stayed silent. In Spanish, he ordered me to “turn  
24 around” and said, “I’m going to put you in handcuffs.” It was around this time that I realized the  
25 men were federal immigration agents.

26 6. I tried to exercise my rights and said, “I have the right to remain silent.” The agent  
27 ignored me and asked again if I had documents and identification. He ordered me to take out my  
28 wallet.

1           7. Before I could comply, the agent suddenly and forcefully yanked my left arm  
2 toward him and removed my wallet from my back pants pocket. He yanked my arm with so much  
3 force that I instantly felt excruciating pain and to this day continue to experience pain in my arm  
4 and shoulder. He opened the wallet and looked through it. He spread my legs in a wider stance  
5 and conducted a pat-down search. He told me to call a family member to come pick up my truck,  
6 which was parked at Home Depot. He said if they did not come within 20 minutes, my truck  
7 would be towed.

8           8. The agent never identified himself or explained why he was arresting me. Nor did  
9 he ask me about my community ties, such as my family, work history, or how long I have been  
10 living here. Had he asked me, I would have told him that my brother is a U.S. citizen and I have a  
11 pending family petition. I would have told him I have a strong community here in my family,  
12 friends, and church, and Bakersfield is my home.

13           9. After the agent handcuffed me, he and another agent put me in the backseat of a  
14 silver vehicle with metal bars between the front seats and the back seats. My sister-in-law and  
15 niece came to Home Depot to collect my truck. They spoke to the agents detaining me and told  
16 them I was in the process of regularizing my immigration status. The agents did not care and said  
17 they were taking me anyway.

18           10. The agents drove me to the back lot of Home Depot where I saw several vehicles  
19 and over ten people who had been detained, including some who were elderly. I believe we were  
20 targeted at Home Depot because many day laborers gather to get work there. The immigration  
21 agents did not seem to be targeting specific individuals. The agent who arrested me did not seem  
22 to know who I am.

23           11. After a 15- or 20-minute wait, the agents drove us to a makeshift facility on 7th  
24 Standard Road. One bus was already full of people who had been detained. A second bus arrived.

25           12. The agents ordered me to place my belongings in a bag, including a gold chain  
26 with a gold cross I was wearing around my neck. They took my fingerprints and photos. I asked  
27 for food and only received a small granola bar. I had not yet eaten lunch when the agents detained  
28 me at Home Depot. I was very hungry and it was difficult to go so long without eating.

1           13.     In the evening, around 7 or 8 p.m., I was placed on a bus that took us to Imperial  
2 County. We drove for many hours. We arrived at a detention facility in Imperial County in the  
3 early morning hours. When we got off the bus, the agents made us sit on a cold, concrete floor. I  
4 was very cold because the agents had taken my jacket. The agents kicked the bags containing our  
5 belongings with their feet.

6           14.     The agents detained me in an extremely cold cell with about 20 other men,  
7 including some who were elderly. I was only given a thin, silver blanket, which did not keep me  
8 warm. There were no beds. The only place to sit or lie down was the cold, hard concrete floor.  
9 Having to sit or lie down on this floor for three days caused severe pain in my knee, where I'd  
10 recently had surgery after having been hit and injured by a large truck. The lights were kept on all  
11 day and night, and there was no natural light, so I lost track of the time. It was extremely difficult  
12 to sleep because the lights were so bright and people were constantly moving into and out of the  
13 cell. I was given only a little food: a small juice, fruit, a granola bar, and a piece of tortilla or  
14 bread with a little protein on it. After eating it I was still hungry. I was not provided a toothbrush,  
15 toothpaste, or other personal hygiene products. There was nowhere to shower.

16           15.     On January 8, I was brought to an office where an agent asked me several  
17 questions in Spanish. She asked me to sign a small device which had a space for a signature but  
18 displayed nothing else. She did not tell me why she needed me to sign my name, nor offer copies  
19 of the documents she was asking me to sign. She had a computer screen in front of her, but I  
20 could not see the screen. I told the agent my brother had petitioned for me, and that I would not  
21 sign anything because I had a pending application. She said I needed to sign if I wanted to see a  
22 judge and go to court. I told the agent I could not see the document she was asking me to sign.  
23 She said, "You can't, but I can." I did not know what to do. I was scared to sign something I was  
24 not allowed to read; I was just as scared of what could happen if I refused to sign. Another person  
25 in my cell had just shared that he had refused to sign something and the agents had treated him  
26 terribly, yelling at him and slamming the door. I feared agents would be similarly aggressive and  
27 possibly violent with me if I refused to sign. Feeling I had no choice, I signed my name on the  
28 small device. I returned to my cell, feeling terrified I had unwittingly made a terrible mistake. To

1 this day I am not certain what I signed.

2 16. On January 9, I was again brought into an office to speak to a different agent. He  
3 told me to sign my name on a small screen, which again had space for a signature but displayed  
4 nothing else. He did not provide me a copy of the document or tell me what it said. I asked the  
5 agent why he needed my signature, and all he said was that it was for my “fingerprints” and  
6 “record.” I felt nervous about signing my name to a document I could not see. But I did not feel  
7 comfortable asking further questions and felt I had no choice. I chose to believe the agent when  
8 he said it was for my “fingerprints” and “record,” and I signed. To this day I am not certain what I  
9 signed.

10 17. On January 10, I was brought out of my cell. An agent said in Spanish, “You can  
11 leave today but you will have conditions. If you agree, you can leave today. If not, it’s up to you.”  
12 By then, I had been detained for three days. I was hungry because I had been given so little food,  
13 and the cold was unbearable. I had not had an opportunity to shower, brush my teeth, or wash my  
14 face. I had not been able to contact any family members and I wondered if they knew where I  
15 was. I felt defeated and unsafe. I did not want to remain in custody and agreed to be released that  
16 day.

17 18. The agent gave me a physical document to sign. It was written in English. I was  
18 not provided a copy in Spanish. The agent did not explain what the document said or the  
19 conditions Border Patrol was imposing on me. Despite not knowing what it said, I signed the  
20 document because I was suffering from the conditions of my confinement. I decided to trust that  
21 the agent was being honest and would release me. I believe Border Patrol kept me, and other  
22 people like me, uncomfortable and hungry to pressure us to give up on our immigration cases.  
23 Even though I have a family petition application pending, it was very difficult to endure those  
24 circumstances and not give in to their demands.

25 19. Upon my release, I received a bag containing most of my belongings. However,  
26 the gold chain with a gold cross I had been wearing the day I was arrested was gone. It had been a  
27 birthday gift from a girlfriend and had religious and personal significance to me. I wore it every  
28 day because it was so special to me. It is still missing.

1           20.     My experience with Border Patrol was deeply traumatizing. When I have to go  
2 near the Home Depot where I was arrested, I feel terrified. I get nervous and my heart starts  
3 pounding. Though it has been over a month since my arrest, I continue to have pain in my left  
4 arm and shoulder from when the Border Patrol agent yanked me hard by the arm. Every time I  
5 leave my house to run errands or go to appointments, I ask myself if it is really necessary. I fear  
6 that immigration agents will stop, arrest, and detain me again. I am scared of being detained in  
7 those inhumane conditions again. I fear they will try again to pressure me to agree to deportation.  
8 I have trouble concentrating on anything because I experience persistent flashbacks of my  
9 experience being arrested and detained.

10           21.     I understand that, as a class representative, I represent the interests of everyone in  
11 the class, and not just myself. I understand I need to stay informed about what is happening with  
12 my case and stay in touch with my attorneys to give them information they need. I am committed  
13 to being a class representative because I do not want other people in the community to be harmed  
14 by Border Patrol's unlawful practices the way I was. I have never served as a class representative  
15 in any prior action.

16           22.     This declaration was read to me in full English and Spanish on February 21, 2025  
17 by Brisa Velazquez Oatis. I completely understand the content of this declaration.

18           I declare under penalty of perjury that the foregoing is true and correct.

19           Executed on February 24, 2025 at Bakersfield, California.

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21 \_\_\_\_\_  
22 Wilder Munguia Esquivel  
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**CERTIFICATE OF INTERPRETATION**

I, Brisa Velazquez Oatis, certify that I am fluent in Spanish and English and that I am competent to interpret between these languages. I further certify that I have read the foregoing to Wilder Munguia Esquivel in Spanish. I further declare that I am competent to render this interpretation and that I would testify to the same under the penalty of perjury if I were called upon to do so.

Date: Feb. 24, 2025

  
\_\_\_\_\_  
Brisa Velazquez Oatis

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*Attorneys For Plaintiff Oscar Morales Cisneros*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,  
Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**DECLARATION OF YOLANDA  
AGUILERA MARTINEZ IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

DECLARATION OF YOLANDA AGUILERA MARTINEZ IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION  
Case No. 1:25-cv-00246-JLT-BAM

2884341

1 I, Yolanda Aguilera Martinez, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a  
3 witness, could testify truthfully to those facts.

4 2. My name is Yolanda Aguilera Martinez. I am 56 years old and I live in  
5 Bakersfield, where I rent my home. I am a lawful permanent resident. I immigrated to the United  
6 States with my parents and siblings when I was around six years old and became a lawful  
7 permanent resident at around 20 years old. I have no criminal history.

8 3. I have lived in Kern County for close to 45 years. Most of my family also lives in  
9 Kern County, including my children and grandchildren. I started working in the fields when I was  
10 about 16 years old and continued working as a farmworker most of my adult life. I mostly work  
11 in the vineyards picking grapes. I recently stopped working due to the off-season, and plan to take  
12 additional time off from work for medical reasons. I attend mass every Sunday at Our Lady  
13 Guadalupe Catholic Church in Bakersfield.

14 4. On January 8, 2025, at around 4:30 pm, I was driving to a doctor's appointment in  
15 Bakersfield. I saw two vehicles pulled over to the right side of the road and three men standing  
16 near the vehicles. One man raised his hand to flag me down and signaled for me to pull over, so I  
17 did. I was driving my own vehicle, and I was the only one in my car. My car is registered under  
18 my name and my car registration, my license plate, and my driver's license are all current. I was  
19 not speeding.

20 5. I parked in front of one of the vehicles, which was a beige or off-white SUV with  
21 flashing police lights located on the grill. Both vehicles were unmarked. All three men were in  
22 regular street clothing and had guns on their waist. I thought they might be police officers.

23 6. The man who flagged me down walked over to my driver-side door. He did not  
24 identify himself, and did not seem to know who I was. He said, "I need to see your papers," so I  
25 took out my valid, current, California driver's license and handed it to him. He looked at my  
26 license and said, "This shit is fuckin fake," and threw it down at my lap.

27 7. In a strong and aggressive voice, the agent ordered me to get out of the car. I felt  
28 scared and confused because I still did not know who these men were. However, I complied

1 because I felt I had no choice. I recently had hip replacement surgery, which has affected my  
2 mobility, so I was moving slowly as I tried to get out of my car. I opened my car door and, before  
3 I knew it, the agent had grabbed my arm, pushed me down to the ground, and handcuffed me. He  
4 never told me why he had stopped me, and he did not explain why he was now handcuffing me. I  
5 was speechless with terror and shock. He took me to the back of the off-white SUV and made me  
6 sit in the back seat.

7 8. The agent never asked me about my community ties to Kern County, like how  
8 long I have lived and worked here and all the family members I have who live here.

9 9. From the backseat of the SUV, I could see the three men standing behind the SUV  
10 talking to each other, but I couldn't hear what they were saying. I could not believe I had been  
11 arrested. I hunched over in fear. I am not sure how long I was left there, but it felt like an eternity.

12 10. When the agent who handcuffed me came back, I asked him if I could call  
13 someone to send me a photo of my green card to show him. He agreed. He walked me back to my  
14 car and removed the handcuffs. I called a friend and urgently asked her to take a photo of my  
15 green card and text it to me. When I received the photo, I showed it to the agent. He quickly  
16 scanned it and said, "Get the fuck out of here." I got in my car and drove away.

17 11. I drove aimlessly around Bakersfield, not knowing what to do. I was very stressed  
18 and in shock. I felt violated. I still did not know why I had been stopped, nor who those men  
19 were. In the days after my arrest, I saw multiple videos and photos on social media of Border  
20 Patrol agents arresting people in Bakersfield, including at Home Depot and along Highway 99. I  
21 realized the men who had stopped me, and their vehicles, looked just like some of the Border  
22 Patrol agents and vehicles I saw on social media. I realized I had been stopped and handcuffed by  
23 Border Patrol, just like many other people who live in and around Kern County had experienced  
24 that week.

25 12. I feel extremely worried and nervous this could happen to me again. Just running  
26 my daily errands makes me feel stressed out. I cannot avoid driving in and around Bakersfield  
27 because I have to run errands, go to doctor's appointments, and attend church. I try to avoid going  
28 to areas where other people were arrested by Border Patrol, like Home Depot on Ming Avenue,

1 but that is not always possible. When I have to drive on roads near where my arrest took place, I  
2 feel my heart beat faster and I start to feel queasy. I am terrified at the thought of experiencing an  
3 arrest ever again.


4 13. My experience with Border Patrol has made me afraid of police officers. Soon  
5 after this incident, I went to the store to run errands. While I was there, a Bakersfield police  
6 officer drove by. Seeing the officer really scared me, and I experienced a flashback to being  
7 stopped and violently arrested. On another occasion, I was a passenger in a car with my sisters.  
8 Three Bakersfield police officers drove next to our car. I felt a spike of fear. I immediately asked  
9 my sisters to move our car away from them and to not look at them. I covered my face with my  
10 hand because I did not want them to see me.

11 14. For days after my encounter with Border Patrol, I had bruises on my wrists from  
12 the tight handcuffs, and more bruises on my legs from when the agent shoved me to the ground.

13 15. I understand that, as a class representative, I represent the interests of everyone in  
14 the class, and not just myself. I understand I need to stay informed about what is happening with  
15 my case and stay in touch with my attorneys to give them information they need. I am committed  
16 to being a class representative because I do not want other people in the community to be harmed  
17 by Border Patrol's unlawful practices the way I was. I have never served as a class representative  
18 in any prior action.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed on February 14, 2025 at Bakersfield, California.

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23 Yolanda Aguilera Martinez  
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*Attorneys For Plaintiff Oscar Morales Cisneros*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**[PROPOSED] ORDER GRANTING  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

**[PROPOSED] ORDER**

Plaintiffs Motion for Preliminary Injunction came before this Court on April 11, 2025. Having considered Plaintiffs' Motion and supporting papers, Defendants' Opposition and supporting papers, and the arguments of counsel, the Court finds that Plaintiffs have demonstrated a strong likelihood of success on the merits; that, absent an injunction, they face immediate, irreparable injury from Defendants' actions; and that the balance of the equities and the public interest favor immediate injunctive relief.

Therefore, the Court hereby **GRANTS** the motion and orders the following:

- Border Patrol is enjoined from conducting detentive stops in this district unless there is reasonable suspicion that the person stopped is a noncitizen present within the United States in violation of U.S. immigration law, as required by the Fourth Amendment of the United States Constitution.
- Border Patrol is enjoined from effecting warrantless arrests in this district unless there is probable cause that the noncitizen being arrested is likely to escape before a warrant can be obtained, as required by 8 U.S.C. § 1357(a)(2).
- Any Border Patrol agent who conducts a detentive stop in this District must, as soon as practicable, document the facts and circumstances surrounding the stop in narrative form. This documentation shall include the specific, particularized facts that supported the agent's reasonable suspicion that: (i) for vehicle stops, the vehicle contained a noncitizen present within the United States in violation of U.S. immigration law; and (ii) for stops on foot, the person stopped was a noncitizen within the United States in violation of U.S. immigration law. The documentation shall also include the date and time that the agent completed it.
- Any Border Patrol agent who conducts a warrantless arrest in this District must comply with all requirements set forth in DHS's "Broadcast Statement of Policy" on compliance with 8 U.S.C. § 1357(a)(2), including but not limited to the requirement that as soon as practicable after an arrest, agents document in writing "the facts and circumstances surrounding the warrantless arrest" and the "specific, particularized

1 facts supporting the conclusion that the [individual] was likely to escape before a  
2 warrant could be obtained.”

- 3 • Every 60 days until this litigation is terminated or the Court rules otherwise, Border  
4 Patrol shall release to Plaintiffs’ counsel the above-described documentation  
5 describing Border Patrol’s detentive stops and warrantless arrests within this District,  
6 or if requested by Plaintiffs’ counsel concerning specific individual detentive stops or  
7 warrantless arrests, no later than seven days after the request.
- 8 • Within 60 days of this order, Defendants will submit to the Court and Plaintiffs’  
9 counsel a directive setting forth guidance to Border Patrol agents concerning how they  
10 should determine whether “reasonable suspicion” exists when conducting detentive  
11 stops, including vehicle stops, in this District. This guidance will include, among other  
12 things, that refusal to answer questions does not, without more, constitute a basis for  
13 reasonable suspicion to justify a detentive stop.
- 14 • Within 90 days of this order, Defendants will submit to the Court and Plaintiffs’  
15 counsel documentation showing that they have trained Border Patrol agents who have  
16 performed or will perform Border Patrol operations in this District on the requirements  
17 articulated in the bullets above.

18  
19 **IT IS SO ORDERED.**

20  
21 Dated: \_\_\_\_\_

22 \_\_\_\_\_  
HON. JUDGE JENNIFER L. THURSTON