

MARK ROSENBAUM (SBN 59940)
mrosenbaum@publiccounsel.org
REBECCA BROWN (SBN 345805)
rbrown@publiccounsel.org
SOPHIA WRENCH (SBN 354416)
swrench@publiccounsel.org
RITU MAHAJAN (SBN 252970)
rmahajan@publiccounsel.org
GINA AMATO (SBN 215519)
gamato@publiccounsel.org
PUBLIC COUNSEL
610 South Ardmere Avenue
Los Angeles, CA 90005
Telephone: (213) 385-2977

Counsel for All Plaintiffs

MATTHEW J. CRAIG (SBN 350030)
mcraig@heckerfink.com
MACK E. JENKINS (SBN 242101)
mjenkins@heckerfink.com
HECKER FINK LLP
1150 South Olive Street, Suite 10-140
Los Angeles, CA 90015
Telephone: (212) 763-0883
Facsimile: (212) 564-0883

*Counsel for Plaintiffs Coalition for Humane Immigrant
Rights and Immigrant Defenders Law Center*

(additional counsel information on cont. page)

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Pedro VASQUEZ PERDOMO, *et al.*,

Plaintiffs,

v.

Kristi NOEM, in her official capacity as
Secretary, Department of Homeland
Security, *et al.*,

Defendants.

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

**PLAINTIFFS COALITION FOR
HUMANE IMMIGRANT RIGHTS
AND IMMIGRANT DEFENDERS
LAW CENTER'S *EX PARTE*
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

Hon. Maame Ewusi-Mensah Frimpong

CARL BERGQUIST* (DC BAR 1720816)
cbergquist@chirla.org
COALITION FOR HUMANE IMMIGRANT RIGHTS
2351 Hempstead Road
Ottawa Hills, OH 43606
Telephone: (310) 279-6025

Counsel for Plaintiff Coalition for Humane Immigrant Rights

ALVARO HUERTA (SBN 274787)
ahuerta@immdef.org
BRYNNA BOLT (SBN 339378)
bbolt@immdef.org
ALISON STEFFEL (SBN 346370)
asteffel@immdef.org
IMMIGRANT DEFENDERS LAW CENTER
634 S. Spring St., 10th Floor
Los Angeles, CA 90014
Telephone: (213) 634-0999

Counsel for Plaintiff Immigrant Defenders Law Center

* *Pro hac vice* application forthcoming

1 Plaintiffs Coalition for Humane Immigrant Rights (“CHIRLA”) and Immigrant
2 Defenders Law Center (“ImmDef”) hereby apply for a temporary restraining order and an
3 order to show cause why a preliminary injunction should not issue pending the final
4 disposition of this action.

5 As set forth in this application and the accompanying declarations, CHIRLA and
6 ImmDef are likely to succeed on the merits of their claim that Defendants’ restrictions on
7 attorney access to Room B-18 of the Federal Building located at 300 North Los Angeles
8 Street, Los Angeles, CA 90012 violates the Fifth Amendment to the United States
9 Constitution, and, absent an injunction, CHIRLA and ImmDef will suffer immediate,
10 irreparable harm.

11 Pursuant to Federal Rule of Civil Procedure 65(b)(1) and Local Rules 7-19 and 65-
12 1, CHIRLA and ImmDef advised Defendants on July 2, 2025, of this application and its
13 contents by call with Assistant United States Attorneys (“AUSAs”) Pauline Helen Alarcon
14 and Daniel Beck of the United States Attorney’s Office for the Central District of
15 California. Rosenbaum Decl. ¶¶ 2–3. AUSAs Alarcon and Beck stated that this application
16 is opposed. *Id.* ¶ 4. Defendants requested until July 9, 2025, to file a response. *Id.* Given
17 the severity of Defendants’ continuing constitutional violations and the ongoing,
18 irreparable harm, CHIRLA and ImmDef do not consent to Defendants’ request for a week
19 to respond to this application. CHIRLA and ImmDef respectfully request that the Court
20 decide the application forthwith.

21 AUSA Alarcon has already appeared as counsel of record in this action for
22 Defendants Kristi Noem, Todd Lyons, and Pam Bondi. *See* ECF No. 8. AUSA Alarcon’s
23 address is U.S. Attorney’s Office for the Central District of California, 300 North Los
24 Angeles Street, Suite 7516, Los Angeles, CA 90012. AUSA Alarcon’s phone number is
25 (213) 894-3992, and her email address is pauline.alarcon@usdoj.gov.

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TABLE OF CONTENTS

PRELIMINARY STATEMENT 1

FACTS 2

LEGAL STANDARD..... 7

ARGUMENT 7

 I. Plaintiffs Are Likely to Succeed on the Merits of Their Claim That
 Defendants’ Denial of Access to Counsel at B-18 Violates the Fifth
 Amendment 7

 II. Plaintiffs Are Likely to Continue to Suffer Irreparable Harm 11

 III. The Balance of the Equities Favors Plaintiffs 12

 IV. No Security Under Rule 65(c) Should Be Required 13

CONCLUSION 14

TABLE OF AUTHORITIES

Page(s)

CASES

<i>All. for the Wild Rockies v. Cottrell</i> , 632 F.3d 1127 (9th Cir. 2011).....	7
<i>Arrey v. Barr</i> , 916 F.3d 1149 (9th Cir. 2019).....	8
<i>Barahona-Gomez v. Reno</i> , 167 F.3d 1228 (9th Cir. 1999).....	14
<i>Biwot v. Gonzales</i> , 403 F.3d 1094 (9th Cir. 2005).....	7, 8
<i>California v. Azar</i> , 911 F.3d 558 (9th Cir. 2018).....	12
<i>Castellano v. Napolitano</i> , No. 09 Civ. 2281 (C.D. Cal.)	4
<i>Castillo v. Nielsen</i> , No. 18 Civ. 1317, 2018 WL 6131172 (C.D. Cal. June 21, 2018)	12
<i>Castillo v. Nielsen</i> , No. 18 Civ. 1317, 2020 WL 2840065 (C.D. Cal. June 1, 2020)	10
<i>City & Cnty. of San Francisco v. Trump</i> , No. 25 Civ. 1350, 2025 WL 1282637 (N.D. Cal. May 3, 2025)	14
<i>Colmenar v. INS</i> , 210 F.3d 967 (9th Cir. 2000).....	8
<i>Comm. of Cent. Am. Refugees v. INS</i> , 795 F.2d 1434 (9th Cir. 1986).....	8, 10
<i>Conn. Gen. Life Ins. Co. v. New Images of Beverly Hills</i> , 321 F.3d 878 (9th Cir. 2003).....	13

1	<i>E. Bay Sanctuary Covenant v. Biden,</i>	
2	993 F.3d 640 (9th Cir. 2021).....	12
3	<i>Fed. Defs. of N.Y., Inc. v. Fed. Bureau of Prisons,</i>	
4	954 F.3d 118 (2d Cir. 2020).....	11
5	<i>Food & Drug Admin. v. All. for Hippocratic Med.,</i>	
6	602 U.S. 367 (2024).....	11
7	<i>Gilmore v. Wells Fargo Bank, N.A.,</i>	
8	No. 14 Civ. 2389, 2014 WL 3749984 (N.D. Cal. July 29, 2014).....	14
9	<i>Halvorsen v. Baird,</i>	
10	146 F.3d 680 (9th Cir. 1998).....	11
11	<i>Havens Realty Corp. v. Coleman,</i>	
12	455 U.S. 363 (1982).....	11
13	<i>Hernandez v. Sessions,</i>	
14	872 F.3d 976 (9th Cir. 2017).....	13
15	<i>Hernandez-Gil v. Gonzales,</i>	
16	476 F.3d 803 (9th Cir. 2007).....	10
17	<i>Immigrant Defs. L. Ctr. v. Noem,</i>	
18	No. 20 Civ. 9893, 2025 WL 1172442 (C.D. Cal. Apr. 16, 2025).....	12
19	<i>Orantes-Hernandez v. Thornburgh,</i>	
20	919 F.2d 549 (9th Cir. 1990).....	8, 10
21	<i>Pimentel v. Dreyfus,</i>	
22	670 F.3d 1096 (9th Cir. 2012).....	7
23	<i>Preminger v. Principi,</i>	
24	422 F.3d 815 (9th Cir. 2005).....	13
25	<i>Rios-Berrios v. INS,</i>	
26	776 F.2d 859 (9th Cir. 1985).....	8
27	<i>Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.,</i>	
28	240 F.3d 832 (9th Cir. 2001).....	7

1 *Tawadrus v. Ashcroft*,
2 364 F.3d 1099 (9th Cir. 2004).....10

3 *Torres v. U.S. Dep’t of Homeland Sec.*,
4 411 F. Supp. 3d 1036 (C.D. Cal. 2019)8

5 *Usubakunov v. Garland*,
6 16 F.4th 1299 (9th Cir. 2021).....7, 8

7 *Winter v. Nat. Res. Def. Council, Inc.*,
8 555 U.S. 7 (2008)7

9 **RULES**

10 Fed. R. Civ. P. 65(b)(1).....3

11 **OTHER AUTHORITIES**

12

13 Adrian Florido & Liz Baker, *DHS Vows Immigration Raids Will Continue as*
14 *Resistance Mounts*, NPR (June 12, 2025), [https://www.npr.org/2025/06/12/](https://www.npr.org/2025/06/12/g-s1-72513/dhs-immigration-raids-los-angeles-protests)
15 [g-s1-72513/dhs-immigration-raids-los-angeles-protests](https://www.npr.org/2025/06/12/g-s1-72513/dhs-immigration-raids-los-angeles-protests)3

16 Andrea Castillo & Queenie Wong, *L.A. Immigration Raids Force the*
17 *Undocumented to Trade their Freedom for Safety*, L.A. Times
18 (June 26, 2025), [https://www.latimes.com/politics/story/2025-06-26/online-](https://www.latimes.com/politics/story/2025-06-26/online-church-school-and-doctor-afraid-of-ice-raids-immigrants-go-digital)
[church-school-and-doctor-afraid-of-ice-raids-immigrants-go-digital](https://www.latimes.com/politics/story/2025-06-26/online-church-school-and-doctor-afraid-of-ice-raids-immigrants-go-digital)3

19 Chris Michael, *Los Angeles Protests: From Immigration Raids to Sending in the*
20 *Marines – A Visual Timeline*, The Guardian (June 10, 2025),
21 [https://www.theguardian.com/us-news/2025/jun/09/los-angeles-protests-](https://www.theguardian.com/us-news/2025/jun/09/los-angeles-protests-visual-guide)
[visual-guide](https://www.theguardian.com/us-news/2025/jun/09/los-angeles-protests-visual-guide)2

22

23 Dani Anguiano, *U.S. Citizen Arrested During ICE Raid in What Family*
24 *Describes as ‘Kidnapping’*, The Guardian (June 26, 2025),
25 [https://www.theguardian.com/us-news/2025/jun/26/immigration-ice-raid-](https://www.theguardian.com/us-news/2025/jun/26/immigration-ice-raid-andrea-velez)
[andrea-velez](https://www.theguardian.com/us-news/2025/jun/26/immigration-ice-raid-andrea-velez).....3

26 Immigration and Customs Enforcement, *National Detention Standards* (2025),
27 <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>13

28

1	Immigration and Customs Enforcement, Non-Dedicated Intergovernmental	
2	Service Agreement Standards (2025), https://www.ice.gov/doclib/	
3	detention-standards/2025/ndids2025.pdf	13
4	Jack Figge, ‘ <i>The Fear is Wide</i> ’ – <i>L.A. Pastors Minister to Migrants Amid</i>	
5	<i>Immigration Raids</i> , The Pillar (June 25, 2025),	
6	https://www.pillarcatholic.com/p/the-fear-is-wide-la-pastors-minister	3
7	Jonaki Mehta, Ailsa Chang & Christopher Intagliata, <i>This Beloved Mexican</i>	
8	<i>Market in LA is Losing Business Amid Immigration Crisis</i> , NPR	
9	(June 20, 2025), https://www.npr.org/2025/06/20/nx-s1-5434354/trump-	
10	immigration-ice-raids-los-angeles	3
11	Jose Olivares, <i>U.S. Immigration Officers Ordered to Arrest More</i>	
12	<i>People Even Without Warrants</i> , The Guardian (June 4, 2025),	
13	https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-	
14	increased-detentions-collateral-arrests	2
15	Luzdelia Caballero, <i>Los Angeles Father Speaks Out After Wife, 9-Year-Old Child</i>	
16	<i>Detained During Immigration Appointment</i> , CBS News (June 19, 2025),	
17	https://www.cbsnews.com/losangeles/news/los-angeles-father-speaks-out-	
18	after-wife-9-year-old-child-detained-during-immigration-appointment	2
19	Ricardo Tovar, <i>LA County Officials Say ICE Agents Targeted Individuals at</i>	
20	<i>Churches</i> , KSBW8 Action News (June 12, 2025), https://www.ksbw.com/	
21	article/la-county-ice-agents-targeted-individuals-church/65039805	2
22	Sid Garcia, <i>ICE Agents Chase After Farmworkers as They Flee Fields During</i>	
23	<i>Latest Raid in Ventura County</i> , ABC 7 Eyewitness News (June 11, 2025),	
24	https://abc7.com/post/ice-agents-chase-farm-workers-flee-fields-during-	
25	latest-raid-ventura-county/16719564/	2
26	Travis Schlepp, <i>ICE Agents Make Arrest at Los Angeles Area Church</i> , KTLA 5	
27	(June 11, 2025), https://ktla.com/news/local-news/ice-agents-make-arrest-	
28	at-los-angeles-area-church	2

PRELIMINARY STATEMENT

Over the last month, federal immigration authorities have implemented a policy of stopping people of color *en masse* without reasonable suspicion of immigration violations and subjecting them to warrantless arrest. Many of those arrested in these indiscriminate sweeps have ended up in a basement holding area known as “B-18” in the Federal Building in downtown Los Angeles. B-18 was designed to hold individuals only temporarily for processing before release or transport to a longer-term detention facility. It has no beds, showers, or medical facilities, and is limited in size. Previous litigation over conditions at B-18 resulted in a settlement requiring that individuals not be held there for more than 12 hours.

Yet, since early June 2025, B-18 has become a de facto long-term detention facility. Individuals are held there in inhumane conditions, and their contact with the outside world is purposely being obstructed. Critically, B-18 detainees are not permitted the access to prospective or retained legal counsel required under the Fifth Amendment. Without access to counsel, detainees are kept in the dark on how to assert their rights and are potentially removed from the country without an opportunity to first obtain legal advice. Defendants’ current policies and practices are plainly unlawful, and they are causing significant irreparable harm to Plaintiffs Coalition for Humane Immigrant Rights (“CHIRLA”) and Immigrant Defenders Law Center (“ImmDef”) by severely undermining their ability to provide the immigration legal services at the core of their respective organizational missions.

For the reasons below, the Court should enter a temporary restraining order requiring Defendants to restore legal access at B-18.¹

¹ The relief sought in this application for a temporary restraining order is specifically against Defendants Kristi Noem, Secretary of the Department of Homeland Security; Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement (“ICE”); and Ernesto Santacruz Jr., Acting Field Office Director for the Los Angeles Field Office of ICE.

FACTS

Defendants’ mass, warrantless arrests. Beginning in early June 2025, federal immigration agents began conducting indiscriminate raids in Los Angeles, recurrently and systematically descending on parking lots, car washes, and other locations.² On June 9, 2025, ICE expanded its operations to neighboring Orange County, conducting raids in Santa Ana, Fountain Valley, and Whittier.³ On June 10, 2025, ICE operations continued north of Los Angeles, in Ventura County, where agents detained farm workers as they labored in fields.⁴ The actions continued with multiple raids throughout the City of Downey at a car wash, Home Depot, and LA Fitness, and in a church parking lot.⁵ Raids continued through the end of June and into the month of July.

In an effort to increase the already unprecedented pace of deportations, Defendants have resorted to unlawful tactics. Officials have been instructed to get “creative” with arrests, including of undocumented people encountered by chance.⁶ Immigration officers

² See Luzdelia Caballero, *Los Angeles Father Speaks Out After Wife, 9-Year-Old Child Detained During Immigration Appointment*, CBS News (June 19, 2025), <https://www.cbsnews.com/losangeles/news/los-angeles-father-speaks-out-after-wife-9-year-old-child-detained-during-immigration-appointment>.

³ Chris Michael, *Los Angeles Protests: From Immigration Raids to Sending in the Marines – A Visual Timeline*, The Guardian (June 10, 2025), <https://www.theguardian.com/us-news/2025/jun/09/los-angeles-protests-visual-guide>.

⁴ See Sid Garcia, *ICE Agents Chase After Farmworkers as They Flee Fields During Latest Raid in Ventura County*, ABC 7 Eyewitness News (June 11, 2025), <https://abc7.com/post/ice-agents-chase-farm-workers-flee-fields-during-latest-raid-ventura-county/16719564/>; see also Travis Schlepp, *ICE Agents Make Arrest at Los Angeles Area Church*, KTLA 5 (June 11, 2025), <https://ktla.com/news/local-news/ice-agents-make-arrest-at-los-angeles-area-church>.

⁵ Ricardo Tovar, *LA County Officials Say ICE Agents Targeted Individuals at Churches*, KSBW8 Action News (June 12, 2025), <https://www.ksbw.com/article/la-county-ice-agents-targeted-individuals-church/65039805>.

⁶ See Jose Olivares, *U.S. Immigration Officers Ordered to Arrest More People Even Without Warrants*, The Guardian (June 4, 2025), <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>.

1 report being told to “turn the creative knob up to 11” and to “push the envelope.”⁷ The
2 sheer scale of the raids have astonished “even longtime immigration officials.”⁸ In the
3 deliberately manufactured chaos, U.S. citizens have also been detained, with their attorneys
4 struggling to locate them in detention.⁹

5 The raids have sent a chill throughout Los Angeles and the surrounding areas.
6 Immigration officials arrive masked, with firearms, in unmarked vehicles. *See, e.g.,*
7 Toczyłowski Decl. ¶ 46. Pastors report dramatically decreased Sunday Mass attendance
8 because people, even those with lawful status, are scared to leave their homes.¹⁰ Market
9 vendors have been forced to shutter their doors, as their customers are terrified to venture
10 outdoors.¹¹ Native-born U.S. citizens carry their birth certificates, fearing they will be
11 wrongly detained or deported.¹² Immigrants are postponing their cancer treatments for fear
12 of going to a hospital.¹³

13
14 ⁷ *See id.*

15 ⁸ *See* Adrian Florido & Liz Baker, *DHS Vows Immigration Raids Will Continue as*
16 *Resistance Mounts*, NPR (June 12, 2025), <https://www.npr.org/2025/06/12/g-s1-72513/dhs-immigration-raids-los-angeles-protests>.

17 ⁹ *E.g.,* Dani Anguiano, *U.S. Citizen Arrested During ICE Raid in What Family Describes*
18 *as ‘Kidnapping’*, The Guardian (June 26, 2025), [https://www.theguardian.com/us-](https://www.theguardian.com/us-news/2025/jun/26/immigration-ice-raid-andrea-velez)
19 [news/2025/jun/26/immigration-ice-raid-andrea-velez](https://www.theguardian.com/us-news/2025/jun/26/immigration-ice-raid-andrea-velez).

20 ¹⁰ *See* Jack Figge, *‘The Fear is Wide’ – L.A. Pastors Minister to Migrants Amid*
21 *Immigration Raids*, The Pillar (June 25, 2025), [https://www.pillaratholic.com/p/the-fear-](https://www.pillaratholic.com/p/the-fear-is-wide-la-pastors-minister)
22 [is-wide-la-pastors-minister](https://www.pillaratholic.com/p/the-fear-is-wide-la-pastors-minister).

23 ¹¹ *See* Jonaki Mehta, Ailsa Chang & Christopher Intagliata, *This Beloved Mexican Market*
24 *in LA is Losing Business Amid Immigration Crisis*, NPR (June 20, 2025),
[https://www.npr.org/2025/06/20/nx-s1-5434354/trump-immigration-ice-raids-los-](https://www.npr.org/2025/06/20/nx-s1-5434354/trump-immigration-ice-raids-los-angeles)

25 ¹² *See id.*

26 ¹³ *See* Andrea Castillo & Queenie Wong, *L.A. Immigration Raids Force the Undocumented*
27 *to Trade their Freedom for Safety*, L.A. Times (June 26, 2025),
28 [https://www.latimes.com/politics/story/2025-06-26/online-church-school-and-doctor-](https://www.latimes.com/politics/story/2025-06-26/online-church-school-and-doctor-afraid-of-ice-raids-immigrants-go-digital)
[afraid-of-ice-raids-immigrants-go-digital](https://www.latimes.com/politics/story/2025-06-26/online-church-school-and-doctor-afraid-of-ice-raids-immigrants-go-digital).

1 ***Inhumane detention at B-18.*** What is happening following arrest, however, is
2 equally troublesome and independently unlawful. Over the past month, Defendants have
3 been taking individuals swept up in mass, warrantless arrests to the basement of 300 North
4 Los Angeles Street, commonly referred to as “B-18.” B-18 is designed to hold individuals
5 temporarily so they can be processed and released or otherwise transported to another
6 detention facility. *See* Thompson-Lleras Decl. ¶ 6. B-18 does not have beds, showers, or
7 medical facilities. The unconstitutional conditions at B-18 were the subject of previous
8 litigation in this District, *see Castellano v. Napolitano*, No. 09 Civ. 2281 (C.D. Cal.), which
9 resulted in a settlement agreement in 2009, Compl. ¶ 75. Among the terms of that
10 agreement was the requirement that individuals at B-18 not be held for more than 12 hours,
11 and that ICE permit detainees at B-18 to “visit with current or prospective legal
12 representatives and their legal assistants seven days a week, including holidays, for eight
13 hours per day on regular business days (Monday through Friday), and four hours per day
14 on weekends and holidays.” Compl. ¶ 75. That settlement agreement expired in 2010. *Id.*
15 ¶ 76.

16 But this June, the facility has been converted into a de facto long-term detention
17 facility, and the very inhumane conditions that led to a settlement more than a decade ago
18 are reoccurring and then some. One ImmDef client reported around 60 individuals being
19 held in one B-18 cellblock. Toczyłowski Decl. ¶ 37. As of June 20, it is believed that over
20 300 were being held at B-18. Compl. ¶ 77. When asked about why detainees were forced
21 to sleep on floors and in bad conditions, a B-18 officer explained that B-18 is meant to be
22 a processing center, where people are not to remain longer than 12 hours. R.P.R. Decl. ¶ 9;
23 *see* Duran Decl. ¶ 10 (“‘Normal’ processing of a matter like this would have been to release
24 him pending his next court hearing, since jurisdiction remains with the Executive Office of
25 Immigration Review under section 240 of the [Immigration and Nationality Act].”). The
26 officer did not know why detainees were forced to stay at B-18 for multiple days. R.P.R.
27 Decl. ¶ 9; *see* Salas Decl. ¶ 34 (reports as of June 26 that detainees were being held for four
28 to five days); Toczyłowski Decl. ¶ 54 (report of one detainee who was held for 12 days).

1 ***Denial of access to counsel at B-18.*** The denial of access to counsel emerged as an
2 issue as soon as Defendants began using B-18 to house the individuals swept up in recent
3 raids and mass arrests.

4 On June 6, 2025, CHIRLA and ImmDef attorneys and legal representatives
5 attempted to gain access to B-18 to advise detainees of their rights and assess their
6 eligibility for relief, but they were not permitted to meet with anyone. Salas Decl. ¶¶ 11–
7 15; Toczyłowski Decl. ¶¶ 5–14. When they returned to B-18 on the morning of June 7,
8 they were met with frightening force and denied access. The attorneys identified a
9 handwritten notice on the door of the family and attorney entrance at B-18 indicating that
10 the facility would not permit any attorney or family visits. Salas Decl. ¶¶ 16–17. Federal
11 agents at the scene deployed an unknown chemical agent against family members,
12 attorneys, and representatives, including CHIRLA legal staff, who were peacefully
13 requesting access to detained individuals. *Id.* ¶¶ 17–24. The chemical agent caused
14 everyone to cough and inflicted a burning sensation in the eyes, nose, and throat. *Id.* ¶¶ 21–
15 22; Toczyłowski Decl. ¶¶ 21, 24. That same morning, numerous unmarked white vans
16 quickly departed B-18 with a group of detainees. CHIRLA and ImmDef attorneys and
17 representatives attempted to loudly share know-your-rights information with the detainees
18 in the vans. Salas Decl. ¶ 19. To prevent the detainees from hearing their rights, and
19 therefore from exercising them, federal agents blasted their horns to drown them out. *Id.*;
20 Toczyłowski Decl. ¶ 19. On June 8, an ImmDef attorney and the ImmDef president also
21 saw a sign on the door of the B-18 facility stating that attorney and family visits were again
22 cancelled that day. Toczyłowski Decl. ¶ 23. Family members and attorneys were prohibited
23 from accessing B-18 until June 9. Toczyłowski Decl. ¶ 15; *see* Duran Decl. ¶ 13 (“We had
24 been informed that access was going to be allowed, but when we arrived at B-18, that
25 statement had been revoked.”).

26 These access issues continued to occur over the ensuing weeks, up to the present.
27 Salas Decl. ¶¶ 32–36; Toczyłowski Decl. ¶¶ 51–52. On June 16, ImmDef attorneys, as well
28 as Congressman Jimmy Gomez, arrived at B-18 around 3:00 p.m. on a day when B-18 was

1 purportedly open for visiting between 8:00 a.m. and 4:00 p.m. Toczyłowski Decl. ¶¶ 28–
2 29. But they were denied access, along with family members who had been instructed to
3 go to B-18 to pick up their loved ones’ possessions. *Id.* ¶¶ 28–31. And on June 19, an
4 ImmDef attorney arrived at B-18 to meet with detainees, including one who was scheduled
5 for a chemotherapy appointment the next day. *Id.* ¶ 34. Despite showing a doctor’s note
6 confirming the appointment and specifying that missing the appointment would be
7 detrimental to the detainee’s health, the officers would not allow the attorney to meet with
8 the ill detainee. *Id.* ¶¶ 34–37. In fact, one officer told the attorney that “he had no way to
9 find [the detainee] because hundreds of people were detained in the facility.” *Id.* ¶ 38.

10 On the rare and random occasions when family members and attorneys have been
11 allowed access to their loved ones and clients, they have been made to wait hours at a time
12 to see them, and the resulting visits have been limited to a matter of minutes. Vasquez Decl.
13 ¶ 6 (two-minute meeting); R.P.R. Decl. ¶ 8 (five-minute meeting). CHIRLA and ImmDef
14 attorneys have also been given a series of arbitrary reasons why they cannot meet with
15 clients. Toczyłowski Decl. ¶ 52 (not having physical bar card). Detention officers screen
16 the very limited phone calls that detainees are permitted to make, and phone calls cannot
17 be used for confidential communications. S.A.R. Decl. ¶ 10.

18 As a result of Defendants’ actions, CHIRLA and ImmDef have been unable to serve
19 their existing clients or establish new attorney-client relationships, undermining the
20 organizations’ core missions. And detainees held at B-18 have suffered as a result. Salas
21 Decl. ¶¶ 32–36; Toczyłowski Decl. ¶¶ 46, 51–58. Detainees have been coerced into signing
22 forms without access to counsel or a rights advisal. S.K. Decl. ¶ 9 (“The officers at B-18
23 gave me paperwork to sign but I could not read it. I was so tired, I signed it, but I did not
24 know what it said. They did not give me a copy of the documents.”). Detainees are also not
25 told about court hearings and are deported after missing their hearings. R.P.R. Decl. ¶ 13.

26 The lack of access to counsel also contributes to other constitutional violations—and
27 deliberately so. One ImmDef client, for example, was released shortly after his attorney
28 informed the ICE officers at B-18 that he had asylee status—this was the second time he

1 had been arrested by ICE in two weeks despite his status. Toczyłowski Decl. ¶¶ 32–33.
2 Without the flow of information between attorneys and clients, the full scope of the Fourth
3 Amendment and other legal violations preceding detention remains unknown. And B-18
4 detainees are limited in their ability to report on the inhumane conditions that they are
5 experiencing at B-18, from overcrowding and inadequate food, to lack of basic hygiene
6 products and medical care. Toczyłowski Decl. ¶¶ 32–50; C.B. Decl. ¶ 8; S.K. Decl. ¶ 5;
7 R.P.R. Decl. ¶¶ 8, 10–11.

8 LEGAL STANDARD

9 Plaintiffs are entitled to a temporary restraining order if they show that (1) they are
10 likely to succeed on the merits of their claims; (2) they are likely to suffer irreparable harm
11 in the absence of preliminary relief; (3) the balance of equities tips in their favor; and (4)
12 an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S.
13 7, 20 (2008); *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th
14 Cir. 2001) (noting that preliminary injunction and temporary restraining order standards
15 are “substantially identical”). A stronger showing on one element may offset a weaker
16 showing on another. *See Pimentel v. Dreyfus*, 670 F.3d 1096, 1105 (9th Cir. 2012). Under
17 this sliding-scale approach, where a moving party would suffer irreparable harm in the
18 absence of relief and demonstrates that an injunction would be in the public interest,
19 “‘serious questions going to the merits’ and a hardship balance that tips sharply toward the
20 plaintiff can support issuance of an injunction.” *All. for the Wild Rockies v. Cottrell*, 632
21 F.3d 1127, 1132 (9th Cir. 2011).

22 ARGUMENT

23 **I. Plaintiffs Are Likely to Succeed on the Merits of Their Claim That Defendants’** 24 **Denial of Access to Counsel at B-18 Violates the Fifth Amendment**

25 The Due Process Clause of the Fifth Amendment safeguards the rights of noncitizens
26 to hire and consult with attorneys. *See Usubakunov v. Garland*, 16 F.4th 1299, 1303 (9th
27 Cir. 2021) (“As we have stressed, the importance of the right to counsel ... cannot be
28 overstated.” (cleaned up)); *Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005) (“The

1 right to counsel in immigration proceedings is rooted in the [Fifth Amendment] Due
2 Process Clause[.]”); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554, 565 (9th Cir.
3 1990) (recognizing “aliens have a due process right to obtain counsel of their choice at
4 their own expense,” and affirming injunction against government practices “the cumulative
5 effect of which was to prevent aliens from contacting counsel and receiving any legal
6 advice,” including the practice of denying visits with counsel); *cf. Colmenar v. INS*, 210
7 F.3d 967, 971 (9th Cir. 2000) (“[A]n alien who faces deportation is entitled to a full and
8 fair hearing of his claims and a reasonable opportunity to present evidence on his behalf.”).
9 “The high stakes of a removal proceeding and the maze of immigration rules and
10 regulations make evident the necessity of the right to counsel.” *Biwot*, 403 F.3d at 1098;
11 *see Usubakunov*, 16 F.4th at 1300 (“Navigating the asylum system with an attorney is hard
12 enough; navigating it without an attorney is a Herculean task.”).

13 To effectuate this right, immigrants are entitled to “reasonable time to locate
14 counsel.” *Rios-Berrios v. INS*, 776 F.2d 859, 863 (9th Cir. 1985); *Torres v. U.S. Dep’t of*
15 *Homeland Sec.*, 411 F. Supp. 3d 1036, 1060–61, 1063–64 (C.D. Cal. 2019). When the
16 government has detained an individual, it cannot impose restrictions on access that
17 undermine the opportunity to obtain counsel. *See Orantes-Hernandez*, 919 F.2d
18 at 554, 565.

19 In addition to the opportunity to obtain counsel, due process guarantees noncitizens
20 the right to communicate with counsel once counsel is retained. “Both Congress and [the
21 Ninth Circuit] have recognized the right to retained counsel as being among the rights that
22 due process guarantees to petitioners in immigration proceedings.” *Arrey v. Barr*, 916 F.3d
23 1149, 1157 (9th Cir. 2019). Impediments to communication, including through detention
24 in a difficult-to-access facility, can constitute a “constitutional deprivation” where they
25 obstruct an “established on-going attorney-client relationship.” *Comm. of Cent. Am.*
26 *Refugees v. INS*, 795 F.2d 1434, 1439 (9th Cir. 1986).

27 CHIRLA and ImmDef have had no, or at best very limited, ability to communicate
28 with current and prospective clients at B-18 because of the barriers to access that

Defendants have constructed. Officers are consistently preventing CHIRLA and ImmDef attorneys from visiting current and prospective clients at B-18, despite the attorneys' compliance with purported visitation procedures and instructions from government officials. Salas Decl. ¶¶ 12–23; Toczyłowski Decl. ¶¶ 5–58; C.B. Decl. ¶ 9. They have at times received no response from the intercom system or doorbell at the entrance of B-18, Toczyłowski Decl. ¶¶ 6–7, 22, 24; have been turned away when they had previously been told they would be given access, Thompson-Lleras Decl. ¶ 10; have been repeatedly told that attorneys could not enter because the building was overcrowded, Toczyłowski Decl. ¶¶ 7, 12–13; Salas Decl. ¶ 14; have been denied access for arbitrary reasons, such as not having a physical bar card, Toczyłowski Decl. ¶ 52; and have been denied access even when visiting was purportedly open, *id.* ¶¶ 28–29.

Even when they have been able to enter B-18, CHIRLA and ImmDef attorneys' efforts to meet with clients have been systematically stymied by Defendants. Detention officers have intimidated attorneys into leaving, Toczyłowski Decl. ¶¶ 17, 26–27; have provided false information to attorneys that their clients were not detained at B-18, when in fact they were, Duran Decl. ¶ 11; Toczyłowski Decl. ¶ 54; have denied attorneys' requests to locate their client using a Form G-28 because it did not have an A-number, even though individuals not previously subject to immigration proceedings would not receive an A-number until arriving at the facility, Toczyłowski Decl. ¶¶ 8, 11–12; have denied attorneys' requests to locate clients using a Form G-28 even with A-numbers, Toczyłowski Decl. ¶ 48; have made limited efforts to locate clients, such as only “call[ing] the client's name in the holding cells” and giving up when “no one had responded,” Toczyłowski Decl. ¶ 12; Vasquez Decl. ¶¶ 5, 6; *see also* S.A.R. Decl. ¶ 11 (describing inaccuracy of detainee locators); Barba Decl. ¶ 13 (same); C.B. Decl. ¶ 12 (same); and have denied access due to the purported lack of “attorney rooms” without explanation for why “family rooms” or other spaces could not be used, Toczyłowski Decl. ¶ 13.

There can be no serious question that CHIRLA and ImmDef are likely to succeed on their claim that Defendants have obstructed established attorney-client relationships and

1 prevented CHIRLA and ImmDef attorneys from providing legal advice to B-18 detainees.
2 *Orantes-Hernandez*, 919 F.2d at 565–66; *see Hernandez-Gil v. Gonzales*, 476 F.3d 803,
3 807–08 (9th Cir. 2007); *Comm. of Cent. Am. Refugees*, 795 F.2d at 1439.

4 Defendants’ legal access policies and practices at B-18 have prevented prospective
5 clients from accessing CHIRLA’s and ImmDef’s legal services as well. Such interference
6 comes at a critical juncture. Individuals swept up in recent mass arrests may have
7 interviews or hearings to prepare for, may miss immigration appointments with U.S.
8 Citizenship and Immigration Services, may have removal proceedings instituted against
9 them, may be forced to sign documents they do not understand, and may be misled into
10 waiving their rights without the benefit of legal advice that would facilitate informed
11 decisionmaking. *E.g.*, Toczykowski Decl. ¶¶ 4, 56; S.K. Decl. ¶¶ 4, 9 (describing the lack
12 of response detainee received after asking for an attorney and the detainee signing
13 paperwork he did not comprehend). Some detainees may have even agreed to “voluntary
14 departure” or “self-deportation” without having first had the opportunity to consult
15 counsel, even though the Fifth Amendment requires detainees to knowingly and voluntarily
16 waive their right to an immigration court hearing. *See Tawadrus v. Ashcroft*, 364 F.3d 1099,
17 1103 (9th Cir. 2004). Preventing the formation of attorney-client relationships in this way
18 is a clear violation of the Due Process Clause as well. *See Orantes-Hernandez*, 919 F.2d
19 at 565 (upholding a mandatory injunction where the “cumulative effect” of government
20 practices “was to prevent aliens from contacting counsel and receiving any legal advice”).

21 Finally, the lack of contact with the outside world at B-18—with counsel as well as
22 family members—raises the concern that Defendants are holding detainees at B-18
23 incommunicado, which also violates the Fifth Amendment. *Halvorsen v. Baird*, 146 F.3d
24 680, 688–89 (9th Cir. 1998) (“It would be hard to find an American who thought people
25 could be picked up by a policeman and held incommunicado, without the opportunity to
26 let anyone know where they were, and without the opportunity for anyone on the outside
27 looking for them to confirm where they were.”); *Castillo v. Nielsen*, No. 18 Civ. 1317,
28 2020 WL 2840065, at *5 (C.D. Cal. June 1, 2020) (“Defendants do not and cannot dispute

1 that holding civil immigration detainees incommunicado for such prolonged periods
2 implicates due process concerns.”). This right applies to civil detainees as well as those in
3 criminal custody. *Halvorsen*, 146 F.3d at 689 (“That a person is committed civilly ...
4 cannot diminish his right not to be held incommunicado.”). This fundamental requirement
5 protects not only attorney access, but also detainees’ rights to communicate with family
6 members: “Communication has value even if it would not get a person released. A phone
7 call could reduce the mental distress to the person confined. It could also reduce the anxiety
8 of those who might wonder where he was, such as a spouse, parent, or unsupervised child.”
9 *Id.* at 688.

10 **II. Plaintiffs Are Likely to Continue to Suffer Irreparable Harm**

11 As set forth above, Defendants’ violations of the Fifth Amendment right to counsel
12 directly impede CHIRLA’s and ImmDef’s ability to engage in the representation of
13 immigrants and refugees that is at the core of their founding mission. Defendants do so in
14 numerous ways—by preventing CHIRLA and ImmDef attorneys from meeting with
15 existing and prospective clients; by imposing limitations on access that make it impossible
16 to give timely and confidential legal advice; and by forcing CHIRLA and ImmDef to
17 devote significant staff time and other resources to navigating the unconstitutional barriers
18 to access that Defendants have imposed, rather than engage in their core work of advising
19 clients on their immigration proceedings and constitutional rights. *E.g.*, Salas Decl. ¶¶ 14–
20 15, 17, 32–36; Toczylowski Decl. ¶¶ 5–7, 15, 28–30, 48, 51–52, 54–58.

21 These harms easily establish CHIRLA’s and ImmDef’s standing. *See Havens Realty*
22 *Corp. v. Coleman*, 455 U.S. 363, 379 (1982) (finding that the false information provided
23 by defendants “perceptibly impaired [the plaintiff’s] ability to provide counseling and
24 referral services for low- and moderate-income homeseekers”); *Food & Drug Admin. v.*
25 *All. for Hippocratic Med.*, 602 U.S. 367, 395 (2024) (explaining that the defendant’s
26 actions in *Havens* “directly affected and interfered with [the plaintiff’s] core business
27 activities”); *Fed. Defs. of N.Y., Inc. v. Fed. Bureau of Prisons*, 954 F.3d 118, 126–27 (2d
28 Cir. 2020) (concluding that public defender service suffered injury from interference with

clients’ right to counsel). And these harms are irreparable for purposes of injunctive relief. Defendants’ interference with CHIRLA’s and ImmDef’s existing and prospective client relationships comes at a critical juncture in the immigration process, Salas Decl. ¶¶ 31–36; Toczyłowski Decl. ¶¶ 56–57, and cannot be remedied by a final judgment issued months (or possibly years) down the road. Indeed, as this District’s Judge Bernal recently recognized in another case in which ImmDef was a plaintiff, “impairing [ImmDef’s] ability to provide meaningful legal representation to clients in removal proceedings” constitutes irreparable harm. *Immigrant Defs. L. Ctr. v. Noem*, No. 20 Civ. 9893, 2025 WL 1172442, at *24 (C.D. Cal. Apr. 16, 2025); *see also E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 677–78 (9th Cir. 2021) (finding irreparable harm where government actions frustrated organizational plaintiffs’ core missions). Moreover, CHIRLA’s and ImmDef’s inability to recover monetary damages on their Fifth Amendment claim makes their harms irreparable as well. *See California v. Azar*, 911 F.3d 558, 581 (9th Cir. 2018).

Absent an injunction barring such conduct, Defendants have made clear that they remain committed to violating the right to retain and consult counsel at B-18, creating an intolerable risk of continuing harm. *See also, e.g., Castillo v. Nielsen*, No. 18 Civ. 1317, 2018 WL 6131172, at *4 (C.D. Cal. June 21, 2018) (issuing temporary restraining order requiring attorney access for immigration detainees held at the Federal Bureau of Prisons facility in Victorville).

III. The Balance of the Equities Favors Plaintiffs

CHIRLA’s and ImmDef’s requested relief merely requires Defendants to comply with a well-established due process right of access to counsel by providing individuals detained at B-18 with the same access that the government already affords those held at immigration detention facilities across the country. *See, e.g., U.S. Immigration and Customs Enforcement, National Detention Standards* at 65, 166 (2025) (requiring facilities to “permit legal visitation seven days a week, including holidays,” for eight hours per day on regular business days, and to permit “[a]ll detainees, including those in disciplinary

segregation, ... to place calls to attorneys”);¹⁴ U.S. Immigration and Customs Enforcement, Non-Dedicated Intergovernmental Service Agreement Standards at 11 (2025) (for non-dedicated facilities, likewise requiring seven-days-a-week legal visitation and the opportunity to place calls to attorneys at no cost).¹⁵ Indeed, this is the same legal visiting schedule that the government agreed to for B-18 when its unconstitutional practices there were challenged more than a decade ago. Compl. ¶ 75. It is hard to imagine what prejudice Defendants could possibly experience from an order directing access to counsel for detainees at B-18. Regardless, any cost to Defendants in complying with their legal obligations would be “far outweighed by the considerable harm” to constitutional rights in the absence of an injunction. *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017).

Finally, the public interest heavily favors granting the injunction because it would ensure that Defendants’ conduct complies with the law. *See id.* at 996; *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005) (“Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution.”). There is no legitimate public interest in denying CHIRLA and ImmDef the ability to provide legal counsel to those individuals detained at B-18. Moreover, as a result of B-18 detainees’ inability to communicate with the outside world, the full scope of Defendants’ unconstitutional violations, both within B-18 and in connection with the warrantless arrests that preceded detention, remains unknown. Allowing basic legal access at B-18 will shine a greater light on the other unlawful conduct in which Defendants are engaged.

IV. No Security Under Rule 65(c) Should Be Required

District courts have “wide discretion” to waive Rule 65(c)’s requirement that a party seeking a temporary restraining order or preliminary injunction post security “if there is no evidence the [opposing] party will suffer damages from the injunction,” *Conn. Gen. Life*

¹⁴ <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>.

¹⁵ <https://www.ice.gov/doclib/detention-standards/2025/ndids2025.pdf>.

1 *Ins. Co. v. New Images of Beverly Hills*, 321 F.3d 878, 882 (9th Cir. 2003), or if “there is
2 a high probability of success that equity compels waiving the bond, [or] the balance of the
3 equities overwhelmingly favors the movant,” *Gilmore v. Wells Fargo Bank, N.A.*, No. 14
4 Civ. 2389, 2014 WL 3749984, at *6 (N.D. Cal. July 29, 2014). Where, as here, the
5 imposition of a bond “would negatively impact [plaintiffs’] access to courts and their
6 ability to assert their constitutional rights,” no bond should be required. *City & Cnty. of*
7 *San Francisco v. Trump*, No. 25 Civ. 1350, 2025 WL 1282637, at *39 (N.D. Cal. May 3,
8 2025). Should the Court decide that a bond is appropriate, it should exercise its “discretion
9 as to the amount of security required” to make the amount nominal. *Barahona-Gomez v.*
10 *Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999).

11 CONCLUSION

12 CHIRLA and ImmDef respectfully request that this Court grant a temporary
13 restraining order that requires Defendants to open B-18 for legal visitation seven days per
14 week, eight hours per day on business days and four hours per day on weekends and
15 holidays, and permits individuals detained at B-18 to communicate with their counsel by
16 phone at no charge.

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Mark Rosenbaum

2 MARK ROSENBAUM (SBN 59940)
3 *mrosenbaum@publiccounsel.org*
4 REBECCA BROWN (SBN 345805)
5 *rbrown@publiccounsel.org*
6 SOPHIA WRENCH (SBN 354416)
7 *swrench@publiccounsel.org*
8 RITU MAHAJAN (SBN 252970)
9 *rmahajan@publiccounsel.org*
10 PUBLIC COUNSEL
11 610 South Ardmore Avenue
12 Los Angeles, CA 90005
13 Telephone: (213) 385-2977

Counsel for All Plaintiffs

12 MATTHEW J. CRAIG (SBN 350030)
13 *mcraig@heckerfink.com*
14 MACK E. JENKINS (SBN 242101)
15 *mjenkins@heckerfink.com*
16 HECKER FINK LLP
17 1150 South Olive Street, Suite 10-140
18 Los Angeles, CA 90015
19 Telephone: (212) 763-0883

*Counsel for Plaintiffs Coalition for
Humane Immigrant Rights and Immigrant
Defenders Law Center*

20
21 CARL BERGQUIST* (DC BAR 1720816)
22 *cbergquist@chirla.org*
23 COALITION FOR HUMANE
24 IMMIGRANT RIGHTS
25 2351 Hempstead Road
26 Ottawa Hills, OH 43606
27 Telephone: (310) 279-6025

*Counsel for Plaintiff Coalition for
Humane Immigrant Rights*

1 ALVARO HUERTA (SBN 274787)
2 *ahuerta@immdef.org*

3 BRYNNA BOLT (SBN 339378)
4 *bbolt@immdef.org*

5 ALISON STEFFEL (SBN 346370)
6 *asteffel@immdef.org*

7 IMMIGRANT DEFENDERS LAW
8 CENTER

634 S. Spring St., 10th Floor

Los Angeles, CA 90014

Telephone: (213) 634-0999

9 *Counsel for Plaintiff Immigrant Defenders*
10 *Law Center*

11 * *Pro hac vice* application forthcoming
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