

Case No. 26-1027

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

REFUGIO RAMIREZ OVANDO, et al.
Plaintiffs-Appellees,

— v. —

MARKWAYNE MULLIN, in his official capacity, et al.
Defendants-Appellants.

On Appeal from the United States District Court for the District of
Colorado

The Honorable R. Brooke Jackson, Case No. 1:25-cv-03183-RBJ

BRIEF OF AMICI CURIAE COLORADO, CALIFORNIA, ARIZONA,
CONNECTICUT, DELAWARE, HAWAII, ILLINOIS,
MASSACHUSETTS, MARYLAND, MAINE, MICHIGAN,
MINNESOTA, NEVADA, NEW JERSEY, NEW MEXICO, NEW
YORK, OREGON, RHODE ISLAND, VIRGINIA, VERMONT,
WASHINGTON, AND THE DISTRICT OF COLUMBIA IN SUPPORT
OF PLAINTIFFS-APPELLEES AND AFFIRMANCE

ROB BONTA
Attorney General of California

State of California
Department of Justice
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004

PHILIP J. WEISER
Attorney General of Colorado

Colorado Department of Law
1300 Broadway, 10th Floor
Denver, Colorado 80203
Telephone: (720) 508-6000
E-Mail: Samuel.Wolter@coag.gov

TABLE OF CONTENTS

INTRODUCTION.....	1
BACKGROUND AND INTERESTS OF AMICI.....	3
SUMMARY OF THE ARGUMENT.....	7
ARGUMENT	8
I. Importance of the public interest factor for preliminary injunctive relief.	9
II. The public interest requires compliance with Section 1357(a)(2)'s warrantless arrest standard.....	11
III. Unlawful warrantless arrests impose community-level harms to education, healthcare, and the economy.....	13
IV. Unlawful warrantless arrests undermine public safety and the integrity of public institutions.	27
CONCLUSION.....	32

TABLE OF AUTHORITIES

	PAGE(S)
CASES	
<i>Aguilar Peralta v. Dep’t of Homeland Sec.</i> , No. 2:26-CV-337, 2026 WL 2069917 (S.D. Ohio July 17, 2026)	5
<i>Alfaro v. Mullin</i> , 831 F. Supp. 3d 177 (E.D.N.Y. 2026)	5
<i>Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez</i> , 458 U.S. 592 (1982)	27
<i>Almeida-Sanchez v. United States</i> , 413 U.S. 266 (1973)	12
<i>Arizona v. United States</i> , 567 U.S. 387 (2012)	13, 14
<i>Benitez et al. v. U.S. Dep’t of Homeland Sec. et al.</i> , No. 26-cv-2082 (E.D.N.Y. Apr. 8, 2026)	5
<i>Castañon Nava v. Dep’t Homel</i> , <i>and Sec.</i> , 806 F. Supp. 3d 823	5
<i>City of Phila. v. Att’y Gen. of the U.S.</i> , 916 F.3d 276 (3d Cir. 2019)	25
<i>City of Phila. v. Sessions</i> , 280 F. Supp. 3d 579 (E.D. Pa. 2017)	24
<i>Colorado v. Trump</i> , 823 F. Supp. 3d 1251 (D. Colo. 2026)	10
<i>Escobar Molina v. U.S. Dep’t of Homeland Sec.</i> , 811 F. Supp. 3d 1 (D.D.C. 2025)	5
<i>Fish v. Kobach</i> , 840 F.3d 710 (10 th Cir. 2016)	10

<i>Free the Nipple-Fort Collins v. City of Fort Collins, Colo.</i> , 916 F.3d 792 (10th Cir. 2019).....	10
<i>Hussen v. Noem</i> , 822 F. Supp. 3d 944 (D. Minn. 2026)	5
<i>League of Wilderness Def./Blue Mountains Biodiversity Project v.</i> <i>Connaughton</i> , 752 F.3d 755 (9th Cir. 2014).....	9
<i>Lopez Romero v. Genalo</i> , No. 26-cv-6184 (AT), 2026 WL 2240720 (S.D.N.Y. Aug. 3, 2026)	5
<i>M-J-M-A- v. Hermosillo</i> , 822 F. Supp. 3d 1147 (D. Or. 2026).....	5
<i>Nken v. Holder</i> , 556 U.S. 418 (2009).....	9
<i>Noem v. Vasquez Perdomo</i> , 146 S. Ct. 1(Mem) (2025)	13
<i>Pichardo Medina v. Hermosilla</i> , No. 3:25-cv-02233-MC, 2025 WL 3712271 (D. Or. Dec. 22, 2025)	14, 20, 21
<i>Ramirez Ovando v. Noem</i> , 810 F. Supp. 3d 1209 (D. Colo. 2025)	5
<i>Ramirez v. U.S. Immigr. & Customs Enf't</i> , 310 F. Supp. 3d 7 (D.D.C. 2018).....	10
<i>Rea v. Ball</i> , No. 9:26-cv-01248 (AMN), 2026 WL 1959270 (N.D.N.Y. July 2, 2026)	5
<i>Roa-Rodriguez v. United States</i> , 410 F.2d 1206 (10th Cir. 1969).....	12
<i>Stonecipher v. Valles</i> , 759 F.3d 1134 (10th Cir. 2014).....	12

<i>Terry v. Ohio</i> , 392 U.S. 1 (1968)	12
<i>Trump v. C.A.S.A., Inc.</i> , 606 U.S. 831 (2025)	13
<i>United States v. Brignoni-Ponce</i> , 422 U.S. 873 (1975)	12
<i>United States v. Cantu</i> , 519 F.2d 494 (7th Cir. 1975)	11
<i>United States v. Lee</i> , 106 U.S. 196 (1882)	10
<i>United States v. Quintana</i> , 623 F.3d 1237 (8th Cir. 2010)	12
<i>United Utah Party v. Cox</i> , 268 F. Supp. 3d 1227 (D. Utah 2017)	9
<i>Winter v. Nat. Res. Def. Council, Inc.</i> , 555 U.S. 7 (2008)	9
STATUTES	
8 U.S.C. § 1357(a)(2)	passim
RULES	
Fed. R. App. P. 29(a)(2)	7
REGULATIONS	
8 C.F.R. § 287.8©(2)(ii)	1
OTHER AUTHORITIES	
Adria Iraheta, <i>Denver Public Schools Considers Policy to Limit Cooperation with ICE amid Community Concern</i> , Denver 7 (Feb. 19, 2026, 6:02 PM)	27

Aidan Hulting & James Gavato, <i>Man Impersonating ICE Agent Allegedly Used Toddlers as a Shield Before Arrest</i> , KOAA News5 (last updated Aug. 29, 2025, 5:16 PM)	40
Alejandro Portes, Donald Light & Patricia Fernández-Kelly, <i>The U.S. Health System and Immigration: An Institutional Interpretation</i> , 24 Socio. Forum 487 (2009)	37
Alex Stone, <i>Los Angeles Police Responded to a Kidnapping Call. But Instead Found an ICE Operation</i> , ABC News (June 25, 2025, 6:06 PM)	40
Allie Preston, <i>Masked and Unidentifiable: The Risks of Federal Law Enforcement Operating Without Identification</i> , Ctr. for Am. Progress (Aug. 28, 2025)	40
Allison Sherry, <i>Durango Family Was Detained Without a Warrant—Lawyers Say It’s Another Example of ICE Not Following the Law</i> , CPR News (Oct. 31, 2025, 5:31 PM).....	29
Allison Sherry, <i>Scores of Criminal Cases Disrupted by ICE Deportations Have Cheated Victims and Made Colorado Less Safe, District Attorneys Say</i> , CPR News (Apr. 30, 2026, 4:00 AM)	43
Ana B. Ibarra, <i>‘Can I Just Be a Kid?’ Students Shaken by Immigration Raids Seek Help from School Counselors</i> , CalMatters (Oct. 3, 2025) 29	
Beret Fitzgerald & Apoorva Ram, <i>Opinion: Immigrants Are So Afraid of ICE They Skip Critical Medical Care, but Colorado Must Reinforce Their Rights</i> , The Colorado Sun (May 1, 2025, 1:30 AM)	36
Blanca Estrada, <i>How ICE Raids Changed a Once Bustling Chicago Neighbourhood</i> , BBC (Feb. 1, 2026).....	35
Cameron Arcand, <i>Trump administration sets new goal of 3,000 illegal immigrant arrests daily</i> , Fox News (May 29, 2025, 3:35 PM)	14
Cassandra D. Kelly-Cirino et al., <i>Importance of Diagnostics in Epidemic and Pandemic Preparedness</i> , 4 BMJ Glob. Health art. no. e001179 (2019)	37

<i>Colorado Church Broadcasting Services for People Fearing Immigration Enforcement Actions</i> , 9News (Apr. 23, 2025, 3:54 PM)	38
David O. Williams, <i>Ski Town Immigration Advocates Push Back on Trump Crackdown as Polis Weighs Protection Bill</i> , Colo. Times Recorder (May 23, 2025)	31
El Popular, <i>‘Devastating for Our Youth’—ICE Raids Leave Lasting Scar on Central Valley Students, Families</i> , Am. Cmty. Media (Sep. 3, 2025)	30
Elaine Tassy, <i>ICE Scrutiny Means Scrapping Outdoor, Public Events for Hispanic Heritage Month Celebrations Around Colorado</i> , CPR News (Sep. 15, 2025, 4:00 AM)	38
Elizabeth Hernandez, <i>Colorado Faith Communities Rally Around State’s Immigrants in Face of ICE Deportation Push</i> , Denver Post (Feb. 22, 2026)	38
Exequiel Hernandez, <i>ICE-ing the Economy: Immigration Enforcement Under Trump 2.0 and Local Economic Activity</i> , The Wharton Sch. of the Univ. of Pa. 1 (May 13, 2026)	33
<i>From the Plains to the Peaks: A look at the contributions of immigrants to Colorado’s communities and economy</i> , Fwd.us (Apr. 29, 2026)	16
<i>Immigrants Are Crucial to Colorado’s Economy</i> , Fwd.us (Apr. 17, 2026)	31
<i>Immigration Enforcement Surge Triggered Immediate and Lasting Economic Disruption Across Los Angeles County’s Latino Business Corridors</i> , UCLA Latino Pol’y & Pol. Inst. (July 22, 2026)	35
Jasmine Arenas, <i>Denver Flea Market Sees Declines in Sales and Vendors, Fear of ICE Enforcement</i> , CBS News (June 18, 2025, 12:23 PM)	38
Jennifer McRae, <i>Department of Homeland Security Conducting Multi-Location Operations in Aurora</i> , Denver, CBS News (Feb. 5, 2025, 2:20 PM)	29

Joey Swanson, <i>Minneapolis Claims ICE Raids Cost City \$700M in Wages, Business Losses</i> , KSTP (last updated June 10, 2026, 9:02 PM)	35
John Daley, <i>Fears of Immigration Raids Didn't Stop Hundreds from Getting Health Screenings, Treatment</i> , CPR News (Aug. 8, 2025, 4:00 AM)	36
José Olivares, <i>US Sees Spate of Arrests of Civilians Impersonating ICE Officers</i> , The Guardian (June 28, 2025, 5:15 PM)	41
Kyung Lah et al., <i>Fake ICE Agent Cases on the Rise</i> (CNN video, Oct. 3, 2025)	41
<i>Labor Force Characteristics of Foreign-born Workers Summary</i> , U.S. Bureau of Lab. Stat. (May 19, 2026, 10:00 AM)	16
Leigh Paterson & Alex Murphy, <i>Colorado Administrator Describes Fear and Preparation in Response to Federal Immigration Changes</i> , KUNC (Jan. 31, 2025)	27
Leila Fadel et al., <i>Masked Immigration Agents Are Spurring Fear and Confusion Across the U.S.</i> , NPR (last updated July 10, 2025, 5:00 AM)	41
Libor Jany & Hailey Wang, <i>As ICE Raids Surged This Summer, Emergency Calls to LAPD Plummeted</i> , L.A. Times (Sep. 20, 2025, 3:00 AM)	42
Lisa Marshall, <i>Heightened ICE Enforcement Harms US-Born Workers, Shrinks Workforce</i> , CU Boulder Today (May 4, 2026)	34
Marcela Escobari, Ian Seyal & Paul Beach, <i>Shock, Awe, and Economic Fallout: The Employment Effects of Ice Enforcement in US Cities</i> , Brookings (May 29, 2026)	34
Mark D. Perkins et al., <i>Diagnostic Preparedness for Infectious Disease Outbreaks</i> , 390 Lancet 2211 (2017)	37

Melanie Asmar, <i>Denver Schools Policy Already Aims to Shield Students from ICE. Latino Advocates Say More Is Needed.</i> , Rocky Mountain PBS (Mar. 8, 2026).....	27
Nathan Solis & Ruben Vives, <i>FBI Urges ICE Agents to Identify Themselves After String of Impersonators Commit Crimes</i> , L.A. Times (Nov. 6, 2025, 4:19 PM).....	41
Nik Theodore, <i>Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement</i> , Univ. of Ill. at Chi. 1 (May 2013)	42
Olivia Prentzel, <i>Advocates: ICE Kept Durango Family in Windowless Room with Only Chips and Water After Mistaking Father for Someone Else</i> , The Colo. Sun (Oct. 31, 2025, 4:42 PM)	28
<i>Prices for all Americans are set to unnecessarily rise under recent and proposed immigration policies impacting the U.S. labor force</i> , Fwd.us (May 20, 2026).....	19
Rhea Jha, <i>Fear Keeps Migrant Workers Home After ICE Raids</i> , 9News (last updated Feb. 7, 2025, 6:47 PM)	32
Ryan Fish, <i>Colorado Law Enforcement Concerned Immigrants’ Fear Will Mean Fewer Reported Crimes</i> , Denver 7 (last updated Feb. 19, 2025, 10:16 PM).....	43
Ryan Fish, <i>ICE Activity Reported in Colorado Mountain Towns, Sparking Community Concerns</i> , Denver 7 (Sep. 25, 2025, 11:02 PM).....	32
Ryan Spencer, Robert Tann & Andrea Teres-Martinez, <i>‘There’s a human cost’: Colorado mountain towns see student absences, community tension in wake of growing ICE operations</i> , Post Indep. (Sep. 26, 2025)	18, 31
Samantha Artiga & Petry Ubri, <i>Living in an Immigrant Family in America: How Fear and Toxic Stress Are Affecting Daily Life, Well-Being, & Health</i> , KFF (Dec. 13, 2017)	30

Scott D. Rhodes et al., <i>The Impact of Local Immigration Enforcement Policies on the Health of Immigrant Hispanics/Latinos in the United States</i> , 105 Am. J. Pub. Health 329 (2015)	36
Sezer Kisa & Adnan Kisa, “No Papers, No Treatment”: A Scoping Review of Challenges Faced by Undocumented Immigrants in Accessing Emergency Healthcare, 23 Int’l J. for Equity in Health art. no. 184 (2024)	36
Shannon Schumacher et al., <i>KFF/New York Times Survey of Immigrants: Worries and Experiences Amid Increased Immigration Enforcement</i> , KFF (Nov. 18, 2025)	20
Spencer Wilson, <i>Some Students in Colorado’s High Country Say a Climate of Fear Is Impacting Their Education</i> , CBS News (Sep. 17, 2025)	27
Stuart Anderson, <i>New Research Finds ICE Immigration Raids Harm the Economy</i> , Forbes (May 19, 2026, 12:36 PM).....	33, 34
Taylor Dolven & Karen Yi, <i>Trump’s Immigration Crackdown in Colorado, Explained in 3 Charts</i> , The Colorado Sun (May 4, 2026, 4:00 AM)	44
Taylor Dolven, <i>What happens when ICE takes away a Colorado family? A teammate disappears. A colleague misses work. Neighbors are gone.</i> , The Colo. Sun (Sep. 5, 2025, 4:25 AM).....	30
Tim Reid et al., <i>Immigration Raids Leave Crops Unharvested, California Farms at Risk</i> , Reuters (June 30, 2025, 4:00 AM)	35
U.S. Foreign-Born Population, U.S. Census Bureau (last updated Oct. 25, 2024)	16
Wendy Fry & Sergio Olmos, <i>Federal judge poised to restrict immigration arrest tactics in Los Angeles raids</i> , CBS8 (Aug. 13, 2026, 9:51 PM).....	17

INTRODUCTION

Across the country, federal immigration agents have increasingly undertaken enforcement actions that dispense with the statutory safeguards Congress imposed to limit warrantless arrests. The preliminary injunction entered by the district court in Colorado prohibits violations of those existing safeguards: before arresting a person without a warrant, agents must possess individualized probable cause both of unlawful presence and of a likelihood of escape. The injunction does not restrict lawful federal immigration enforcement or intrude upon federal prerogatives.

The district court found compelling evidence that immigration agents repeatedly made warrantless arrests in Colorado without “reason to believe” that the person was likely to escape before a warrant could be obtained, as the Immigration and Nationality Act (“INA”) and federal regulations require. *See* 8 U.S.C. § 1357(a)(2) (“section 1357(a)(2)”); 8 C.F.R. § 287.8(c)(2)(ii). Those violations occurred as a prominent feature of rapidly expanding enforcement activity in Amici States nationwide—activity that has swept up longtime residents, workers, students, parents, and whole communities. Between 2024 and

2025, the number of federal immigration arrests in Colorado quadrupled, consistent with reported federal goals to arrest a minimum of 3,000 individuals per day nationwide.¹

Every State has a profound interest in ensuring that federal immigration enforcement operates within the bounds Congress has set. When federal agents conduct unlawful warrantless arrests, the resulting harms reverberate far beyond the individuals seized. Families are destabilized, workplaces disrupted, schools strained, local economies unsettled, and essential state and local services—including health care, education, and public safety—are hindered. These harms have been documented extensively nationwide. Individualized unlawful-presence and flight-risk determinations are therefore crucial congressionally made guardrails protecting the public.

¹ Sandra Fish, Taylor Dolven & Andrew Graham, *Most people arrested by ICE in Colorado and Wyoming this year did not have criminal history*, The Colo. Sun (last updated Jan. 23, 2026, 9:58 AM), <https://coloradosun.com/2025/07/18/ice-arrests-colorado-wyoming-no-criminal-history/>; Cameron Arcand, *Trump administration sets new goal of 3,000 illegal immigrant arrests daily*, Fox News (May 29, 2025, 3:35 PM), <https://www.foxnews.com/politics/trump-administration-aims-3000-arrests-illegal-immigrants-each-day?msockid=2d86fa6e9d8d69181b57ecf49c576841>.

The preliminary injunction is precisely tailored to prohibit immigration agents from effecting warrantless arrests outside of these guardrails. As such, the injunction protects not only the people subject to such unlawful arrests, but also the sovereign interests of States whose communities, institutions, and economies bear the consequences when federal agents act outside the scope of their lawful authority.

Because the district court correctly recognized the ongoing harms caused by unlawful warrantless arrests, and because the injunction serves the public interest in lawful, orderly, and accountable enforcement practices, this Court should affirm.

BACKGROUND AND INTERESTS OF AMICI

Amici States represent tens of millions of residents, including substantial immigrant communities who are essential to Amici States' economies, schools, public services, and civic life. Colorado has over a half-million immigrants, while Amici States are home to over twenty eight million immigrants.² With roughly 480,000 immigrant workers, Colorado has one of the largest immigrant workforces in the United

² *U.S. Foreign-Born Population*, U.S. Census Bureau (last updated Oct. 25, 2024), <https://www.census.gov/library/visualizations/interactive/foreign-born-population-2018-2022.html>.

States.³ Nationally, immigrants make up about 19% of the workforce.⁴ Amici States have a strong sovereign interest in ensuring that federal immigration enforcement is carried out lawfully and in a manner that maintains public trust, protects community stability, and respects the statutory limits Congress placed on warrantless arrests.

As shown through several recent federal court decisions, immigration agents are making unlawful warrantless arrests across

³ *From the Plains to the Peaks: A look at the contributions of immigrants to Colorado's communities and economy*, Fwd.us (Apr. 29, 2026), <https://www.fwd.us/news/colorado-report/>.

⁴ *Labor Force Characteristics of Foreign-born Workers Summary*, U.S. Bureau of Lab. Stat. (May 19, 2026, 10:00 AM), <https://www.bls.gov/news.release/forbrn.nr0.htm>.

multiple states—including Colorado⁵, California⁶, Illinois⁷, Ohio⁸, Oregon,⁹ Missouri,¹⁰ Minnesota¹¹, Washington D.C.¹², and New York¹³.

⁵ *Ramirez Ovando v. Noem*, 810 F. Supp. 3d 1209, 1220–25 (D. Colo. 2025); *see also Ramirez Ovando v. Noem*, 810 F. Supp. 3d 1209, 1220–25 (D. Colo. 2025); Order Enforcing Prelim. Inj. at 30–31, *Ramirez Ovando*, No. 1:25-cv-03183 (D. Colo. May 12, 2026), ECF No. 112.

⁶ *See* Wendy Fry & Sergio Olmos, *Federal judge poised to restrict immigration arrest tactics in Los Angeles raids*, CBS8 (Aug. 13, 2026, 9:51 PM), <https://www.cbs8.com/article/news/local/california/calmatters/federal-judge-poised-to-restrict-immigration-arrest-tactics-in-los-angeles-raids/509-e040e55c-f71a-4888-a62b-7710e29c27ce>.

⁷ *See Castañon Nava v. Dep’t Homeland Sec.*, 806 F. Supp. 3d 823, 854–859 (N.D. Ill. 2025).

⁸ *See Aguilar Peralta v. Dep’t of Homeland Sec.*, No. 2:26-CV-337, 2026 WL 2069917, at *1 (S.D. Ohio July 17, 2026) (finding immigration enforcement agents “unlawfully arrested and detained non-citizens in Ohio without a warrant and without a probable cause determination of their likelihood of escape,” but Plaintiffs lacked standing to bring suit).

⁹ *See M-J-M-A- v. Hermosillo*, 822 F. Supp. 3d 1147, 1182–83 (D. Or. 2026).

¹⁰ *See Castañon Nava*, 806 F. Supp. 3d at 841–45 (concluding warrantless arrests in Missouri were unlawful).

¹¹ *See Hussen v. Noem*, 822 F. Supp. 3d 944, 995–998 (D. Minn. 2026)

¹² *See Escobar Molina v. U.S. Dep’t of Homeland Sec.*, 811 F. Supp. 3d 1, 30–32 (D.D.C. 2025).

¹³ *See, e.g., Alfaro v. Mullin*, 831 F. Supp. 3d 177, 183 (E.D.N.Y. 2026) (finding ICE had subjected habeas petitioner to impermissible warrantless arrest); *Rea v. Ball*, No. 9:26-cv-01248 (AMN), 2026 WL 1959270, at *3 (N.D.N.Y. July 2, 2026) (same); *Lopez Romero v. Genalo*, No. 26-cv-6184 (AT), 2026 WL 2240720, at *3 (S.D.N.Y. Aug. 3, 2026) (same); *see also* Compl. at ¶¶ 130–150, *Benitez et al. v. U.S. Dep’t of Homeland Sec. et al.*, No. 26-cv-2082 (E.D.N.Y. Apr. 8, 2026) (class action challenging unlawful warrantless arrests across New York).

These arrests destabilize communities, deter residents from work, school, and medical care, undermine confidence in law enforcement, and burden state and local institutions that must respond to the resulting disruption. These harms are not confined to any one region. When federal agents conduct warrantless arrests without individualized flight-risk determinations, the consequences ripple across the States' economies, public health systems, educational environments, and community safety.

For example, as discussed in greater detail herein, while unlawful warrantless arrests have increased in Colorado, its industries have seen lower worker turnout, wrongful detentions of workers, and even business closures.¹⁴ This is replicated on a national scale; as more immigrants are detained and deported, modeling predicts that

¹⁴ Ryan Spencer, Robert Tann & Andrea Teres-Martinez, *'There's a human cost': Colorado mountain towns see student absences, community tension in wake of growing ICE operations*, Post Indep. (Sep. 26, 2025), <https://www.postindependent.com/news/ice-operations-colorado-mountain-towns-cause-community-tension/>.

American families will spend \$2,150 more annually on goods and services by 2028.¹⁵

Amici therefore have a substantial interest in ensuring compliance with Congress's limits on warrantless arrest authority and in supporting the district court's injunction, which promotes lawful, accountable enforcement that protects both individuals and the public. Amici are authorized to file this brief under Federal Rule of Appellate Procedure 29(a)(2).

SUMMARY OF THE ARGUMENT

Congress has placed clear limits on immigration agents' authority to make warrantless arrests, requiring individualized probable cause of both removability and a likelihood of escape. However, federal agents have repeatedly disregarded these statutory safeguards, resulting in unlawful arrests, improper detentions, and chaotic enforcement practices across multiple states. The preliminary injunction serves the public interest by ensuring compliance with section 1357(a)(2)'s

¹⁵ *Prices for all Americans are set to unnecessarily rise under recent and proposed immigration policies impacting the U.S. labor force*, Fwd.us (May 20, 2026), <https://www.fwd.us/news/new-immigration-policies-will-increase-prices-for-americans/>.

guardrails and preventing the systemic violations documented in this and other cases. When federal agents conduct warrantless arrests without a lawful basis, the resulting harms are far-reaching, including destabilized schools, disrupted workplaces and local economies, reduced access to healthcare, and diminished participation in civic life.¹⁶ These practices also undermine public safety and erode trust in local law enforcement, making communities less safe and enabling criminal impersonation of immigration agents. Because the injunction prevents ongoing violations of federal law and mitigates widespread community harms, it strongly serves the public interest and should be affirmed.

ARGUMENT

Amici States file this brief in support of the preliminary injunction issued below. They focus here on one key factor at issue: why

¹⁶ See Shannon Schumacher et al., *KFF/New York Times Survey of Immigrants: Worries and Experiences Amid Increased Immigration Enforcement, Figure 7*, KFF (Nov. 18, 2025), <https://www.kff.org/racial-equity-and-health-policy/kff-new-york-times-2025-survey-of-immigrants-worries-and-experiences-amid-increased-immigration-enforcement/> (rising percentage of immigrants report avoiding activities outside of the home, like seeking health care, attending work, or talking to police, is likely attributable to warrantless arrests and arrests in previously protected areas).

preliminary injunctive relief is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).¹⁷

I. Importance of the public interest factor for preliminary injunctive relief.

The public interest factor is central to this case because the challenged conduct imposes harms far beyond the parties. Courts assessing preliminary injunction requests look to the impact on non-parties, not merely the litigants before them. *League of Wilderness Def./Blue Mountains Biodiversity Project v. Connaughton*, 752 F.3d 755, 766 (9th Cir. 2014) (“The public interest inquiry primarily addresses impact on non-parties rather than parties.”); *United Utah Party v. Cox*, 268 F. Supp. 3d 1227, 1260 (D. Utah 2017) (public interest factor “looks beyond the private balance of equities to the broader impact of the injunction on the public”).

Defendants-Appellants’ practice of conducting unlawful warrantless arrests generates significant disruptions in schools, workplaces, healthcare settings, and local institutions. The injunction thus serves

¹⁷ When the United States is the party opposing an injunction, the last two factors—harm to the opposing party and the public interest—“merge.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

the public interest by preventing these widespread harms to communities.

Moreover, the public interest demands that federal law enforcement agents “observe the limitations which [the law] imposes upon the exercise of the authority which it gives.” *United States v. Lee*, 106 U.S. 196, 220 (1882). As numerous courts have found, there is a public “interest in ensuring that people ... are not unlawfully arrested” by federal agents. *N.S. v. Hughes*, 335 F.R.D. 337, 355 (D.D.C. 2020); *see also Tincher v. Noem*, 816 F.Supp.3d 931, 978 (D. Minn. 2026) (rejecting notion that “public interest is served by officers stopping law-abiding motorists without reasonable, particularized suspicion of criminal wrongdoing”); *United Farm Workers v. Noem*, 785 F.Supp.3d 672, 742 (E.D. Cal. 2025) (finding, in case challenging unlawful arrest and detention, that “it is within the public interest to uphold the Fourth Amendment rights in issue.”). After all, federal officials may not “decide for themselves” the legal constraints that cabin the exercise of their authority. *Fish v. Kobach*, 840 F.3d 710, 756 (10th Cir. 2016); *see also Ramirez v. U.S. Immigr. & Customs Enf’t*, 310 F. Supp. 3d 7, 33 (D.D.C. 2018) (“The public interest surely does not cut in favor of permitting an

agency to fail to comply with a statutory mandate.”). And here, Congress expressly limited immigration agents’ warrantless arrest authority through § 1357(a)(2)’s dual probable cause requirements. The injunction merely ensures that ICE respects that structure. *See* Section II *infra*.

II. The public interest requires compliance with Section 1357(a)(2)’s warrantless arrest standard.

In designing the legislative scheme governing the powers of immigration agents, Congress chose to limit agents’ authority to make warrantless arrests to instances where an officer “has reason to believe” that an individual “is in the United States in violation of [immigration laws]” and “is likely to escape before a warrant can be obtained for his arrest.” Section 1357(a)(2).

The flight-risk assessment should “always [be] seriously applied.” *United States v. Cantu*, 519 F.2d 494, 496–97 (7th Cir. 1975). Courts have long interpreted Section 1357(a)(2)’s “reason to believe” language as incorporating the Fourth Amendment’s probable cause standard. *United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010); *see also* *Roa-Rodriguez v. United States*, 410 F.2d 1206, 1209 (10th Cir. 1969) (applying probable cause standard to find unlawful a warrantless

arrest under section 1357(a)(2)). Probable cause requires certainty to the level of a “substantial probability,” which is more than “mere suspicion.” *Stonecipher v. Valles*, 759 F.3d 1134, 1141 (10th Cir. 2014). Through requirements like probable cause, the Fourth Amendment allows immigration agents an “adequate means of guarding the public interest and also protects residents . . . from indiscriminate official interference.” See *United States v. Brignoni-Ponce*, 422 U.S. 873, 881–83 (1975) (requiring for immigration traffic stops reasonable suspicion consistent with *Terry v. Ohio*, 392 U.S. 1 (1968)); see also *Almeida-Sanchez v. United States*, 413 U.S. 266, 274–75 (1973) (requiring probable cause for warrantless immigrations searches). Warrantless arrests conducted without individualized probable cause of a flight-risk can result in “unnecessary harassment of some aliens (for instance, a veteran, college student, or someone assisting with a criminal investigation) who . . . should not be removed.” *Arizona v. United States*, 567 U.S. 387, 408 (2012). And because anyone *believed* to be unlawfully present is subject to such arrests—including those who *are* lawfully present—such harassment can be reasonably expected to extend to citizens as well. Section 1357(a)(2) thus ensures

that, consistent with the Fourth Amendment, immigration agents who arrest an individual cannot bypass constitutional protections by resorting to warrantless arrests without individualized determinations regarding removability and likelihood of escape.

The enforcement of immigration law implicates “immediate human concerns,” which turn on many factors, including family and community ties. *Arizona*, 567 U.S. at 396. As the following sections explain, departures from Congress’s mandated process carry significant downstream consequences for community functioning, public safety, economic stability, and the integrity of government institutions. Those harms are not speculative; they are the natural result of abandoning the statutory guardrails Congress enacted. Requiring adherence to section 1357(a)(2) protects against those impacts and thus strongly serves the public interest.

III. Unlawful warrantless arrests impose community-level harms to education, healthcare, and the economy.

Defendants-Appellants’ policy and practice of carrying out unlawful warrantless arrests, based on the Trump administration’s arbitrary quotas, is an integral component of their “arrest first, ask

questions later”¹⁸ style of immigration enforcement. As the named Plaintiffs-Appellees in this case illustrate, these unlawful warrantless arrests occur across a spectrum of circumstances, ranging from individualized traffic stops like in the case of Ms. Dias Goncalves, to large-scale sweeps of entire apartment complexes, like in the case of J.S.T. *See* IV:819–22.¹⁹ But regardless of the specific circumstance, these unlawful warrantless arrests ensnare individuals with strong community ties who pose no flight risk. Such arbitrary and lawless immigration enforcement spreads fear across communities and causes harms that ripple beyond just those arrested. The States focus on four specific ways these unlawful warrantless arrests harm their communities: (1) education; (2) the economy; (3) public health; and (4) participation in civic life.

First, Defendants-Appellants’ policy and practice of carrying out warrantless arrests impacts children’s education in Colorado. The

¹⁸ *Pichardo Medina v. Hermosilla*, No. 3:25-cv-02233-MC, 2025 WL 3712271, at *3 (D. Or. Dec. 22, 2025) (describing the Department of Homeland Security’s “self-apparent tactic of ‘arrest first, ask questions later’”).

¹⁹ Amici States use the same “Volume:Page” format as the Parties when citing to the Appendix.

Summit School District, for example—where “40% of the student body is Hispanic” and “[o]ne-quarter are English language learners”—saw an average drop in attendance of about 30% in the aftermath of an ICE raid resulting in immigration detentions.²⁰ In addition to missed attendance, the superintendent and teachers in the district have found that the presence of immigration agents at and near schools creates “a climate of fear” that has “effectively shut down learning,” as students are too anxious and distracted to focus.²¹ Similarly, Denver Public Schools has seen declining attendance rates in the district, as “ICE has tried to contact students during lunch hour [and] during dismissal,” stoking fear among students and families.²² At a time when fear is high

²⁰ Leigh Paterson & Alex Murphy, *Colorado Administrator Describes Fear and Preparation in Response to Federal Immigration Changes*, KUNC (Jan. 31, 2025), <https://www.kunc.org/news/2025-01-31/colorado-administrator-describes-fear-and-preparation-in-response-to-federal-immigration-changes>; Spencer Wilson, *Some Students in Colorado’s High Country Say a Climate of Fear Is Impacting Their Education*, CBS News (Sep. 17, 2025), <https://www.cbsnews.com/colorado/news/students-colorado-climate-fear-impacting-education/>.

²¹ Wilson, *supra* note 20.

²² Adria Iraheta, *Denver Public Schools Considers Policy to Limit Cooperation with ICE amid Community Concern*, Denver 7 (Feb. 19, 2026, 6:02 PM), <https://www.denver7.com/news/local-news/ice-arrests-spark-denver-public-schools-policy-proposal-to-protect-students>; accord Melanie Asmar, *Denver Schools Policy Already Aims to Shield Students*

at schools, the importance of ICE abiding by the boundaries set by Congress—rather than effectuating improper warrantless arrests that risk sweeping up students, teachers and staff, families, and anyone else in their path—is clear.

Defendants-Appellants’ warrantless arrests have also directly prevented students from attending school. In Durango, for instance, ICE agents arrested a man without a warrant—believing him to be someone else—as he was driving his twelve-year-old daughter and fifteen-year-old son to school. Despite the mistaken identity and the family’s pending asylum case, the father and his children were detained “in a small, windowless room and only given potato chips and water . . . for [thirty-six] hours,” before being transferred to Dilley Detention Center in Texas (ICE’s only holding facility that accommodates families).²³ In Aurora and Denver, as part of ICE’s “stepped-up arrest

from ICE. Latino Advocates Say More Is Needed., Rocky Mountain PBS (Mar. 8, 2026), <https://www.rmpbs.org/news/immigration/denver-schools-ICE-policy> (reporting that Denver students “are afraid, and parents are afraid to send their children to school”).

²³ Olivia Prentzel, *Advocates: ICE Kept Durango Family in Windowless Room with Only Chips and Water After Mistaking Father for Someone Else*, The Colo. Sun (Oct. 31, 2025, 4:42 PM), <https://coloradosun.com/2025/10/31/durango-ice-custody-windowless-room/>; Allison Sherry,

operations,” warrantless raids at apartment complexes prevented families from leaving their homes, “even to take their children to school.”²⁴

The long-term harms of Defendants-Appellants’ unlawful warrantless arrest practices are predictable: In addition to reduced school attendance and loss of learning, experts say that “[c]onstant vigilance and worry puts children at greater risk of developing chronic anxiety and depression.”²⁵ These long-term harms are only exacerbated when children are actually subjected to warrantless arrest and, too often, separated from their families.²⁶ In the wake of similar

Durango Family Was Detained Without a Warrant—Lawyers Say It’s Another Example of ICE Not Following the Law, CPR News (Oct. 31, 2025, 5:31 PM), <https://www.cpr.org/2025/10/31/durango-family-detained-without-warrant-ice-lawsuit/>.

²⁴ Jennifer McRae, *Department of Homeland Security Conducting Multi-Location Operations in Aurora, Denver*, CBS News (Feb. 5, 2025, 2:20 PM), <https://www.cbsnews.com/colorado/news/departments-homeland-security-conducting-4-location-operation-aurora/>.

²⁵ Ana B. Ibarra, *‘Can I Just Be a Kid?’ Students Shaken by Immigration Raids Seek Help from School Counselors*, CalMatters (Oct. 3, 2025), <https://calmatters.org/health/mental-health/2025/10/immigration-raids-kids-mental-health/>.

²⁶ See, e.g., *ICE Separates Asylum-Seeking Family; Whereabouts of Two Minor Children Unknown Amid Violent Arrests and Questions of Local Cooperation*, Colo. Immigrant Rights Coal. (Oct. 28, 2025), <https://coloradoimmigrant.org/ice-separates-asylum-seeking-family->

immigration enforcement tactics in California, one child psychologist observed that “the stress, anxiety, and trauma that develop in this climate of fear and uncertainty surrounding immigration enforcement can become chronic, leading to immediate and long-term damage to children’s mental and physical health.”²⁷

Second, Defendants-Appellants’ policy and practice of illegal warrantless arrests has disrupted the local economy because both workers and customers, regardless of immigration status, have been afraid to leave their homes.

whereabouts-of-two-minor-children-unknown-amid-violent-arrests-and-questions-of-local-cooperation/; Taylor Dolven, *What happens when ICE takes away a Colorado family? A teammate disappears. A colleague misses work. Neighbors are gone.*, The Colo. Sun (Sep. 5, 2025, 4:25 AM), <https://coloradosun.com/2025/09/05/inside-ice-arrest-colorado-family-salida/>.

²⁷ El Popular, *‘Devastating for Our Youth’—ICE Raids Leave Lasting Scar on Central Valley Students, Families*, Am. Cmty. Media (Sep. 3, 2025), <https://americancommunitymedia.org/immigration/devastating-for-our-youth-lasting-scar-of-ice-raids-for-central-valley-students-families/>; see also Samantha Artiga & Petry Ubri, *Living in an Immigrant Family in America: How Fear and Toxic Stress Are Affecting Daily Life, Well-Being, & Health*, KFF (Dec. 13, 2017), <https://www.kff.org/racial-equity-and-health-policy/living-in-an-immigrant-family-in-america-how-fear-and-toxic-stress-are-affecting-daily-life-well-being-health/>.

In Colorado, immigrant workers “contribute an estimated \$29 billion” to the state economy, and immigrants make up a significant proportion of the workforce in numerous sectors—for example, 21% of construction workers, 17% of agricultural workers, 16% of transportation and utilities workers, 12% of manufacturing workers, and 12% of leisure and hospitality workers.²⁸ Defendants-Appellants’ actions directly harm these significant contributions to the state economy: for example, nearly one-quarter of Colorado construction firms have reported losing workers to “stepped-up immigration crackdowns,” costing the sector approximately 5,100 jobs.²⁹

In Colorado’s rural resort towns, workers’ fear of being caught up in an immigration sweep has led construction sites, restaurants, and hotels to shut down for lack of employees.³⁰ Residents of Summit

²⁸ *Immigrants Are Crucial to Colorado’s Economy*, Fwd.us (Apr. 17, 2026), <https://www.fwd.us/news/immigrants-are-crucial-to-colorados-economy/>.

²⁹ Spencer, Tann & Teres-Martinez, *supra* note 14.

³⁰ *Id.*; see also David O. Williams, *Ski Town Immigration Advocates Push Back on Trump Crackdown as Polis Weighs Protection Bill*, Colo. Times Recorder (May 23, 2025), <https://coloradotimesrecorder.com/2025/05/ski-town-immigration-advocates-push-back-on-trump-crackdown-as-polis-weighs-protection-bill/70211/> (“Colorado’s mountain resort towns would grind to a halt without immigrant labor . . .”).

County, one of Colorado’s most popular tourist destinations and home to many immigrants, have reported “widespread fear” as a result of Defendants-Appellants’ operations.³¹ Summit County’s Commissioner said that after Defendants-Appellants’ raids, the community “devolves into chaos,” adding that “businesses close” and that “[t]ourists who come here and expect a certain level of service simply won’t be given that level of service because we don’t have the people available to do that.”³² A local small business owner echoed this concern, stating that “[p]eople don’t want to go to work anymore” and that business owners—and the community as a whole—would be affected “when we don’t have enough manpower to complete jobs.”³³

Similarly, in Denver, fear of immigration detentions “without proper documentation” has caused employees, both documented and undocumented, to stay home from work.³⁴ This fear of going to work has

³¹ Ryan Fish, *ICE Activity Reported in Colorado Mountain Towns, Sparking Community Concerns*, Denver 7 (Sep. 25, 2025, 11:02 PM), <https://www.denver7.com/news/mountains/ice-activity-reported-in-colorado-mountain-towns-sparking-community-concerns>.

³² *Id.*

³³ *Id.*

³⁴ Rhea Jha, *Fear Keeps Migrant Workers Home After ICE Raids*, 9News (last updated Feb. 7, 2025, 6:47 PM), <https://www.9news.com/article/>

led to closures at restaurants and threatened labor shortages in Denver’s foodservice, cleaning, construction, and landscaping industries.³⁵

These negative impacts on the local economy reflect nationwide declines stemming from Defendants-Appellants’ actions. In a study of over 5,000 ICE raids and 5.4 million data points on in-store foot traffic and spending between January 2024 and February 2026, a Wharton economics professor found that heightened ICE enforcement activity in 2025 led to “8.1 billion fewer visits [to businesses]” and as much as \$14 billion in “foregone spending in a single year.”³⁶ Notably, the study found that “ICE activity before 2025 was not strongly accompanied by reports of economic chilling, whereas the two follow each other very closely starting in January 2025.”³⁷ This “economy of fear” makes

news/local/fear-keeps-migrant-workers-home-ice-raids/73-812fb4a8-9b0b-4072-a9b3-f227d49b71ea.

³⁵ *Id.*

³⁶ Stuart Anderson, *New Research Finds ICE Immigration Raids Harm the Economy*, Forbes (May 19, 2026, 12:36 PM), <https://www.forbes.com/sites/stuartanderson/2026/05/19/new-research-finds-ice-immigration-raids-harm-the-economy/> (citing Exequiel Hernandez, *ICE-ing the Economy: Immigration Enforcement Under Trump 2.0 and Local Economic Activity*, The Wharton Sch. of the Univ. of Pa. 1, 3–4 (May 13, 2026), <https://ssrn.com/abstract=6759278>).

³⁷ Hernandez, *supra* note 36, at 6.

customers “afraid to go out and shop” and workers “afraid to show up to work,” creating “a downward spiral” in which businesses “cut back on hiring or shut down altogether,” leading to “more business contraction and fewer jobs for everyone—including U.S.-born workers.”³⁸ Similar research by the Brookings Institution found that ICE surges shrink local economies and cause job losses far in excess of the number of individuals arrested.³⁹ As in Colorado, these harms have been felt in Los Angeles, the California Central Valley, Chicago, and Minnesota, where Department of Homeland Security agents carried out sweeps of city streets.⁴⁰

³⁸ Anderson, *supra* note 36.

³⁹ Marcela Escobari, Ian Seyal & Paul Beach, *Shock, Awe, and Economic Fallout: The Employment Effects of Ice Enforcement in US Cities*, Brookings (May 29, 2026), <https://www.brookings.edu/articles/ice-enforcement-employment-effects-us-cities/>; *see also* Lisa Marshall, *Heightened ICE Enforcement Harms US-Born Workers, Shrinks Workforce*, CU Boulder Today (May 4, 2026), <https://www.colorado.edu/today/2026/05/04/heightened-ice-enforcement-harms-us-born-workers-shrinks-workforce> (explaining that heightened ICE enforcement lowers “employment among immigrants . . . likely due to a ‘chilling effect’ in which they stop going to work out of fear,” and “has not expanded job opportunities for U.S.-born workers”).

⁴⁰ *See, e.g., Immigration Enforcement Surge Triggered Immediate and Lasting Economic Disruption Across Los Angeles County’s Latino Business Corridors*, UCLA Latino Pol’y & Pol. Inst. (July 22, 2026), <https://latino.ucla.edu/press/immigration-enforcement-small-businesses->

Third, Defendants-Appellants’ warrantless arrests have led to declines in medical visits, preventive care, and participation in state-funded health programs, as residents have been afraid to seek treatment. In light of “ramped up ICE activity and threats of enforcement in or around health care settings,” Colorado physicians report that “countless people” have delayed care, canceled appointments, and “ask[ed] for telehealth-only visits, even when in-person care is critical.”⁴¹ While some community health fairs, offering

los-angeles/ (finding 46,000 fewer customer visits and \$3.16 million in lost revenue within first two weeks after June 2025 immigration enforcement, and that the “immediate economic shock . . . had not resolved nearly a year later”); Tim Reid et al., *Immigration Raids Leave Crops Unharvested, California Farms at Risk*, Reuters (June 30, 2025, 4:00 AM), <https://reuters.com/business/immigration-raids-leave-crops-unharvested-california-farms-risk-2025-06-30/> (estimating that 70% of Central Valley agricultural workers were “frightened off” by immigration raids); Blanca Estrada, *How ICE Raids Changed a Once Bustling Chicago Neighbourhood*, BBC (Feb. 1, 2026), <https://www.bbc.com/news/articles/cql4e439g4no> (reporting that fear of immigration enforcement has “turn[ed] one of Chicago’s key economic hubs into something resembling a ghost town”); Joey Swanson, *Minneapolis Claims ICE Raids Cost City \$700M in Wages, Business Losses*, KSTP (last updated June 10, 2026, 9:02 PM), <https://kstp.com/kstp-news/top-news/minneapolis-ice-raids-cost-city-700m-in-wages-business-losses/> (estimating losses of \$445 million in business revenue and \$152 million in wages due to “the effects of federal immigration enforcement”).

⁴¹ Beret Fitzgerald & Apoorva Ram, *Opinion: Immigrants Are So Afraid of ICE They Skip Critical Medical Care, but Colorado Must Reinforce*

vaccinations and other “critical preventive care,” have continued to be well attended, other community health events have been canceled due to fear of ICE raids.⁴² “The fear created by immigration enforcement,” physicians explain, is “compromising the quality of care and undermining trust in the health care system.”⁴³

These accounts are in keeping with studies showing that aggressive enforcement tactics deter residents from seeking medical treatment.⁴⁴ That deterrence, in turn, impacts the broader health of the community because “[p]ublic health is served when individuals

Their Rights, The Colo. Sun (May 1, 2025, 1:30 AM), <https://coloradosun.com/2025/05/01/opinion-colorado-immigrant-rights-senate-bill-276/>.

⁴² John Daley, *Fears of Immigration Raids Didn’t Stop Hundreds from Getting Health Screenings, Treatment*, CPR News (Aug. 8, 2025, 4:00 AM), <https://www.cpr.org/2025/08/08/bazar-de-la-salud-health-fair-latino-community/>.

⁴³ Fitzgerald & Ram, *supra* note 40.

⁴⁴ See, e.g., Sezer Kisa & Adnan Kisa, “No Papers, No Treatment”: A Scoping Review of Challenges Faced by Undocumented Immigrants in Accessing Emergency Healthcare, 23 Int’l J. for Equity in Health art. no. 184, at 2, 6, 8 (2024), <https://pubmed.ncbi.nlm.nih.gov/39277719/>; Scott D. Rhodes et al., *The Impact of Local Immigration Enforcement Policies on the Health of Immigrant Hispanics/Latinos in the United States*, 105 Am. J. Pub. Health 329, 332 (2015), <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2014.302218> (finding that immigrants reported that they “did not access or utilize health services for which they were eligible, including preventive services,” because “[t]hey worried that . . . their lack of documentation . . . would put them at risk for detention and deportation”).

freely seek preventive care and do not stave off care until they need emergency room treatment in the midst of a health crisis.” *City of Phila. v. Sessions*, 280 F. Supp. 3d 579, 609 (E.D. Pa. 2017), *subsequent judgment aff’d in relevant part*, 916 F.3d 276 (3d Cir. 2019).⁴⁵

Fourth, the threat of unlawful warrantless immigration arrests has chilled participation in countless other activities of daily life. For example, “communities around Colorado” scaled down and canceled cultural events for last year’s Hispanic Heritage Month, fearing “the threat of ICE showing up.”⁴⁶ A Colorado Springs church has started broadcasting its services, and sending pastors to churchgoers’ homes, because some members of the congregation are too afraid of

⁴⁵ See also, e.g., Cassandra D. Kelly-Cirino et al., *Importance of Diagnostics in Epidemic and Pandemic Preparedness*, 4 BMJ Glob. Health art. no. e001179, at 1, 6–7 (2019), https://gh.bmj.com/content/bmjgh/4/Suppl_2/e001179.full.pdf; Mark D. Perkins et al., *Diagnostic Preparedness for Infectious Disease Outbreaks*, 390 Lancet 2211, 2211 (2017), <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2817%2931224-2>; Alejandro Portes, Donald Light & Patricia Fernández-Kelly, *The U.S. Health System and Immigration: An Institutional Interpretation*, 24 Socio. Forum 487, 501–02, 506 (2009), <https://www.jstor.org/stable/40542689>.

⁴⁶ Elaine Tassy, *ICE Scrutiny Means Scrapping Outdoor, Public Events for Hispanic Heritage Month Celebrations Around Colorado*, CPR News (Sep. 15, 2025, 4:00 AM), <https://www.cpr.org/2025/09/15/hispanic-heritage-month-celebrations-ice-concerns/>.

immigration enforcement to attend in person.⁴⁷ Some immigrants, fearing “President Donald Trump’s mass-deportation efforts,” have even stopped going to the grocery store, relying on fellow parishioners to deliver groceries to them.⁴⁸ And in Denver, some residents have started avoiding a flea market and neighboring food trucks—“a cultural hub for the community”—out of fear of immigration arrests.⁴⁹

In short, the unlawful warrantless arrests challenged in this litigation have wrought harms throughout Colorado, just as they have in other jurisdictions. The impacts to education, local economies, public health, and other core aspects of civil society counsel in favor of affirming the preliminary injunction.

⁴⁷ *Colorado Church Broadcasting Services for People Fearing Immigration Enforcement Actions*, 9News (Apr. 23, 2025, 3:54 PM), <https://www.9news.com/video/news/local/colorado-church-broadcasting-services-for-people-fearing-immigration-enforcement-actions/73-adb1a7bd-a7dd-4072-b27b-2b9d2c64a022>.

⁴⁸ Elizabeth Hernandez, *Colorado Faith Communities Rally Around State’s Immigrants in Face of ICE Deportation Push*, Denver Post (Feb. 22, 2026), <https://www.denverpost.com/2026/02/22/colorado-churches-immigration-protests/>.

⁴⁹ Jasmine Arenas, *Denver Flea Market Sees Declines in Sales and Vendors, Fear of ICE Enforcement*, CBS News (June 18, 2025, 12:23 PM), <https://www.cbsnews.com/colorado/news/denver-flea-market-declines-sales-vendors-fear-ice-enforcement/>.

IV. Unlawful warrantless arrests undermine public safety and the integrity of public institutions.

The authority and duty to enforce criminal codes is integral to state sovereignty. *See, e.g., Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 601 (1982). But in carrying out unlawful arrests without warrants—often while agents are wearing masks and hiding their identities—Defendants-Appellants create widespread confusion, delays, and danger for both local law enforcement and the community it protects. Thus, rather than protecting public safety, Defendants-Appellants undermine it.

To begin, as Defendants-Appellants’ agents often hide their identities and affiliations—via ski masks, plainclothes, and unmarked vehicles—and refuse to identify themselves as they carry out arrests with no warrant, the public and law enforcement can have difficulty distinguishing them from criminals.⁵⁰ For example, local law enforcement in California has responded to reports of kidnappings and

⁵⁰ Allie Preston, *Masked and Unidentifiable: The Risks of Federal Law Enforcement Operating Without Identification*, Ctr. for Am. Progress (Aug. 28, 2025), <https://www.americanprogress.org/article/masked-and-unidentifiable-the-risks-of-federal-law-enforcement-operating-without-identification/>.

hit-and-run incidents, only to later determine that the incidents were part of ICE operations.⁵¹

Defendants-Appellants' tactics and lack of transparency have also made it easier for criminals to commit crimes by impersonating immigration agents. In Colorado Springs last year, for example, a man allegedly wearing a face mask and carrying a firearm flashed a fraudulent ICE badge while picking up a food delivery order.⁵² Similar incidents have occurred across the country, in which individuals have posed as immigration agents and wielded the threat of deportation to commit robbery, kidnapping, and rape.⁵³ These incidents illustrate the

⁵¹ Alex Stone, *Los Angeles Police Responded to a Kidnapping Call. But Instead Found an ICE Operation*, ABC News (June 25, 2025, 6:06 PM), <https://abcnews.go.com/US/los-angeles-police-responded-kidnapping-call-found-ice/story?id=123204661>.

⁵² Aidan Hulting & James Gavato, *Man Impersonating ICE Agent Allegedly Used Toddlers as a Shield Before Arrest*, KOAA News5 (last updated Aug. 29, 2025, 5:16 PM), <https://www.koaa.com/news/crime/man-impersonating-ice-agent-allegedly-used-toddlers-as-a-shield-before-arrest>.

⁵³ See, e.g., Nathan Solis & Ruben Vives, *FBI Urges ICE Agents to Identify Themselves After String of Impersonators Commit Crimes*, L.A. Times (Nov. 6, 2025, 4:19 PM), <https://www.latimes.com/california/story/2025-11-06/fbi-alerts-police-agencies-about-masked-criminals-posing-as-ice-recommends-they-show-id>; José Olivares, *US Sees Spate of Arrests of Civilians Impersonating ICE Officers*, The Guardian (June 28, 2025, 5:15 PM), <https://www.theguardian.com/us->

importance of Defendants-Appellants’ agents following the law and using official warrants to carry out routine arrests, as doing so would make it more difficult for common criminals to impersonate them and would help local law enforcement in identifying who is in fact a federal agent and who is not.

Defendants-Appellants’ practices have also eroded trust between local law enforcement agencies and the communities they protect. Those without legal status are already less likely to report crime—even crimes where they are victims—out of fear that officials will ask them about their immigration status.⁵⁴ Fear of removal, or of having a family or

news/2025/jun/28/civilians-impersonating-ice-officers; Leila Fadel et al., *Masked Immigration Agents Are Spurring Fear and Confusion Across the U.S.*, NPR (last updated July 10, 2025, 5:00 AM), <https://www.npr.org/2025/07/09/nx-s1-5440311/ice-raids-masked-agents>; Kyung Lah et al., *Fake ICE Agent Cases on the Rise*, at 0:00–0:53 (CNN video, Oct. 3, 2025), <https://www.cnn.com/2025/10/03/us/video/ice-impersonators-investigation-lah-digvid>.

⁵⁴ See, e.g., Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, Univ. of Ill. at Chi. 1, 6 (May 2013), <https://www.vawnet.org/sites/default/files/assets/files/2016-10/InsecureCommunities.pdf> (“Among US-born Latinos [i.e., citizens], 29 percent reported they are less likely to voluntarily offer information about crimes they know have been committed, and 26 percent indicated they are less likely to report a crime, because they fear that police will ask them or someone they know about their immigration status . . . or [that] of people they know.”).

community member removed, makes victims and witnesses reluctant to come forward, to testify in court, and even to seek safety in a domestic violence shelter. Defendants-Appellants' escalating tactics have exacerbated these fears; for example, in the wake of the June 2025 immigration raids in Los Angeles, emergency calls to the Los Angeles Police Department fell by 28% (an average of 1,200 calls per day).⁵⁵

In Colorado, the district attorney for Lincoln, Elbert, and Douglas counties fears that Defendants-Appellants' tactics have "created a less safe environment because people will not come forward and cooperate."⁵⁶ And the San Luis Valley district attorney said she can "palpably" feel that people are afraid to report crimes because they see

⁵⁵ Libor Jany & Hailey Wang, *As ICE Raids Surged This Summer, Emergency Calls to LAPD Plummeted*, L.A. Times (Sep. 20, 2025, 3:00 AM), <https://www.latimes.com/california/story/2025-09-20/ice-raids-911-calls>.

⁵⁶ Ryan Fish, *Colorado Law Enforcement Concerned Immigrants' Fear Will Mean Fewer Reported Crimes*, Denver 7 (last updated Feb. 19, 2025, 10:16 PM), <https://www.denver7.com/news/state-news/colorado-law-enforcement-concerned-immigrants-fear-will-mean-fewer-reported-crimes>.

government and law enforcement as one big apparatus that could ultimately deport them.⁵⁷

Finally, the States must contend with the confusion, chaos, and erosion of trust in law enforcement caused by Defendants-Appellants' actions with little confidence that these arrests are targeting actual public safety threats. Indeed, there is substantial evidence that most of the people arrested by Defendants-Appellants in Colorado since January 2025 have never been convicted of a crime. The Colorado Sun reports that despite President Trump's "campaign promise to target immigrants who are violent criminals," "65% of the people arrested by ICE agents so far under Trump had no prior criminal convictions. And among those with criminal convictions, only 5% of those convictions were for what the Federal Bureau of Investigation designates as violent crimes."⁵⁸

⁵⁷ Allison Sherry, *Scores of Criminal Cases Disrupted by ICE Deportations Have Cheated Victims and Made Colorado Less Safe, District Attorneys Say*, CPR News (Apr. 30, 2026, 4:00 AM), <https://www.cpr.org/2026/04/30/ice-deportations-impact-colorado-crime-justice-system/>.

⁵⁸ Taylor Dolven & Karen Yi, *Trump's Immigration Crackdown in Colorado, Explained in 3 Charts*, The Colo. Sun (May 4, 2026, 4:00 AM), <https://coloradosun.com/2026/05/04/trumps-immigration-crackdown-in-colorado-explained-in-3-charts/>.

In sum, Defendants-Appellants' actions have created an unnecessary culture of fear that has disrupted community life and impeded the operations of local law enforcement. It is therefore in the public interest that the preliminary injunction remain in place.

CONCLUSION

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

Dated: September 8, 2026

Respectfully Submitted,

PHILIP J. WEISER
Attorney General of Colorado

s/Sam Wolter
Sam Wolter
Assistant Attorney General
Reed W. Morgan
Assistant Solicitor General
Katherine Wynn
Assistant Attorney General Fellow

Colorado Department of Law
1300 Broadway, 10th Floor
Denver, CO 80203
Telephone: (720) 508-6187
samuel.wolter@coag.gov

*Attorneys for Amicus Curiae State of
Colorado*

ROB BONTA
Attorney General of California

Michael L. Newman
Senior Assistant Attorney General
Marissa Malouff
Supervising Deputy Attorney General
Edward Nugent
Dennis Ojogho
Deputy Attorneys General

State of California
Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 229-0113
Fax: (415) 703-5843
Edward.Nugent@doj.ca.gov

*Attorneys for Amicus Curiae State of
California*

KRISTIN K. MAYES

Attorney General

State of Arizona

2005 N. Central Ave.

Phoenix, AZ 85004

WILLIAM TONG

Attorney General of Connecticut

165 Capitol Avenue

Hartford, CT 06106

KATHLEEN JENNINGS

Attorney General of the State of

Delaware

Delaware Department of Justice

820 N. French Street

Wilmington, DE 19801

ANNE E. LOPEZ

Attorney General

State of Hawai'i

425 Queen Street

Honolulu, HI 96813

KWAME RAOUL

Attorney General

State of Illinois

115 S. LaSalle St.

Chicago, IL 60603

ANDREA JOY CAMPBELL

Attorney General

Commonwealth of Massachusetts

One Ashburton Place

Boston, MA 02108

ANTHONY G. BROWN

Attorney General of Maryland

200 St. Paul Place, 20th Floor

Baltimore, MD 21202

AARON M. FREY

Attorney General of Maine

6 State House Station

Augusta, ME 04333-0006

DANA NESSEL

Michigan Attorney General

P.O. Box 30212

Lansing, Michigan 48909

KEITH ELLISON

Attorney General

State of Minnesota

102 State Capitol

75 Rev. Dr. Martin Luther King Jr.
Blvd.

St. Paul, MN 55155

AARON D. FORD

Attorney General of Nevada
100 North Carson Street
Carson City, NV 89701

RAÚL TORREZ

New Mexico Attorney General
New Mexico Department of Justice
408 Galisteo Street
Santa Fe, NM 87501

DAN RAYFIELD

Attorney General of Oregon
1162 Court Street NE
Salem, OR 97301

JAY JONES

*Attorney General for the
Commonwealth of Virginia*
202 North Ninth Street
Richmond, Virginia 23219
(804) 997-5222

NICHOLAS W. BROWN

*Attorney General
State of Washington*
P.O. Box 40100
Olympia, WA 98504

JENNIFER DAVENPORT

Attorney General of New Jersey
Richard J. Hughes Justice Complex
25 Market Street
Trenton, NJ 08625

LETITIA JAMES

*Attorney General
State of New York*
28 Liberty St.
New York, NY 10005

PETER F. NERONHA

*Attorney General
State of Rhode Island*
150 South Main Street
Providence, RI 02903

CHARITY R. CLARK

Vermont Attorney General
109 State Street
Montpelier, VT 05609

BRIAN L. SCHWALB

*Attorney General for the District of
Columbia*
400 6th Street, NW, Suite 8100
Washington, D.C. 20001

CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. App. P. 29(a)(5) [no more than 6,500 words].

☒ This document contains 5,839 words.

This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6):

☒ This document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook type.

This document has been submitted in compliance with the court's ECF requirements.

/s/ Sam Wolter

CERTIFICATE OF SERVICE

I certify that I served the foregoing Amicus Brief upon all parties herein by e-filing with the CM/ECF system maintained by the Court, this 8th day of September, 2026 addressed as follows:

/s/ Sam Wolter

Sam Wolter