

DEMOCRACY2025

To: Democracy 2025 Partners
From: Democracy Forward Foundation
Re: Litigation Toolkit for Responding to a Federal Immigration Enforcement Surge in Your Community
Date: March 4, 2026

The Trump-Vance administration has sent federal agents to conduct militarized operations for the stated purpose of immigration enforcement in cities across America. These operations have taken the form of deployments of federal agents from the U.S. Department of Homeland Security (DHS), including from Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), as well as from other federal agencies. From Los Angeles to Chicago to the Twin Cities, these agents have used violent and at times unlawful tactics that are harming our community members, terrorizing communities of color, and suppressing lawful First Amendment activity of protesters, observers, and journalists. These actions lead many of us to believe that these operations were never really about immigration enforcement. For a summary of events happening in each city and the sources that this administration is relying on to justify its unlawful actions, see Democracy 2025's resource [here](#).

Democracy 2025 partners and others have brought numerous lawsuits around the country that can serve as models for litigation if this kind of deployment of federal agents arrives in your community. Pulling from existing litigation, this litigation toolkit was developed to help advocates, lawyers, community organizations, city leaders, and others to craft effective, prompt, and coordinated litigation responses, learning from the experiences of communities who have already encountered this threat. This toolkit describes types of cases that have been brought to protect protesters, community members, immigrants, people who have been detained, and others harmed by militarized immigration enforcement operations. It includes example pleadings, legal briefs, and sample factual materials to inform partners of the types of cases that local communities might want to be prepared to bring. This toolkit is not intended to be comprehensive; rather, it identifies the key categories of litigation that might be relevant and provides a select handful of illustrative examples in each category. The examples presented here span a variety of geographic areas to illustrate different strategies across different circuits (where the law might differ), different fact patterns, and different legal theories, to give advocates a broad range of samples to choose from. Fact patterns and legal theories that make strong cases in some instances or in some circuits would not necessarily be strong cases in other circuits or other contexts.

Note that this toolkit does not include sample immigration habeas materials, which involve different considerations. As we consider what additional types of support Democracy 2025 can provide to the

pro-democracy legal community, please reach out to democracy2025@democracyforward.org if similar toolkits regarding sample habeas materials would be helpful to you.

As you consider whether bringing the types of lawsuits described below, you might want to consider the following strategic questions:

- In which jurisdiction would you be bringing a lawsuit? What is the relevant case law in your jurisdiction, and is it favorable to this suit?
- Are you and your clients well situated to have standing? Are your clients able to demonstrate concrete harm as a consequence of the federal government's conduct?
- Is your city or state government bringing a similar lawsuit seeking the relief that you hope to obtain through a potential case?
- What facts will be essential to the theory of your case?

Because any case in this fast-developing issue area could affect the entire litigation ecosystem, we encourage you to coordinate closely with key partners and consult experts. Democracy 2025 also welcomes the opportunity to discuss potential litigation, connect you with Democracy 2025 partners organizations, and to convene experts with relevant expertise. Please reach out to democracy2025@democracyforward.org if Democracy 2025 can support your work.

Types of Litigation to Consider:

In communities that have already been targeted by militarized federal law enforcement surges, various types of litigation have been brought. We have grouped these into the following broad categories:

- I. [Lawsuits challenging unlawful law enforcement tactics](#)
 - A. [Lawsuits challenging unlawful \(including warrantless\) detentions and arrests](#)
 - B. [Lawsuits challenging warrantless home entries](#)
 - C. [Lawsuits challenging other systemic policies deployed by DHS to advance their militarized immigration enforcement operations](#)
- II. [Lawsuits protecting protester rights](#)
- III. [Lawsuits challenging wrongful detentions and conditions of confinement](#)
 - A. [Lawsuits challenging wrongful detention policies](#)
 - B. [Lawsuits challenging unlawful conditions of confinement, including restrictions on access to counsel](#)
- IV. [Lawsuits seeking civil liability, including monetary damages, for unlawful conduct](#)
 - A. [Lawsuits alleging FTCA claims](#)
 - B. [Lawsuits alleging Bivens claims against federal employees for monetary damages](#)
 - C. [Lawsuits brought against state employees for monetary damages under 42 U.S.C. § 1983](#)

An [index of cases](#) included in this toolkit is available at the end of this resource.

I. Lawsuits challenging unlawful law enforcement tactics

Democracy 2025 partners and other members of the pro-democracy legal community have brought numerous lawsuits to challenge unlawful law enforcement tactics deployed by DHS during its militarized ICE and CBP operations, including: (A) challenging unlawful stops, detentions, and arrests that are warrantless or unlawful for other reasons; (B) challenging warrantless home entries; and (C) challenging other systemic policies deployed by DHS to advance their militarized immigration enforcement efforts. These cases seek both injunctive and declaratory relief, but do not seek civil liability (i.e., monetary damages). See section IV below for [lawsuits seeking civil liability for unlawful conduct](#).

A. Lawsuits challenging unlawful (including warrantless) detentions and arrests

Lawsuits brought on behalf of those unlawfully stopped, searched, and detained during immigration raids have challenged ICE and CBP’s practice of suspicionless stops, warrantless arrests without probable cause, and racial profiling. Plaintiffs in these suits have typically raised Administrative Procedure Act (APA) claims and Fourth and Fifth Amendment constitutional claims, either pleaded directly and/or as claims of “contrary to law” under the APA.

Sample Lawsuits Seeking Injunctive Relief, Brought on Behalf of People Unlawfully Stopped, Searched, or Detained

<i>United Farm Workers v. Noem</i>	Docket: 1:25-cv-00246 (E.D. Cal.), 25-4047 (9th Cir.)
<p>The ACLU of Northern California, Southern California, and San Diego, and Keker, Van Ness & Peters, LLP represent the United Farm Workers of America and five residents of Kern County, California. The suit seeks to prevent border patrol agents from illegally stopping, arresting, and deporting residents of Kern County through “Operation Return to Sender.” During the operation, Border Patrol agents appear to have targeted people of color regardless of actual immigration status, detained them without a warrant, and then forced them into “voluntary departure” without a hearing before an immigration judge. The suit is a class action, seeking declaratory and injunctive relief for violations of the Fourth and Fifth Amendments, and relief under the APA.</p> <p>On April 29, 2025, the court granted plaintiffs’ Motion for Provisional Class Certification and plaintiffs’ Motion for Preliminary Injunction (PI). The government’s appeal is pending.</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:

<p>Constitutional Claims</p> <ul style="list-style-type: none"> • Fourth Amendment—Stopping individuals without reasonable suspicion • Fifth Amendment—Forcing voluntary departure without a knowing and voluntary waiver of rights <p>APA Claims (5 U.S.C. §§ 704, 706(2)(C))</p> <ul style="list-style-type: none"> • Policy of warrantless arrests without probable cause of flight risk is in “excess of statutory jurisdiction, authority or limitations” under 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(ii) 	<ul style="list-style-type: none"> • Complaint • Motion for Class Certification • Motion for PI • Motion to Enforce Judgment <p>Court Orders:</p> <ul style="list-style-type: none"> • April 29, 2025 Order granting Class Certification and PI
<p>Select Sample Declarations & Exhibits:</p>	
<ul style="list-style-type: none"> • Declaration of individuals who were racially profiled and detained while driving: Ernesto Campos Gutierrez (U.S. Citizen), ECF 15-4; Yolanda Aguilera Martinez (lawful permanent resident), ECF 15-11 • Declaration of individuals who were detained in a Home Depot raid: Jesus Ramirez, ECF 15-5; Luis Perez Cruz, ECF 15-7; Wilder Munguia Esquivel, ECF 15-10 • Declaration of individual who was detained and pressured to take “voluntary departure” but asked to see a judge instead: Oscar Morales Cisneros, ECF 15-9 • Declaration of individuals who were expelled by “voluntary departure” without their knowing and voluntary consent: Juan Vargas Mendez, ECF 15-6; Maria Guadalupe Hernandez Espinoza, ECF 15-8 	

<p><i>Vasquez Perdomo v. Noem</i></p>	<p>Docket: 2:25-cv-05605 (C.D. Cal.), 25-4312 (9th Cir.), 25A169 (Supreme Court)</p>
<p>Plaintiffs filed a petition for the writ of habeas corpus and a complaint challenging the enforcement tactics used by federal immigration officials during their operations in Los Angeles. Plaintiffs include five individual detainees; the Los Angeles Worker Center Network, United Farm Workers, and the Coalition for Humane Immigrant Rights (CHIRLA), all membership organizations; and the Immigrant Defenders Law Center, a legal advocacy nonprofit organization. In particular, plaintiffs are challenging defendants’ use of “roving patrols” to indiscriminately detain individuals without reasonable suspicion and the denial of detainees’ access to counsel.</p> <p>The district court granted two ex parte motions for temporary restraining orders (TROs) (filed on 7.2.25 and 7.3.25, respectively) and enjoined the government from stopping people without</p>	

reasonable suspicion and based on four factors, alone or in combination, “except as permitted by law”: race or ethnicity; speaking Spanish or English with an accent; presence in certain locations; and the type of work an individual does. The district court further required immigration agencies to provide detainees with access to attorneys or legal representatives seven days a week, including confidential, unmonitored telephone calls at no charge.

On appeal, the Ninth Circuit [denied](#) the government’s request for a stay of the TRO, holding that the defendants were likely engaged in an unlawful practice of conducting raids based on race and other demographic characteristics. In September 2025, the Supreme Court [granted](#) the government’s motion to stay the TRO. Back in the district court on remand, the district court [granted](#) a PI to CHIRLA and Immigrant Defenders Law Center on their Fifth Amendment access-to-counsel claim, which has now been appealed to the Ninth Circuit. The litigation is ongoing.

Plaintiffs are represented by the ACLU Foundation of Southern California, Law Offices of Stacy Tolchin, UC Irvine School of Law Immigrant and Racial Justice Solidarity Clinic, Public Counsel, National Day Laborer Organizing Network, ACLU Foundations of Northern California and San Diego & Imperial Counties, Hecker Fink LLP, CHIRLA, Immigrant Defenders Law Center, Martinez Aguilasocho Law Inc., Munger, Tolles, and Olson LLP, and others.

Please check [the docket](#) for the latest case status.

Relevant Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> • Fourth Amendment—Unreasonable seizures • Fifth Amendment—Unconstitutional conditions of confinement • Fifth Amendment—Due process <p>APA Claims (5 U.S.C. §§ 704, 706(2)(C))</p> <ul style="list-style-type: none"> • Defendants’ policy, pattern, and/or practice of making warrantless arrests without individualized flight risk analysis is “in excess of statutory jurisdiction, authority, or limitations” under 8 U.S.C. § 1357(a)(2) & 8 C.F.R. § 287.8(c)(2)(ii) • Defendants’ policy, pattern, and/or practice of failing to identify themselves, their authority to execute an immigration arrest, or the reason for an arrest is “in excess of statutory jurisdiction, authority, or limitations” under 8 C.F.R. § 287.8(c)(2)(iii) 	<ul style="list-style-type: none"> • Amended Complaint • Motion for TRO—Denial of access to counsel • Motion for TRO—Unlawful stops • Motion for PI—Unlawful stops • Motion for PI—Denial of access to counsel • Motion for Limited Discovery
	<p>Court Orders:</p> <ul style="list-style-type: none"> • July 11, 2025 District Court Order granting TRO and to show cause for PI • August 1, 2025 Order denying in substantial part a Stay of the District Court TRO (Ninth Circuit)

<ul style="list-style-type: none"> Defendants’ policy, pattern, and practice of denying detained individuals access to legal advice is in excess of statutory authority under INA 8 U.S.C. § 1362 	<ul style="list-style-type: none"> September 8, 2025, Supreme Court Opinion granting Stay of District Court’s TRO November 23, 2025 District Court Order granting PI
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<i>Escobar Molina v. U.S. Dep’t of Homeland Security</i>	Docket: 1:25-cv-03417 (D.D.C.), 25-5045 (D.C. Cir.)
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The ACLU, the ACLU of DC, Amica Center for Immigrant Rights, the National Immigration Project, the Washington Lawyers’ Committee for Civil Rights and Urban Affairs, CASA, Inc., and Covington & Burling LLP represent D.C. community members and CASA, Inc. in this class action lawsuit challenging the Trump-Vance administration’s policy and practice of conducting warrantless, indiscriminate immigration arrests in the District of Columbia that target Latino residents and others perceived to be immigrants. Plaintiffs allege that warrantless arrests without individualized assessment of immigration status and without individualized assessment of flight risk violates the law.

On December 2, 2025, the court [granted](#) in part and denied in part plaintiffs’ Motion for PI to Stay Agency Action, and for Provisional Class Certification. The government’s [appeal](#) is pending.

Please check [the docket](#) for the latest case status.

Claims Alleged:	Select Legal Filings:
APA claims (5 U.S.C. §§ 706(2)(A) and (C); <i>Accardi</i> claim) and the federal courts’ inherent equitable power <ul style="list-style-type: none"> Policies of making warrantless arrests in D.C. without making individualized determinations of immigration status and making warrantless arrests without individualized assessment of flight risk are “arbitrary, capricious, . . . or otherwise not in accordance with law” and are “in excess of statutory jurisdiction, authority, or limitations” under 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(i), (ii) 	<ul style="list-style-type: none"> Class Action Complaint Motion for PI Reply in Support of PI Motion to Enforce PI Court Orders: <ul style="list-style-type: none"> December 2, 2025 Order granting PI in part December 2, 2025 Memorandum Opinion

- *Accardi* doctrine claim: through these policies, agency is failing to follow its own regulations¹

Select Sample Declarations & Exhibits:

- Declaration of individuals who were arrested without a warrant and without individualized assessments of immigration status and flight risk: [José Eliseo Escobar Molina](#) (held TPS status), ECF 17-2; [B.S.R.](#) (individual with pending asylum application), ECF 17-3; [N.S.](#) (TPS status and pending asylum application), ECF 17-4; [R.S.M.](#) (pending U-visa application and pending asylum case), ECF 17-5; [Anmaria Doe](#) (arrested during raid of workplace), ECF 17-8; [Andrés Doe](#) (arrested on street while ICE stopped him thinking he was someone else), ECF 17-9; [Antony Doe](#) (arrested while driving), ECF 17-10; [Camilo Doe](#), ECF 17-13; [Elias Doe](#), ECF 17-17 (arrested after car accident); [Franco Doe](#), ECF 17-19; [Luz Doe](#), ECF 17-22 (pending asylum application)
- Declaration of individuals arrested and detained: [B.R.G.](#), (arrested at check point) ECF 17-11; [Mateo Doe](#), ECF 17-24; [W.G.M.](#), ECF 17-26; [Y.R.M.](#), ECF 17-27
- Declaration of individuals who were deported: [Darwin Lopez Castanon](#), ECF 17-16; [Javier Doe](#), ECF 17-20; [Julio Doe](#), ECF 17-21
- Declaration of individuals who witnessed arrest: [C.](#), ECF 17-12 (colleague arrested), [Daniela Anello](#), ECF 17-15
- Declaration of individuals closely related to someone who was arrested and detained: [Cristina](#) (mother to son detained), ECF 17-14; [Fiona Lewis](#) (friend), ECF 17-18; [M.P.](#) (brother), ECF 17-23
- Declaration of CASA Chief of Programs describing harm to CASA members: [George Escobar](#), ECF 17-6
- Declaration of lawyers who represented individuals detained by ICE: [Ana Gracia](#), ECF 17-7; [Paola Flores Roman](#), ECF 17-25

Ramirez Ovando v. Noem

Docket: [1:25-cv-03183](#) (D. Colo.),
[26-1027](#) (10th Cir.)

The ACLU of Colorado, Olson Grimsley Kawanabe Hinchcliff & Murray LLC, and Meyer Law Office brought this lawsuit on behalf of a proposed class of Colorado residents unlawfully arrested by ICE. Plaintiffs challenge the indiscriminate warrantless arrests conducted by ICE agents under a nationwide arrest quota. Plaintiffs assert that these practices terrorize communities, separate families, and exceed the legal authority granted to federal immigration agents.

¹ The *Accardi* doctrine generally requires federal agencies to follow their own policies, procedures, and regulations. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

On November 25, 2025, the court [granted](#) in part and denied in part plaintiffs’ Motion for PI. The government’s [appeal](#) is pending.

Please check [the docket](#) for the latest case status.

Claims Alleged:	Select Legal Filings:
<p>APA claims (5 U.S.C. §§ 704, 706(2)(A) and (C); <i>Accardi</i>)</p> <ul style="list-style-type: none"> • ICE’s policy, pattern, and/or practice of making warrantless arrests without the required individualized status determination and flight risk are policies are: <ul style="list-style-type: none"> ○ Arbitrary and capricious agency action ○ Ultra vires and in excess of “statutory jurisdiction authority, or limitations” under 8 U.S.C. § 1357(a)(2) ○ In violation of the <i>Accardi</i> doctrine, which requires that plaintiffs follow procedures set out in 8 C.F.R. § 287.8(c)(2)(ii) 	<ul style="list-style-type: none"> • Class Action Complaint • Motion for PI • Motion for Class Certification • First Amended Class Complaint
	Court Orders:
Select Sample Declarations & Exhibits:	
<ul style="list-style-type: none"> • Declaration of individuals who were arrested and detained: Refugio Ramirez Ovando (released on bond), ECF 13-3; Caroline Dias Goncalves (released on bond), ECF 13-4; J.S.T. (released on bond), ECF 13-5; G.R.R., ECF 13-6; J.C.C., ECF 13-7 • Declarations of attorneys: Elizabeth Jordan (representing clients who have been detained), ECF 13-8; Arturo Vazquez (consulted with individuals who have been stopped, arrested, and then detained), ECF 13-9; Mary Jo Highland, ECF 13-10 (consulted with at least five people who were arrested by ICE without a warrant); Daniel Herrera, ECF 13-11; Claire Noone, ECF 13-12; Shaleen Morales, ECF 13-14 • Declaration of individual on behalf of Denver Metro Tenants’ Union concerning apartment raids in Denver: Eida Altman, ECF 13-13 	

<i>Garcia Venegas v. Homan</i>	Docket: 1:25-cv-00397 (S.D. Ala.)
<p>This lawsuit, filed by the Institute for Justice on behalf of an individual plaintiff representing a putative class, challenges actions taken pursuant to the “Gulf of America Task Force,” a joint operation by DHS and the U.S. Department of Justice (DOJ) that conducts dragnet raids on private construction sites. The lawsuit alleges the defendants’ policies, which include the detention of individuals based on racial profiling rather than particularized reasonable suspicion, and also a refusal to treat REAL ID-compliant driver’s licenses as proof of citizenship, violate the Fourth</p>	

Amendment and the APA. In addition to seeking injunctive relief, the plaintiff brought a *Bivens* claim for monetary damages against three John Doe officers for their alleged violations of his Fourth Amendment rights.

Please check [the docket](#) for the latest case status.

Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● Fourth Amendment—Warrantless entry, preemptive detentions, and continued detentions <p><i>Bivens</i> Claim—Fourth Amendment violations</p> <p>APA Claims (5 U.S.C. §§ 702, 706(2)(A), (C), (D); <i>Accardi</i>)</p> <ul style="list-style-type: none"> ● Warrantless entry, preemptive detentions, and continued detentions are: <ul style="list-style-type: none"> ○ Policies contrary to the Fourth Amendment ○ In excess of statutory authority 8 U.S.C. § 1357(a)(2) ○ Arbitrary and capricious agency action ○ Without observance of lawful procedure, in violation of the <i>Accardi</i> doctrine, which requires that agencies follow procedures set out in 8 C.F.R. §§ 287.8(f)(1)-(2); 287.8(b)(2), (c)(2)(i)-(iii); 6 C.F.R. §§ 37.3, 37.11, 37.13, 13.15, 37.17, 13.19, 13.71 <p>State Tort Claims (Westfall Act² & AL Tort Law)</p> <ul style="list-style-type: none"> ● Assault ● Battery ● False Arrest ● False Imprisonment 	<ul style="list-style-type: none"> ● Class Action Complaint ● Motion for PI <p>Court Orders:</p> <p>No court orders entered at the time of publication of this resource.</p>
Select Sample Declarations & Exhibits:	
<ul style="list-style-type: none"> ● Declaration of individual who was arrested in construction raid: Leonardo Garcia Venegas, ECF 30-2; Jorge Ovidio Estrada (handcuffed), ECF 30-4; Jane Doe (handcuffed), ECF 30-5; Gehovani Alvirde-Ruiz (detained at jail), ECF 30-6 	

² The Westfall Act, 28 U.S.C. §§ 2671, 2674, 2679, authorizes the United States to be substituted for individual federal officials in tort claims under the Federal Tort Claims Act when those officials were acting within the scope of their employment.

<i>Hussen v. Noem</i>	Docket: 0:26-cv-00324 (D. Minn.)
<p>On January 15, 2026, the ACLU of Minnesota, the ACLU’s Immigrant Rights Project, Covington & Burling LLP, and two Minneapolis law firms filed a class-action lawsuit challenging DHS’ policy of racially profiling Somali and Latino residents and unlawfully seizing and arresting people without warrants or probable cause. Plaintiffs seek declaratory and injunctive relief from defendants’ constitutional violations and vacatur of the agency’s policies under the APA and the court’s inherent equitable powers.</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> • Fourth Amendment—Investigative stops without Reasonable Suspicion • Fourth Amendment—Warrantless arrests without probable cause of removability • Fifth Amendment—Equal protection: discrimination based on ethnicity <p>APA Claims (5 U.S.C. § 706(2)(A), (C); <i>Accardi</i>) and the court’s inherent equitable powers</p> <ul style="list-style-type: none"> • Policies of warrantless arrests without probable cause of removability; and without probable cause of flight risk are: <ul style="list-style-type: none"> ○ Arbitrary and capricious agency action ○ Ultra vires and in excess of statutory authority under 8 U.S.C. § 1357(a)(2) • Policy of warrantless arrest without individualized assessment of flight risk are: <ul style="list-style-type: none"> ○ Arbitrary and capricious agency action ○ In violation of the <i>Accardi</i> doctrine, which requires that agencies follow procedures set out in 8 C.F.R. § 287.8(c)(2)(ii) 	<ul style="list-style-type: none"> • Class Action Complaint • Motion for PI
	<p>No court orders entered at the time of publication of this resource.</p>
Select Sample Declarations & Exhibits:	
<ul style="list-style-type: none"> • Declaration of individuals currently detained: Julio Doe (pending asylum application), ECF 40; Luisa Doe (pending asylum application), ECF 41; Santiago Doe (pending I-130 petition & USCIS app), ECF 46 	

- Declaration of a citizen or lawful resident who was mistakenly arrested: [A.A.](#), ECF 37; [Julio Cesar Martinez Garcia](#), ECF 39; [Pedro Moreno](#), ECF 44
- Declaration of individual who observed warrantless arrest: [Lindsay Vogt](#) (a worker at her home), ECF 35; [Cristareli Castillo](#) (a woman she worked with), ECF 38
- Declaration of individual who was racially profiled and stopped: [Mahamed Eydarus](#), ECF 42; [Mark Castillo](#), ECF 43; [Raul Aguirre Castrejon](#), ECF 45

<i>Castañon Nava v. Dep't of Homeland Security</i>		Docket: 1:18-cv-03757 (N.D. Ill.)
<p>In 2018, the National Immigrant Justice Center and Winston & Strawn LLP brought suit on behalf of a class of individuals unlawfully stopped and arrested by ICE in immigration enforcement operations in the Chicago suburbs. A final approval of a consent decree was reached in 2022. However, plaintiffs allege that DHS has since violated the consent decree during Operation Midway Blitz. Therefore plaintiffs filed a motion to enforce the settlement in 2015, alleging ICE officers violated the Fourth Amendment by conducting pretextual traffic stops and failing to comply with its limited warrantless arrest authority. Plaintiffs also allege that ICE officers violated the APA by exceeding their authority under the Immigration and Nationality Act. The district court granted the motion to enforce the settlement.</p> <p>Please check the docket for the latest case status.</p>		
Claims Alleged:	Select Legal Filings:	
Constitutional Claim <ul style="list-style-type: none"> • Fourth Amendment—Traffic stops lacking reasonable suspicion 	<ul style="list-style-type: none"> • Second Amended Complaint • Motion to Enforce Settlement 	
APA Claim (5 U.S.C. § 706(2)(A), (C)) <ul style="list-style-type: none"> • Warrantless arrest policy is: <ul style="list-style-type: none"> ○ Arbitrary and capricious agency action ○ Ultra vires and in excess of statutory authority under 8 U.S.C. § 1357(a)(2) 	Court Orders:	
	<ul style="list-style-type: none"> • October 7, 2025, Order granting Motion to Enforce Settlement Agreement 	
Select Sample Declarations & Exhibits:		
<ul style="list-style-type: none"> • Notice filed to Alert Court to New Violations of the Settlement, ECF 199 • Declaration on behalf of 27 people arrested, ECF 199-1 		

<i>Aceituno v. Dep't of Homeland Security</i>	Docket: 1:25-cv-00246 (W.D.N.C.)
<p>The ACLU of North Carolina, the ACLU Immigrants Rights Project, Democracy Forward Foundation, and Southern Coalition for Social Justice brought this class action lawsuit on behalf of five named plaintiffs. Plaintiffs allege they were subjected to a warrantless immigration arrest without probable cause that they are removable from the United States or were likely to escape before officers could obtain a warrant, as required by law and longstanding DHS policy. A summary of each plaintiff's experience is available here. Plaintiffs seek to represent a class of individuals who have been or will be subjected to similar warrantless arrests by DHS in North Carolina. They bring their challenge under the APA and federal courts' inherent authority to enjoin violations of federal law by federal officials.</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:
<p>Claims under the APA (5 U.S.C. §§ 704, 706(2)(C)) and the federal courts' inherent equitable power</p> <ul style="list-style-type: none"> • Policy of warrantless arrests without individualized removability determinations is ultra vires and in excess of statutory jurisdiction, authority, or limitations under 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8(c)(2)(ii) • Policy of warrantless arrests without individualized escape risk determinations is ultra vires and in excess of statutory jurisdiction, authority, or limitations under 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8(c)(2)(ii) 	<ul style="list-style-type: none"> • Complaint
Select Factual Allegations	
<ul style="list-style-type: none"> • Summaries and quotations from each plaintiff are available here. 	

B. Lawsuits challenging warrantless home entries

Thus far, one lawsuit has been brought to challenge ICE's policy authorizing ICE officers to enter homes by force to make immigration arrests without a warrant.

Greater Boston Latino Network v. Noem		Docket: 1:26-cv-10472 (D. Mass.)
<p>On January 30, 2026, Lawyers for Civil Rights filed a lawsuit on behalf of the Greater Boston Latino Network and Brazilian Worker Center, Inc. challenging ICE’s policy authorizing federal officers to forcibly enter homes without a judicial warrant. Specifically, the lawsuit challenges the May 2025 memorandum issued by Acting Director of ICE Todd Lyons, which claims that ICE may now rely on Form I-205 to enter private residences and make arrests without obtaining judicial warrants or establishing exigent circumstances. Plaintiffs allege the Lyons Memo violates the APA. They ask the court to hold unlawful, vacate, and set aside the Lyons Memo. They also ask the court for declaratory and injunctive relief.</p> <p>Please check the docket for the latest case status.</p>		
Claims Alleged:	Select Legal Filings:	
<p>APA Claims (5 U.S.C. §§ 553, 551(5), 706(2) (A), (B), (C); <i>Accardi</i>)</p> <ul style="list-style-type: none"> • The Lyons Memo is: <ul style="list-style-type: none"> ○ Contrary to Constitutional Right—Fourth Amendment ○ In violation of the <i>Accardi</i> doctrine, which requires compliance with such agency regulations as 8 C.F.R. §§ 287.8(c)(2)(ii), (f)(2) ○ Arbitrary and capricious agency action ○ Issued without notice-and-comment rulemaking process <p>Declaratory Judgment, 28 U.S.C. §§ 2201, 2202</p>	<ul style="list-style-type: none"> • Complaint 	
	Court Orders:	
	<p>No court orders entered at the time of publication of this resource</p>	
Select Sample Declarations & Exhibits:		
<ul style="list-style-type: none"> • May 12, 2025 ICE Memo: “Utilizing Form I-205, Warrant of Removal,” Ex. A, ECF 1-3 • Sample Form I-205, Ex. B, ECF 1-4 • January 2026 Whistleblower Complaint, Ex. C, ECF 1-5 		

C. Lawsuits challenging other systemic policies deployed by DHS to advance their militarized immigration enforcement operations

States and cities have brought several lawsuits to challenge the large-scale federal operations in their localities. These lawsuits raise federalism and state sovereignty challenges, and they also challenge the unlawful tactics used by DHS agents as part of these operations. While states and localities are better

situated to bring Tenth Amendment claims, potential plaintiffs may find value in the parts of these lawsuits that challenge systemic policies deployed by DHS to advance their militarized immigration enforcement efforts. Among others, plaintiffs in these suits have typically raised First and Tenth Amendment claims and various APA claims pursuant to 5 U.S.C. § 706(2)(A) (arbitrary and capricious agency action) and § 706(2)(C) (in excess of statutory jurisdiction, authority, or limitations). To support the latter, plaintiffs have argued that the federal government defendants have violated federal statutes and regulations as well as state and local ordinances and laws.

Example Federal Lawsuits Brought by States and Localities Seeking Injunctive Relief

<i>Illinois v. Dep’t of Homeland Security</i>	Docket: 1:26-cv-00321 (N.D. Ill.)
<p>The State of Illinois and the City of Chicago filed a lawsuit challenging the unlawful tactics used by CBP and ICE agents in Illinois. Plaintiffs allege that the Trump-Vance administration has deployed illegal enforcement policies, including arresting people without warrants or probable cause and indiscriminately deploying tear gas among protesters. Plaintiffs assert that the Trump-Vance administration has undermined Illinois’ ability to carry out its core sovereign functions and has harmed Illinois residents in violation of the Tenth Amendment and the APA.</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● Tenth Amendment <p>APA Claims (5 U.S.C. § 706(2)(A), (C))</p> <ul style="list-style-type: none"> ● Roving Patrols Policy: <ul style="list-style-type: none"> ○ Is ultra vires agency action not authorized by Congress under 6 U.S.C § 211(a)-(c), (e)(3)(A)-(B) & 8 C.F.R § 287.1(c) ○ Exceeds statutory authority under 8 U.S.C. § 1357(a) ○ Is arbitrary and capricious agency action ● Biometric Scanning Policy: <ul style="list-style-type: none"> ○ Exceeds statutory authority under 8 U.S.C. §§ 1365a(d), 1365b(c)(2) ○ Is arbitrary and capricious agency action ● Warrantless Arrests Policy: <ul style="list-style-type: none"> ○ Exceeds statutory authority under 8 U.S.C. § 1357(a)(2) ○ Is arbitrary and capricious agency action 	<ul style="list-style-type: none"> ● Complaint <p>Court Orders:</p> <p>No court orders entered at the time of publication of this resource.</p>

<ul style="list-style-type: none"> ● Tear Gas Policy: <ul style="list-style-type: none"> ○ Is arbitrary and capricious agency action ● Arbitrary Enforcement Policy: <ul style="list-style-type: none"> ○ As to courthouses, exceeds statutory authority under the common-law privilege against civil arrest of witnesses, parties, and others attending court on official business and 8 U.S.C. §§ 1226(a), 1357(a) ○ Is arbitrary and capricious agency action ● Conceal Plates Policy: <ul style="list-style-type: none"> ○ Exceeds statutory authority under 41 C.F.R. §§ 102-34.5(a), 102-34.90, 102-34.155(a)–(b), 102-34.120 ○ Is arbitrary and capricious agency action ● Private Trespass Policy: <ul style="list-style-type: none"> ○ Exceeds statutory authority under 8 U.S.C. § 1357(a)(3) ○ Is arbitrary and capricious agency action ○ Is in violation of constitutional right under the Fourth Amendment ● All policies listed above are ultra vires agency action not authorized by Congress <p>Declaration of Rights, 28 U.S.C. § 2201</p>	
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<i>Minnesota v. Noem</i>	Docket: 0:26-cv-00190 (D. Minn.)
<p>The State of Minnesota and the Cities of Minneapolis and Saint Paul filed a lawsuit challenging the unlawful tactics used by DHS agents during Operation Metro Surge—including the use of force against individuals peacefully protesting; the arrest and threatened use of force against innocent bystanders; the pointing of firearms at and use of chokeholds and other restraints against individuals who do not pose a threat to DHS agents; and carrying out enforcement actions at sensitive locations. Plaintiffs allege that the unlawful surge of law enforcement officials to Minnesota violates the Tenth Amendment by infringing on the plaintiffs’ police power, equal sovereignty under the Constitution, city laws and ordinances, and is contrary to numerous federal statutes. Plaintiffs also assert claims under the First Amendment, alleging unconstitutional retaliation and viewpoint discrimination.</p> <p>On January 31, 2026, the court denied plaintiffs’ Motion for TRO.</p> <p>Please check the docket for the latest case status.</p>	

Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● Tenth Amendment—Infringement on police power, unlawful coercion, and commandeering ● Violation of equal sovereignty ● First Amendment—Retaliation ● First Amendment—Viewpoint discrimination 	<ul style="list-style-type: none"> ● Complaint ● Motion for TRO ● Reply in Support of TRO
<p>APA Claims (5 U.S.C. § 706(2)(A), (C))</p> <ul style="list-style-type: none"> ● Policy and practice of wearing masks to conceal federal agent identities is contrary to state law Minn. Stat. § 609.735 ● Policy and practice of swapping and misusing license plates is contrary to state law Minn. Stat. § 168.36, subd. 2 ● Policy and practice of commandeering Saint Paul property to unlawfully park and stage for federal immigration enforcement activity is contrary to local ordinance, Saint Paul Legislative Code Section 170.07(h) ● Policy and practice of using excessive force is: <ul style="list-style-type: none"> ○ Contrary to law under 8 U.S.C. § 1357(a) & 8 C.F.R. §§ 287.8(a)(ii)-(iii); 287.8(a)(2)(i)-(ii) ○ In violation of the <i>Accardi</i> doctrine ● Policy and practice of conducting warrantless arrests without individualized assessment of immigration status is: <ul style="list-style-type: none"> ○ Contrary to law under 8 U.S.C. § 1357(a)(2) & 8 C.F.R. § 287.8(c)(2)(i), (ii) ○ In violation of the <i>Accardi</i> doctrine ● Policy and practice of conducting border enforcement activity more than 100 miles from the border is contrary to law under 8 U.S.C. § 1357(a)(3) & 8 C.F.R. § 287.1 ● Revocation of the 2021 Sensitive Locations Policy is arbitrary and capricious agency action ● All actions are ultra vires, in excess of constitutional authority under the Tenth Amendment 	<p>Court Orders:</p> <ul style="list-style-type: none"> ● January 31, 2026 Order denying Motion for TRO

Select Sample Declarations & Exhibits:

- Declaration of Mayors: [Jacob Frey](#) (Minneapolis), ECF 9; [Kaohly Her](#) (St. Paul), ECF 16; [Her Supplemental](#) Declaration, ECF 70
- Declaration of Assistant City Attorney describing 911 calls received: [Heather Robertson](#), ECF 11
- Declaration of Minneapolis Manager of the Small Business Team describing the operation's impacts on small businesses: [Zoe Thiel](#), ECF 12
- Declaration of the Deputy Commissioner of the Minnesota Department of Education describing the operation's impact on schools: [Stephanie Graff](#), ECF 75
- Declaration of the Commissioner of the Minnesota Department of Health: [Brooke Cunningham](#), ECF 76
- Declaration of the Executive Director of the Minnesota Association of Charter Schools: [Joey Cienian](#), ECF 78
- Investigative summaries of health care provider and faith leader interviews: [Darcie M. Boschee](#), ECF 79
- Collection of declarations from Minnesota residents: [Appendix](#), ECF 86

II. Lawsuits protecting protester rights

Democracy 2025 partners have brought numerous lawsuits on behalf of protesters, observers, media organizations, and journalists whose First Amendment and Fourth Amendment rights have been violated by DHS law enforcement and other federal agents. These lawsuits challenge: unlawful seizure and arrests of nonviolent individuals, threats of arrest, use of excessive physical force, federal intimidation through the use of firearms, and the deployment of tear gas, kinetic impact projectiles, and other riot control weapons. Plaintiffs in these suits have typically raised claims under the First and Fourth Amendment and the APA.

*Example Federal Lawsuits Brought on Behalf of Protesters and Journalists
Seeking Injunctive Relief*

<i>Los Angeles Press Club v. Trump</i>	Docket: 2:25-cv-05563 (C.D. Cal.), 25-5975 (9th Cir.)
<p>The ACLU of Southern California and Brauhnagey & Borden LLP brought this class action lawsuit on behalf of protesters, journalists, and observers to challenge the use of brutal force by DHS officers at demonstrations to punish and suppress speech and assembly. Plaintiffs allege that DHS deployed weapons and chemical agents against protesters, including tear gas, rubber bullets, impact munitions, pepper balls, pepper spray, exploding grenades, batons, and fists.</p> <p>On June 20, 2025, the court denied plaintiffs’ Motion for TRO.</p> <p>On September 10, 2025, the court granted plaintiffs’ Motion for PI. The government appealed. On October 21, 2025, the district court denied defendants’ Motion for Stay Pending Appeal. On December 18, 2025, the Ninth Circuit granted in part and denied in part defendants’ Motion to Stay the PI pending appeal. See ECF 66.</p> <p>On January 8, 2026, the district court denied defendants’ Motion to Dismiss.</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● First Amendment ● Fourth & Fifth Amendment—Excessive force, retaliation <p>APA Claims (5 U.S.C. §§ 704, 706(2)(A-C))</p> <ul style="list-style-type: none"> ● Policy, pattern, and practice of using deadly force at protests is: 	<ul style="list-style-type: none"> ● Complaint ● Motion for TRO ● Motion for PI <ul style="list-style-type: none"> ○ Reply in Support of PI ● Amended Complaint

<ul style="list-style-type: none"> ○ In excess of statutory jurisdiction, authority, or limitations under 8 C.F.R. § 287.8(a)(2)(ii) ○ Arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law ○ Contrary to constitutional rights under the Fourth Amendment ● Policy, pattern, and practice of using force to suppress reporting, observation, speech, and other First Amendment activity is: <ul style="list-style-type: none"> ○ In excess of statutory jurisdiction, authority, or limitations under 8 C.F.R. § 287.8(a) ○ Arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law ○ Contrary to constitutional rights under the First Amendment ● Policy, pattern, and practice of treating photography and videorecording that documents conduct of DHS officers as public threats is: <ul style="list-style-type: none"> ○ In excess of statutory jurisdiction, authority, or limitations under 8 C.F.R. § 287.8(a) ○ Arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law ○ Contrary to constitutional rights under the First Amendment <p>Declaratory Judgment Claim</p>	<p>Court Orders:</p> <ul style="list-style-type: none"> ● June 20, 2025 Order denying TRO ● September 10, 2025 Order granting PI ● December 18, 2025 Ninth Circuit Order granting in part and denying in part defendants’ Motion for Stay Pending Appeal ● January 8, 2025 Order denying Motion to Dismiss
<p>Select Sample Declarations & Exhibits:</p>	
<ul style="list-style-type: none"> ● Declaration of journalist hit by a tear gas canister: Sean Beckner-Carmichtel, ECF 6-6 ● More declarations provided at ECF 6, ECF 35, ECF 49 	

<p><i>Chicago Headline Club v. Noem</i></p>	<p>Docket: 1:25-cv-12173 (N.D. Ill.), 25-3023 (7th Cir.)</p>
<p>In this class action lawsuit, the ACLU of Illinois, Protect Democracy Project, First Defense Legal Aid, Community Justice and Civil Rights Clinic, Mandel Legal Aid Clinic, and Lovey + Lovey represent three proposed classes of plaintiffs. The journalist plaintiffs include a nonprofit membership organization of professional journalists and a nonprofit news organization, unions for journalists and news media professionals, and individual journalists. The individual plaintiffs include protesters and</p>	

residents of Chicago. The religious freedom plaintiffs include faith leaders attending prayer vigils at ICE facilities and detention centers. Plaintiffs allege that defendants have used violent tactics to suppress speech and peaceful protest and to attack the press.

On October 9, 2025, the court [granted](#) a [TRO](#). The court [modified](#) the [TRO](#) on October 16, 2025.

On November 6, 2025, the court [granted](#) plaintiffs’ Motion for a PI. The government appealed. On November 20, 2025, the Seventh Circuit [stayed](#) the PI. That same day, the district court [issued](#) its opinion providing the reasoning behind its November 6, 2025 PI.

On January 22, 2026, the plaintiffs [voluntarily dismissed](#) this case.

Please check [the docket](#) for further information about the discovery and testimony disputes.

Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● First Amendment ● First Amendment—Retaliation ● Fourth Amendment—Excessive force and unreasonable seizure <p>Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1 (on behalf of faith plaintiffs)</p>	<ul style="list-style-type: none"> ● Complaint ● Amended Complaint ● Motion for TRO ● Motion for PI
<p>APA Claims (5 U.S.C. §§ 704, 706(2)(A)-(B))</p> <ul style="list-style-type: none"> ● Policy and practice of using force against peaceful protesters, journalists, and legal observers is: <ul style="list-style-type: none"> ○ In violation of 8 C.F.R. § 287.8(a) ○ Contrary to constitutional right ○ Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law ● Policy and practice of suppressing the speech, religious exercise, reporting, and other First Amendment activity is: <ul style="list-style-type: none"> ○ Contrary to constitutional right ○ Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law ● Policy and practice of engaging in policing functions is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law 	<p>Court Orders:</p> <ul style="list-style-type: none"> ● October 9, 2025 Order granting TRO ● November 6, 2025 Order granting PI (November 20, 2025 Memorandum Opinion) ● November 20, 2025 Order granting Stay of the PI on appeal at the Seventh Circuit

<ul style="list-style-type: none"> • Policy and practice of using excessive force against protesters, press, and religious practitioners is: <ul style="list-style-type: none"> ◦ In excess of statutory authority under 40 U.S.C. § 1315 ◦ Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law • Policy and practice of making warrantless arrests without individualized flight risk analysis is in excess of statutory authority under 8 U.S.C. § 1357(a). <p>Declaration of Rights, 28 U.S.C. § 2201</p> <p>Conspiracy</p>	
Select Sample Declarations & Exhibits:	
<ul style="list-style-type: none"> • 44 Declarations are at ECF No. 22 	

<i>Dickinson v. Trump</i>	Docket: 3:25-cv-02170 (D. Or.)
<p>The ACLU of Oregon, People’s Law Project, Albeis & Stark LLC, and Tonkon Torp LLP brought this lawsuit on behalf of protesters and journalists to challenge defendants’ violent tactics in and around the Portland ICE building to suppress peaceful protests. Plaintiffs allege that federal officers have targeted protesters and journalists by deploying brutal levels of force, including through the use of near-lethal weapons such as exploding tear gas canisters, pepper-ball rifles, and flash bang grenades.</p> <p>On February 3, 2026, the court granted plaintiffs’ Motion for TRO. On February 17, 2026, the court extended the TRO.</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:
Constitutional Claims <ul style="list-style-type: none"> • First Amendment—Retaliation • First Amendment—Press, assembly, speech, expressive conduct • First Amendment—Right of access • Fourth Amendment—Excessive force • Fifth Amendment—Due process 	<ul style="list-style-type: none"> • Complaint • Amended Complaint • Motion for TRO • Motion for PI

<p>APA Claims (5 U.S.C. § 702, 704, 706(2)(A)-(C))</p> <ul style="list-style-type: none"> • Policies related to indiscriminate use of projectiles, chemical agents, and other militarized tactics against peaceful assemblies are: <ul style="list-style-type: none"> ○ Arbitrary, capricious, an abuse of discretion, and contrary to law ○ Inconsistent with statutory and regulatory limits, including 8 U.S.C. § 1357(a), 8 C.F.R. § 287.8, and 40 U.S.C. § 1315 ○ Contrary to constitutional right <p>Declaration of Rights, 28 U.S.C. § 2201</p>	<p>Court Orders:</p> <ul style="list-style-type: none"> • February 3, 2026 Order granting TRO • February 17, 2026 Order extending TRO
<p>Select Sample Declarations & Exhibits:</p>	
<ul style="list-style-type: none"> • Declaration of protester hit and injured by chemical munitions: Laurie Eckman, ECF 13 • Declaration of veteran protester who experienced and witnessed the detonation of canister-like objects emitting gaseous substances: Richard Eckman, ECF 14 • Declaration of photographer and member of the press who provides testimony about multiple violent and threatening encounters with federal officials: Mason Lake, ECF 30 • Declaration of former Commissioner of the CBP and former Chief of Police in Seattle providing expert opinion on use of force: Gil Kerlikowske, ECF 34 	

<p><i>Tincher v. Noem</i></p>	<p>Docket: 0:25-cv-04669 (D. Minn.), 26-1105 (8th Cir.)</p>
<p>In this class action lawsuit, the ACLU of Minnesota, the Law Office of Kevin C. Riach, Ciresi Conlin LLP, and Forsgren Fisher McCalmont Demarea Tysver LLP represent a proposed class of Minnesota protesters and observers to challenge actions taken by defendants to suppress speech and dissent. Plaintiffs allege that defendants have “pepper sprayed, violently subdued, and aimed assault rifles at protestors and observers, and even followed observers home to scare them in a tactic lifted straight from the mafia.”</p> <p>On January 16, 2026, the court granted in part and denied in part plaintiffs’ Motion for PI. The government appealed. On January 21, 2026, the Eighth Circuit issued an administrative stay of the PI. On January 28, 2026, the Eighth Circuit stayed the injunction pending appeal.</p> <p>Please check the docket for the latest case status.</p>	

Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> • First Amendment—Free speech, free press, free assembly, retaliation • Fourth Amendment—Unlawful seizure and excessive force <p>Civil Conspiracy</p> <p>Declaration of Rights, 28 U.S.C. § 2201</p>	<ul style="list-style-type: none"> • Complaint • Motion for TRO / PI • Reply in Support of TRO/PI • Amended Complaint <p>Court Orders:</p> <ul style="list-style-type: none"> • January 16, 2026 Order granting PI in part • January 26, 2026 Eighth Circuit Order Staying PI Pending Appeal
Select Sample Declarations & Exhibits:	
<ul style="list-style-type: none"> • Declaration of an observer who was arrested: Susan Tincher, ECF 1-1 <ul style="list-style-type: none"> ◦ Declaration of individuals who observed Susan Tincher’s arrest & house raid: Katherine Rollins, ECF 1-10; Nik Sorensen, ECF 1-12 • Declaration of individuals who were racially profiled and arrested: Abdikadir Noor, ECF 1-5 • Declaration of an observer who was pepper sprayed: Alan Crenshaw, ECF 1-6; Dan Engelhart (observed friend getting pepper sprayed), ECF 1-7 • Declaration of observer who was rammed with a car: Moriah O’Malley, ECF 1-13 • Declarations of observers who followed ICE cars and ICE agents boxed them in and confronted and harassed them in the car, telling individuals they were impeding federal agents: <ul style="list-style-type: none"> ◦ John Biestman (threatened with arrest, federal agents drew guns), ECF 1-2 ◦ Janet Lee (threatened with arrest, federal agents drew guns), ECF 1-3 ◦ Lucia Webb (threatened with arrest, federal agents drew guns), ECF 1-4 ◦ Flannery Clark (federal agents kept hands on gun holster), ECF 1-8 ◦ Imogen Page, ECF 1-9 ◦ Riley Kellermeier (federal agents followed her home), ECF 1-11 ◦ Joe Mitchell, ECF 1-14 • Additional declarations have been filed with the Amended Complaint at ECF 136 	

<i>Longworth v. Trump</i>	Docket: 6:25-cv-02268 (D. Or.)
<p>The Civil Liberties Defense Center represents two human rights activists, Chloe Longworth and Anna Lardner, who filed a lawsuit challenging DHS regulations regarding “Rioter Violence at Federal</p>	

[Buildings](#)” and defendants’ pattern and practice of violating protesters’ First Amendment rights outside of the Eugene ICE building. Plaintiffs were arrested at protests while standing on a public sidewalk and detained in the ICE building jail for alleged violations of 90 Fed. Reg. 24, 217 (June 9, 2025) (to be codified at 6 CFR pt. 139.5).

On December 10, 2025, the court [granted](#) plaintiffs’ Motion for TRO.

Please check [the docket](#) for the latest case status.

Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> • First Amendment—Assembly, speech, and expressive conduct <p>Administrative Procedure Act</p> <ul style="list-style-type: none"> • DHS regulations regarding “Rioter Violence at Federal Buildings” are: <ul style="list-style-type: none"> ○ Arbitrary, capricious, an abuse of discretion and/or not otherwise in accordance with law ○ Contrary to constitutional right, power, privilege or immunity ○ In excess of statutory jurisdiction, authority, or limitations, and/or short of statutory right <p>Declaration of Rights, 28 U.S.C. § 2201</p>	<ul style="list-style-type: none"> • Complaint • Motion for TRO and PI
	Court Orders:
	<ul style="list-style-type: none"> • December 10, 2025 Order granting TRO
Select Sample Declarations & Exhibits:	
<ul style="list-style-type: none"> • Violation Notice received by protester, ECF 9-1 • Declaration of protester who was pepper sprayed while filming DHS agents on one occasion, and was threatened with legal action for using a megaphone near an ICE facility: Anna Lardner, ECF 10 • Declaration of protester who was threatened with legal action pursuant to the regulations at issue in the case: Latiffe Amado Horton, ECF 11 	

Multiple Maine residents, represented by Protect Democracy, Drummon Woodsum, and Dunn Isaacson Rhee LLP, bring this class action lawsuit against DHS, sub-agencies, and officials. Plaintiffs challenge defendants’ alleged campaign of surveillance and intimidation against Americans exercising their First Amendment rights. In response to observing and recording DHS operations, the named plaintiffs were threatened and called “domestic terrorists” by federal agents. In addition to challenging the harassment and intimidation they personally faced, the named plaintiffs seek to represent a class of Maine residents whose personal information was collected via facial recognition technology and license plate readers, and who were allegedly added to a federal government database as a result. Plaintiffs bring four claims under the First Amendment, as listed below.

Please check [the docket](#) and [Protect Democracy’s website](#) for the latest case status.

Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● Class-wide challenge to defendants’ collection of biometric data and other personal information <ul style="list-style-type: none"> ○ First Amendment—Retaliation ○ First Amendment—Free speech, assembly, association ● Named plaintiffs-specific challenge to defendants’ verbal threats and other intimidation tactics <ul style="list-style-type: none"> ○ First Amendment—Retaliation ○ First Amendment—Free speech, assembly, association 	<ul style="list-style-type: none"> ● Complaint ● Motion for TRO
	<p>Court Orders:</p>
	<p>No court orders entered at the time of publication of this resource.</p>
Select Sample Declarations & Exhibits:	
<ul style="list-style-type: none"> ● Declaration of protesters who were filming ICE operations: Elinor Hilton, ECF 3-1; Colleen Fagan, ECF 3-5 	

<i>REACH Community Development v. DHS</i>	<i>Docket: 3:25-cv-02257 (D. Ore.)</i>
<p>Democracy Forward Foundation, Protect Democracy, Jacobson Lawyers Group, and Bradley Bernstein Sands LLP represent a group of residents living in an affordable housing community called Gray’s Landing and a nonprofit housing provider, REACH Community Developments. Plaintiffs challenge DHS’s use of tear gas, smoke grenades, and other chemical munitions against protesters outside of an ICE facility in Portland, Oregon. While this lawsuit does not directly relate to the rights of protesters, plaintiffs allege that, due to their housing development’s proximity to the ICE facility, DHS has subjected them to the chemical munitions employed against the protesters.</p>	

Plaintiffs filed a Motion for PI on January 30, 2026; an evidentiary hearing and oral argument were held in February 2026. The court has not yet ruled on this motion.

Please check [the docket](#) for the latest case status.

Claims Alleged:	Select Legal Filings:
Constitutional Claims <ul style="list-style-type: none"> • Fifth Amendment—Due process • Fourth Amendment—Unreasonable seizure 	<ul style="list-style-type: none"> • Amended Complaint • Motions for PI
	Court Orders:
	No court orders entered at the time of publication of this resource.

III. Lawsuits challenging wrongful detentions and conditions of confinement

Democracy 2025 partners and the entire pro-democracy legal community have brought lawsuits on behalf of people who have been wrongfully detained by ICE or other immigration personnel, as well as lawsuits about unlawful conditions of confinement for those who are detained.

A. Lawsuits challenging wrongful detention policies

Note that individual wrongful detentions are usually challenged through immigration habeas petitions. The below sample cases bring broader challenges to policies regarding detention, as well as challenging individual detentions.

<i>U.H.A. v. Bondi</i>	Docket: 0:26-cv-00417 (D. Minn.)
<p>In conjunction with DHS’s “Operation Metro Surge” in Minneapolis, DHS announced on January 9, 2026, that it would target for investigation about 5,600 lawfully admitted refugees residing in Minnesota through a campaign called “Operation Post-Admission Refugee Reverification and Integrity Strengthening” (Operation PARRIS). Pursuant to its policy, DHS has carried out warrantless arrests of lawfully-present refugees living in Minnesota, and has subjected these refugees to unauthorized detentions and used coercive investigative tactics. The International Refugee Assistance Project, the Center for Human Rights and Constitutional Law, and Berger Montague PC filed this class action lawsuit on behalf of five refugees and a nonprofit legal services organization, The Advocates for Human Rights, seeking to end DHS’s illegal policy of arresting and detaining lawfully-present refugees.</p> <p>Four days after the lawsuit was filed, the court granted plaintiffs’ Motion for a TRO, enjoining the defendants “from arresting or detaining any member of the putative class in Minnesota on the basis that they are a refugee who has not yet adjusted to lawful permanent resident status; and (2) ordering the immediate return and release of the members of a putative subclass consisting of those refugees who are presently detained under the policy.”</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> • Fourth Amendment—Arrests of refugees with lawful status • Fifth Amendment—Substantive due process: detentions unrelated to any legitimate purpose • Fifth Amendment—Procedural due process: unlawful detentions • Fifth Amendment—Equal protection <p>APA Claims (5 U.S.C. §§ 706(2)(A), (B), (C), (D) and ultra vires action)</p> <ul style="list-style-type: none"> • Policy of arresting, detaining, and interrogating lawfully present refugees is: 	<ul style="list-style-type: none"> • Complaint <p>Court Orders:</p>

<ul style="list-style-type: none"> ○ Arbitrary and capricious agency action ○ Contrary to constitutional right ○ In excess of statutory jurisdiction, authority, or limitations, or short of statutory right ○ Without observance of procedure required by law ● Arrest and detention of petitioner is in violation of pertinent 2010 ICE Directive and agency regulations, in violation of the <i>Accardi</i> doctrine ● Warrantless arrests and seizure are ultra vires, or beyond delegated authority <p>Declaratory judgment pursuant to 28 U.S.C. § 2201(a)</p>	<ul style="list-style-type: none"> ● January 28, 2026 Order granting TRO
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<p><i>Immigration Center for Women and Children v. Kristi</i></p>	<p>Docket: 2:25-cv-09848 (C.D. Cal.)</p>
<p>The Center for Human Rights and Constitutional Law, Public Counsel, La Raza Centro Legal (LRCL), and CHIRLA filed a class action lawsuit challenging the Trump-Vance administration’s 2025 policy guidance and related enforcement practices authorizing the arrest, detention, and deportation of immigrant survivors of domestic violence, human trafficking, and other serious crimes even though they have authorization to remain in the United States or pending U- and T-visa applications. The plaintiffs are individual immigrant survivors as well as several immigrant rights’ organizations: Immigration Center for Women and Children, LRCL, CHIRLA, and California Collaborative for Immigrant Justice. Plaintiffs allege that the relevant policies of DHS, ICE, and associated officials violate the APA, the Immigration and Nationality Act, and the U.S. Constitution. They are seeking habeas, declaratory, and injunctive relief to set aside the challenged policies and to prohibit ICE from detaining or deporting survivors protected by deferred action on the basis of their pending U- or T-visa applications.</p> <p>Please check the docket for the latest case status.</p>	
<p>Claims Alleged:</p>	<p>Select Legal Filings:</p>

<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● Fifth Amendment—Procedural due process <ul style="list-style-type: none"> ○ ICE policy of detaining and deporting U-Visa petitioners without first revoking their deferred action status (De Facto Revocation Policy) violates procedural due process ○ Policy of detaining individuals with deferred action without pre-detention hearing violates procedural due process ● Fourth Amendment—Unreasonable seizure 	<ul style="list-style-type: none"> ● Complaint
<p>APA Claims (5 U.S.C. § 706(2)(A) and (C))</p> <ul style="list-style-type: none"> ● 2025 guidance reversing presumption against detention and removal of non-citizen survivors of domestic violence (2025 Guidance) is an “arbitrary and capricious” final agency action ● 2025 Guidance is not in accordance with law and in excess of statutory authority ● De Facto Revocation Policy is “arbitrary and capricious” final agency action ● <i>Accardi</i> doctrine claim: De Facto Revocation Policy violates long-standing DHS practice ● Policy of removing people with pending U- and T-visa applications who have requested stay without seeking or obtaining a prima facie determination as required (Blind Removal Policy) is not in accordance with law and is in excess of statutory authority <p>INA § 237(d)(1) claim related to DHS’s Blind Removal Policy</p>	<p>Court Orders:</p> <p>No court orders entered at the time of publication of this resource.</p>

<i>Maldonado Bautista v. Dep't of Homeland Security</i>	Docket: 5:25-cv-01873 (C.D. Cal.)
<p>The ACLU Immigrants' Rights Project, the ACLU of Southern California, the Northwest Immigrant Rights Project, and the USC Gould School of Law Immigration Clinic filed a class action lawsuit and petition for writ of habeas corpus on behalf of a class of non-citizens and longtime residents of the United States to challenge the Trump-Vance administration's mandatory detention policy. Petitioners were detained during immigration raids and enforcement actions in Los Angeles. Defendants denied plaintiffs' bond and release from immigration custody, consistent with DHS's July 8, 2025 policy instructing ICE employees to subject those who entered the United States without inspection to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Plaintiffs allege that their detentions on this basis violate the Immigration and Nationality Act, its implementing regulations, and the APA.</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● Fifth Amendment—Due process <p>APA Claims (5 U.S.C. §§ 553(d), 706(2)(A))</p> <ul style="list-style-type: none"> ● Mandatory detention policy is: <ul style="list-style-type: none"> ○ Contrary to law under 8 U.S.C. § 1225(b)(2) ○ Arbitrary and capricious agency policy ○ Adopted without notice-and-comment rulemaking <p>Immigration and Nationality Act Claims</p> <ul style="list-style-type: none"> ● Unlawful denial of release on bond violates: <ul style="list-style-type: none"> ○ 8 U.S.C. § 1225(b)(2) ○ 8 C.F.R. §§ 236.1, 1236.1, and 1003.19 	<ul style="list-style-type: none"> ● Complaint ● Motion for Partial Summary Judgment <hr/> <p>Court Orders:</p> <ul style="list-style-type: none"> ● November 20, 2025, Order granting partial summary judgment ● November 25, 2025, Order granting motion for class certification

B. Lawsuits challenging unlawful conditions of confinement, including restrictions on access to counsel³

³ The Prison Litigation Reform Act, which imposes certain requirements prior to pursuing litigation challenging conditions of confinement in jails and prisons, does not generally apply to conditions of confinement lawsuits filed by immigration detainees. *See, e.g., Agyeman v. I.N.S.*, 296 F.3d 871, 887 (9th Cir. 2002) (immigration detainees); *Cohen v. Clemens*, 321 Fed. Appx. 739, 743 (10th Cir. 2009) (same).

For a guide on litigating immigration detention conditions, see this [resource](#) developed by the ACLU’s National Prison Project.

Moreno Gonzalez v. Noem		Docket: 1:25-cv-13323 (N.D. Ill.)
<p>Represented by ACLU-Illinois, the MacArthur Justice Center, and Eimer Stahl LLP, plaintiffs filed a class action lawsuit challenging inhumane conditions of detention and the denial of access to counsel at the Broadview Detention Center during DHS’s “Operation Midway Blitz” in Chicago. Although the Broadview facility was intended to be a temporary holding facility, the plaintiffs alleged that they were kept for extended periods of time without adequate access to food, water, or other basic amenities in contravention of DHS and ICE policies. The plaintiffs sought injunctive and declaratory relief under the First and Fifth Amendments as well as under the APA in order to restore access to counsel and challenge the inhumane confinement of detainees.</p> <p>The court granted plaintiffs’ Motion for TRO, ordering the defendants to immediately provide detainees with at least three full meals per day, adequate supplies of soap, towels, toilet paper, oral hygiene products, prescribed medication, telephone services for access to family and counsel, a clean bedding mat and adequate sleeping space, and a list of pro bono attorneys in English and Spanish. Class certification has also been granted, and a Motion to Dismiss is currently pending before the court.</p> <p>Please check the docket for the latest case status.</p>		
Claims Alleged:	Select Legal Filings:	
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● Fifth Amendment—Conditions of confinement ● Fifth Amendment—Procedural due process: policy and practice of procuring coerced and involuntary signatures on immigration documents, including voluntary departure forms ● First Amendment—Access to counsel <p>APA Claims (5 U.S.C. §§ 706(2)(A) and (B))</p> <ul style="list-style-type: none"> ● Policy and practice of procuring coerced and involuntary signatures on immigration documents, including voluntary departure forms, is: <ul style="list-style-type: none"> ○ Arbitrary and capricious agency action ○ Contrary to the due process clause of the Fifth Amendment 	<ul style="list-style-type: none"> ● Complaint <ul style="list-style-type: none"> ○ Declarations at ECF 2 ● Motion for TRO ● Motion for Class Certification 	
	Court Orders:	<ul style="list-style-type: none"> ● November 5, 2026 Order granting TRO ● November 17, 2026 Order granting Motion for Class Certification

<ul style="list-style-type: none"> ○ In violation of the <i>Accardi</i> doctrine, which requires compliance with agency regulations under 8 C.F.R. § 287.8(c)(2)(vii) 	
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<i>The Advocates for Human Rights v. DHS</i>	Docket: o:26-cv-00749 (D. Minn.)
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Represented by Democracy Forward Foundation and Fredrikson & Byron, P.A., an individual detainee and The Advocates for Human Rights filed a class action lawsuit alleging that defendants were not providing constitutionally adequate or statutorily compliant access to counsel to detainees at the Bishop Henry Whipple Federal Building in Minneapolis and were transferring detainees out of state in a manner that harmed their ability to access counsel. Purported class members seek declaratory and injunctive relief.

On February 12, 2026, the court [issued](#) a TRO requiring defendants to immediately restore meaningful access to lawyers for people detained at the Whipple facility. On February 22, 2026, the court extended the TRO by two weeks and [granted](#) plaintiffs’ Motion for Expedited Discovery.

Please check [the docket](#) for the latest case status.

Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> ● First Amendment (individuals)—Right to hire, consult, and communicate with counsel, and petition the government ● First Amendment (attorneys)—Free association and speech ● Fifth Amendment (individuals)—Due process: right to effective assistance of counsel <p>Immigration and Nationality Act 8 U.S.C. § 1229a(b)(4)(A); 8 U.S.C. § 1362</p> <ul style="list-style-type: none"> ● Violation of statutory right to being represented by counsel of one’s choosing <p>APA Claims (5 U.S.C. §§ 706(2)(A), 704)</p> <ul style="list-style-type: none"> ● Defendants’ policies of substantially interfering with and/or denying counsel violate the Immigration and Nationality Act, and are, 	<ul style="list-style-type: none"> ● Complaint ● Motion for a TRO ● Motion for Expedited Discovery ● Motion to Compel Production and Enforce a Court Order
	Court Orders:

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<p>accordingly, “not in accordance with law” under § 706(2)(A)</p> <ul style="list-style-type: none"> • Policy of denying access to counsel is “arbitrary and capricious” as an unexplained change in policy • <i>Accardi</i> doctrine—ICE’s denial of detainees’ access to counsel and restrictions to access violate their own written policies 	<ul style="list-style-type: none"> • February 12, 2026 Order granting TRO • February 22, 2026 Order granting Motion for Expedited Discovery
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<p><i>Vasquez Perdomo v. Noem</i></p>	<p>Docket: 2:25-cv-05605 (C.D. Cal.), 25-4312 (9th Cir.), 25A169 (Supreme Court)</p>
<p>Plaintiffs filed a petition for the writ of habeas corpus and a complaint challenging the enforcement tactics used by federal immigration officials during their operations in Los Angeles. Plaintiffs include five individual detainees; the Los Angeles Worker Center Network, United Farm Workers, and the Coalition for Humane Immigrant Rights (CHIRLA), all membership organizations; and the Immigrant Defenders Law Center, a legal advocacy nonprofit organization. In particular, plaintiffs are challenging defendants’ use of “roving patrols” to indiscriminately detain individuals without reasonable suspicion and the denial of access to counsel to detainees.</p> <p>The district court granted two ex parte Motions for TRO (filed on 7.2.25 and 7.3.25, respectively) and enjoined the government from stopping people without reasonable suspicion and based on four factors, alone or in combination, “except as permitted by law”: race or ethnicity; speaking Spanish or English with an accent; presence in certain locations; and the type of work an individual does. The district court further required immigration agencies to provide detainees with access to attorneys or legal representatives seven days a week, including confidential, unmonitored telephone calls at no charge.</p> <p>On appeal, the Ninth Circuit denied the government’s request for a stay of the TRO, holding that the defendants were likely engaged in an unlawful practice of conducting raids on the race and other demographic characteristics. In September 2025, the Supreme Court granted the government’s Motion to Stay the TRO. Back in the district court on remand, the district court granted a PI to CHIRLA and Immigrant Defenders Law Center on their Fifth Amendment access-to-counsel claim, which has now been appealed to the Ninth Circuit. The litigation is ongoing.</p> <p>Plaintiffs are represented by the ACLU Foundation of Southern California, Law Offices of Stacy Tolchin, UC Irvine School of Law Immigrant and Racial Justice Solidarity Clinic, Public Counsel, National Day Laborer Organizing Network, ACLU Foundations of Northern California and San Diego & Imperial Counties, Hecker Fink LLP, CHIRLA, Immigrant Defenders Law Center, Martinez Aguilasocho Law Inc., Munger, and others.</p>	

Please check [the docket](#) for the latest case status.

Relevant Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> • Fourth Amendment—Unreasonable seizures • Fifth Amendment—Conditions of confinement • Fifth Amendment—Due process <p>APA Claims (5 U.S.C. §§ 704, 706(2)(C))</p> <ul style="list-style-type: none"> • Defendants’ policy, pattern, and/or practice of making warrantless arrests without individualized flight risk analysis is “in excess of statutory jurisdiction, authority, or limitations” under 8 U.S.C. § 1357(a)(2) & 8 C.F.R. § 287.8(c)(2)(ii) • Defendants’ policy, pattern, and/or practice of failing to identify themselves, their authority to execute an immigration arrest, or the reason for an arrest is “in excess of statutory jurisdiction, authority, or limitations” under 8 C.F.R. § 287.8(c)(2)(iii) • Defendants’ policy, pattern, and practice of denying detained individuals access to legal advice is in excess of statutory authority under INA 8 U.S.C. § 1362 	<ul style="list-style-type: none"> • Amended Complaint • Motion for TRO—Denial of access to counsel • Motion for TRO—Unlawful stops • Motion for PI—Unlawful stops • Motion for PI—Denial of access to counsel • Motion for Limited Discovery
	<p>Court Orders:</p> <ul style="list-style-type: none"> • July 11, 2025 District Court Order granting TRO and to Show Cause for PI • August 1, 2025 Order Denying in Substantial Part a Stay of the District Court TRO (Ninth Circuit) • September 8, 2025, Supreme Court Opinion granting Stay of District Court’s TRO • November 13, 2025 District Court Order granting PI

<i>Barco Mercado v. Noem</i>	Docket: 1:25-cv-06568 (S.D.N.Y.), 25-2922 (2nd. Cir.)
<p>A detained immigrant filed this putative class action lawsuit on behalf of similarly situated detainees alleging that the conditions of confinement at a transitional holding station at the New York City ICE office at 26 Federal Plaza and the denial of access to counsel violated his constitutional rights. The plaintiff is represented by the ACLU Foundation, the New York Civil Liberties Union Foundation, Wang Hecker LLP, and Make the Road New York.</p> <p>The court granted plaintiff’s Motion for a TRO, provisionally granted a Motion for Class Certification, and granted a PI, which is still in effect.</p>	

Please check [the docket](#) for the latest case status.

Claims Alleged:	Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none">• Fifth Amendment—Due Process• First Amendment—Right to retain, consult, and communicate with counsel	<ul style="list-style-type: none">• Complaint• Motion for Temporary Restraining Order• Motion for Class Certification• Motion for Sanctions and Civil Contempt
	<p>Court Orders:</p> <ul style="list-style-type: none">• August 12, 2025 Order granting TRO• September 17, 2025 Order granting PI in substantial part• September 17, 2025 Order provisionally granting Class Certification

IV. Lawsuits seeking civil liability, including monetary damages, for unlawful conduct

In cities already targeted by federal law enforcement, individuals have begun filing administrative claims and lawsuits to seek monetary damages for injuries they sustained at the hands of federal officials, such as ICE and CPB personnel. Individuals are bringing these legal actions against federal officials under (a) the Federal Torts Claims Act (FTCA); (b) as *Bivens* claims; and (c) against state officials (such as local police) under 42 U.S.C. § 1983.

A. Lawsuits alleging FTCA claims

The FTCA creates a framework for lawsuits for damages against federal personnel for negligent or wrongful acts. It does not provide for injunctive relief. Filing a federal lawsuit under the FTCA involves a two-step process that begins with filing an administrative claim with the agency that employs the federal personnel who committed the alleged harm to the claimant. The claimant can then file a complaint in federal court six months after filing the administrative complaint. Because six months have not yet lapsed since many of the recent federal law enforcement surges in cities around the country, there are few, if any, cases filed in federal court at this time. Below are examples of individual FTCA administrative claims:

Administrative claims filed by protesters:

- Alderperson [Jesse Fuentes](#) in Chicago
- [Ashley Vaughn](#) in Chicago
- [Daryn Herzburg](#) in Portland
- [Alec Bertrand](#) in California

Administrative claims filed by individuals who have been detained:

- [George Retes](#) in Los Angeles (Read more: [Institute for Justice](#))
- [Hilda Ramirez Sanan](#) in Massachusetts (Read more: [Lawyers for Civil Rights](#))
- [Rafie Ollah Shouhed](#) in California (Read more: [V. James DeSimone Law](#))
- [Job Garcia](#) in Los Angeles

Additional Resources & Practice Guides

- [The Federal Tort Claims Act \(FTCA\): A Legal Overview](#) (Congress.gov)
- [Federal Tort Claims Act: Frequently Asked Questions for Attorneys Representing Immigrant Clients \(Practice Advisory\)](#) (National Immigration Project and Asylum Seeker Advocacy Project)

B. Lawsuits alleging *Bivens* claims against federal employees for monetary damages

In *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), the Supreme Court recognized a cause of action to sue federal officers for monetary damages in their individual capacities for constitutional

violations.⁴ However, even where *Bivens* claims are theoretically available, they are now extremely difficult to successfully pursue given more recent Supreme Court precedent. While we have included one example lawsuit below, given these challenges, we suggest reaching out to an experienced *Bivens* practitioner if you are interested in pursuing a *Bivens* claim.

Additional Resources & Practice Guides

- [Bivens Basics: An Introductory Guide for Immigration Attorneys](#) (National Immigration Litigation Alliance and American Immigration Council)
- [Accountability at the Court Part 1: Bivens Actions & Fields](#) (MacArthur Justice Center)
- [James Pfander and Rex N. Alley, Federal Tort Liability after Egbert v. Boule: The Case for Restoring the Officer Suit at Common Law, 138 Harv. L. Rev. \(2025\)](#)

<i>Garcia Venegas v. Homan</i>		Docket: 1:25-cv-00397 (S.D. Ala.)
<p>As discussed above, in this lawsuit filed by Institute for Justice, the plaintiff filed a class action complaint related to a joint operation by the DHS and DOJ that conducted dragnet raids on private construction sites. The plaintiff brought a <i>Bivens</i> claim against three John Doe officers for their alleged violations of his Fourth Amendment rights in addition to claims seeking injunctive relief.</p> <p>Please check the docket for the latest case status.</p>		
Claims Alleged:		Select Legal Filings:
<p>Constitutional Claims</p> <ul style="list-style-type: none"> • Fourth Amendment—Warrantless entry, preemptive detentions, and continued detentions <p><i>Bivens</i> Claim—Fourth Amendment violations</p> <p>APA Claims (5 U.S.C. §§ 702, 706(2)(A), (C), (D); <i>Accardi</i> claim)</p> <ul style="list-style-type: none"> • Warrantless entry, preemptive detentions, and continued detentions are: <ul style="list-style-type: none"> ○ Policies contrary to the Fourth Amendment ○ In excess of statutory authority 8 U.S.C. § 1357(a)(2) 		<ul style="list-style-type: none"> • Class Action Complaint • Motion for PI
		Court Orders:
		No court orders entered at the time of publication of this resource.

⁴ Adopted as an amendment to the FTCA, the Federal Employees Liability Reform and Tort Compensation Act of 1988 (Westfall Act), has made the FTCA the exclusive remedy available in tort suits against the government in the scope of the official’s employment. Since its passage, “federal courts have broadly interpreted the Westfall Act as immunizing federal officers from liability for all tortious conduct committed within the scope of their employment.” James Pfander and Rex N. Alley, [Federal Tort Liability after Egbert v. Boule: The Case for Restoring the Officer Suit at Common Law](#), 138 Harv. L. Rev. 990 (2025). Nevertheless, the Westfall Act has been interpreted to carve out liability for constitutional *Bivens* claims.

<ul style="list-style-type: none"> ○ Arbitrary and capricious agency action ○ Without observance of lawful procedure, in violation of the <i>Accardi</i> doctrine, which requires that agencies follow procedures set out in 8 C.F.R. §§ 287.8(f)(1)-(2); 287.8(b)(2), (c)(2)(i)-(iii); 6 C.F.R. §§ 37.3, 37.11, 37.13, 13.15, 37.17, 13.19, 13.71 <p>State Tort Claims (Westfall Act & AL Tort Law)</p> <ul style="list-style-type: none"> ● Assault ● Battery ● False arrest ● False imprisonment 	
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C. Lawsuits brought against state employees for monetary damages under 42 U.S.C. § 1983

For constitutional claims against *state* officials, there is a statutory cause of action for damages under 42 U.S.C. § 1983. There is no statutory equivalent for claims against *federal* officials.

Additional Resources & Practice Guides

- [Section 1983 Outline](#) (Ninth Circuit, updated 2024)
- [Section 1983 Outline](#) (Third Circuit, updated December 2023)
- [Repairing Our System of Constitutional Accountability](#) (Constitutional Accountability Center)
- [Qualified Immunity in Immigration](#) (National Immigration Project 2024)

<i>O’Hara v. Beck</i>	Docket: 1:25-cv-03753 (D.D.C.)
<p>In this lawsuit filed by the ACLU of the District of Columbia, the plaintiff alleged that an Ohio National Guard member violated his constitutional rights by calling D.C. police in an effort to stop him from protesting and recording the National Guard’s conduct. Plaintiff asserted First and Fourth Amendment claims under 42 U.S.C. § 1983 as well as several common law tort claims.</p> <p>Please check the docket for the latest case status.</p>	
Claims Alleged:	Select Legal Filings:
<p>42 U.S.C. § 1983 Claims</p> <ul style="list-style-type: none"> ● First Amendment—Suppression of speech ● First Amendment—Retaliation 	<ul style="list-style-type: none"> ● Complaint

<ul style="list-style-type: none"> • Fourth Amendment—Unreasonable seizure, unreasonably prolonged seizure, excessive force <p>D.C. Common Law Claims</p> <ul style="list-style-type: none"> • False arrest / false imprisonment • Battery 	<p>Court Orders:</p> <p>No court orders entered at the time of publication of this resource.</p>
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- *Barco Mercado v. Noem*, 1:25-cv-06568 (S.D.N.Y.)

Lawsuits seeking civil liability, including monetary damages, for unlawful conduct

- *Garcia Venegas v. Homan*, 1:25-cv-00397 (S.D. Ala.)
- *O'Hara v. Beck*, 1:25-cv-03753 (D.D.C.)