

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MOISES JAVIER AGUILAR  
PERALTA, et al.,

Plaintiffs,

v.

DEPARTMENT OF HOMELAND  
SECURITY, et al.,

Defendants.

No.: 2:26-cv-337

District Judge Morrison  
Magistrate Judge Vascura

**PLAINTIFFS' MOTION FOR A  
PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65, Plaintiffs Moises Javier Aguilar Peralta, F.M., S.T., and Jose Armando de Leon Zapata hereby move this Court for a preliminary injunction requiring that Defendants suspend their practice of making warrantless arrests in Ohio without an individualized, pre-arrest determination of probable cause that the person is likely to escape before a warrant can be obtained. This Motion is based on the attached memorandum of law and supporting declarations of Plaintiffs and other Declarants.

Plaintiffs request that this Court waive bond. *See, e.g., Moltan Co. v. Eagle-Picher Indus., Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995) (district courts have discretion to waive bond); *Planned Parenthood Southwest Ohio Reg. v. Yost*, 2019 WL 1305762, at \*4 (S.D. Ohio Mar. 21, 2019) (same); *Arevalo v. Trump*, 785 F. Supp. 3d 644, 668 (C.D. Cal. 2025) (“[C]ourts routinely impose either no bond or a minimal bond in cases involving public interests[.]”) (internal citation omitted). In the alternative, Plaintiffs respectfully request a nominal \$1 bond be ordered.

[Signatures next page.]

Dated: April 15, 2026

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF  
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**INTRODUCTION**

Defendants have a policy and practice of arresting Ohioans wantonly and recklessly, without a warrant or probable cause, in violation of the mandates of the Immigration and Nationality Act (INA) and Department of Homeland Security (DHS) regulations. Federal law requires that, before an agent makes a civil immigration arrest without a warrant, the agent must make an individualized determination of probable cause that the person is likely to escape before a warrant can be obtained. Defendants are brazenly flouting this requirement.

Plaintiffs Moises Javier Aguilar Peralta, F.M., S.T., and Jose Armando de Leon Zapata seek a preliminary injunction against Defendants' unlawful policy and practice to ensure that Defendants and their agents make civil immigration arrests in Ohio in accordance with federal law. A separate motion seeking provisional class certification for purposes of a preliminary injunction will be filed later today. *See Meyer v. Portfolio Recovery Assocs., LLC*, 707 F.3d 1036, 1041 (9th Cir. 2012) (District Court "did not abuse its discretion by granting provisional class certification" in an order also addressing a request for a preliminary injunction.).

Based on the Complaint, the Declarations submitted herewith, and the remarks of Defendants themselves, the record in Ohio is irrefutable—as it has been found to be in states across the country. The DHS and its Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) offices are employing a masked and armed force composed of inexperienced and untrained federal agents, incentivized to aggressively reach for the President’s national quota of 3,000 civil immigration arrests per day. To meet this quota, Defendants have implemented a nationwide policy, practice, and pattern of arresting individuals without either a warrant or probable cause that the person arrested was likely to escape before a warrant could be obtained.

Although ICE has touted that it is catching the “worst of the worst” in Ohio, posting pictures and criminal records of a few of those arrested, the overwhelming majority of the individuals who have been arrested in Ohio lack criminal records and instead have deep community ties, steady jobs, close family in the United States (including U.S. citizen spouses and children), and posed no danger of escape before a warrant could be obtained. These individuals are on their way to work or at work, going grocery shopping, returning home, and often with their families, when unidentified officers in civilian clothing with their faces covered aggressively stop and snatch these Ohioans out of their lives. They are shoved into unmarked vehicles and transported to detention centers far from home where they are forced to remain in inhumane conditions, often for long periods of time.

When immigration judges ultimately considered Plaintiffs’ lack of escape risk, ICE was ordered to release them. But their release did not eliminate the physical and psychological harms from being arrested and detained and the palpable threat of being unlawfully arrested again and again. Defendants’ policy of flouting the requirements of federal law has left immigrant

communities in fear—afraid to go to work, take their children to school, attend their places of worship, and in some cases even leave their home.

## STATEMENT OF FACTS

### I. Unlawful Arrests and Detention in Ohio

As part of President Trump’s nationwide deportation plan, federal agents have engaged in aggressive immigration enforcement operations in Ohio since at least April 22, 2025, eager to detain and arrest anyone they perceive to be removable from the United States. These officers are often dressed in civilian clothing, masked, and carry guns as they aggressively stop, arrest, and detain law abiding Ohioans as they go about their daily lives without even attempting to make any probable cause assessment of their risk of escape in violation of 8 U.S.C. § 1357(a)(2).

In the fall of 2025, ICE expanded its presence in central Ohio, leasing a second office space to “support law enforcement operations” in Columbus.<sup>1</sup> ICE escalated these enforcement operations in December 2025, for the stated purpose of “targeting the worst of the worst criminal illegal aliens” throughout Ohio,<sup>2</sup> but the overwhelming majority of immigration detainees in Ohio and over 70% of immigrants detained nationwide lack any criminal record.<sup>3</sup> Predictably, given

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<sup>1</sup> Katie Millard, *Report: ICE to open legal office in Westerville*, NBC4 (Feb. 13, 2026), <https://www.nbc4i.com/news/local-news/westerville/report-ice-to-open-legal-office-in-westerville/>.

<sup>2</sup> Press Release, U.S. Dep’t of Homeland Sec., *OPERATION BUCKEYE: ICE arrests the worst of the worst from Ohio, with convictions including felony drug possession, assault, DUIs and more* (Dec. 20, 2025), <https://www.ice.gov/news/releases/operation-buckeye-ice-arrests-worst-worst-ohio-convictions-including-felony-drug>.

<sup>3</sup> Cato Institute, *New Data: 73% of ICE Detainees Have No Criminal Record* (Nov. 25, 2025), <https://www.cato.org/news-releases/new-data-73-ice-detainees-have-no-criminal-record>; Anna Lynn Winfrey, *ICE says it arrested ‘worst of the worst’ in Columbus. Data shows not so*, COLUMBUS DISPATCH (Apr. 6, 2026), <https://www.dispatch.com/story/news/local/2026/04/06/ice-agents-mostly-arrested-people-without-criminal-records-in-columbus/89437996007/> (Less than 7% of those arrested during Operation Buckeye had a criminal record.); Robert Farley, *As ICE Arrests Increased, a Higher Portion Had No U.S. Criminal Record*,

Defendants' failure to establish probable cause, even U.S. citizens have been swept up in ICE's unlawful immigration enforcement operations.<sup>4</sup> These arrests have "sharply increased" over the last year, with arrest rates for the Detroit field office nearly doubled between January 2025 and March 2026.<sup>5</sup>

The President also terminated Temporary Protected Status (TPS)<sup>6</sup> for those from Haiti and Somalia, and their designations were set to expire in February and March of 2026, respectively,<sup>7</sup> with federal agents ready to enforce civil immigration laws against the nearly 30,000 Haitians with TPS living in Central Ohio, and Ohio's large population of Somali residents.<sup>8</sup> Although this

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FACTCHECK.ORG (Jan. 28, 2026), <https://www.factcheck.org/2026/01/as-ice-arrests-increased-a-higher-portion-had-no-u-s-criminal-record/>; Transactional Records Access Clearinghouse, *Immigration Detention Quick Facts*, <https://tracreports.org/immigration/quickfacts/> (last accessed Mar. 17, 2026).

<sup>4</sup> *More than 200 detained in ICE 'Operation Buckeye,' including 2 US citizens, says Ohio group*, WOSU 89.7 NPR NEWS (Dec. 30, 2025), <https://www.wosu.org/politics-government/2025-12-30/more-than-200-detained-in-ice-operation-buckeye-including-2-us-citizens-says-ohio-group>.

<sup>5</sup> Albert Sun, Allison McCann & Hamed Aleaziz, *New Data Shows Where ICE Has Been Most Active This Year*, NYTIMES (Mar. 20, 2026), <https://www.nytimes.com/2026/03/20/us/ice-arrests-immigration-enforcement.html>.

<sup>6</sup> Temporary Protected Status (TPS) is a status given to people from certain countries facing civil unrest, violence, or natural disasters, allowing them to live and work in the U.S. for a period of time. Jill Wilson, CONG. RSCH. SERV., RS20844, *Temporary Protected Status and Deferred Enforced Departure* (2025).

<sup>7</sup> *Termination of the Designation of Haiti for Temporary Protected Status*, 90 Fed. Reg. 28760 (July 1, 2025); *Termination of the Designation of Haiti for Temporary Protected Status*, 90 Fed. Reg. 54733 (Nov. 28, 2025).

<sup>8</sup> Megan Henry, *'The folks are fearful.' Haitians living in Ohio may soon lose temporary protected status*, OHIO CAP. J. (Jan. 28, 2026), <https://ohiocapitaljournal.com/2026/01/28/the-folks-are-fearful-haitians-living-in-ohio-may-soon-lose-temporary-protected-status/> (noting Ohio is home to an estimated 30,000 Haitians living in the greater Columbus area with TPS); Max Filby, *Trump wants to end TPS for Haitians. What does that mean?*, COLUMBUS DISPATCH (Feb. 2, 2026), <https://www.dispatch.com/story/news/local/2026/02/02/how-will-columbus-springfield-tps-ends-haitians-immigration/88413133007/> (The Haitian population in Springfield, Ohio, 45 miles west of Columbus, makes up about 25% of the City's 60,000 population); Hearcel F. Craig, *Standing in Solidarity with our Somali Neighbors*, THE DEMOCRATIC STANDARD (Dec. 8, 2025), <https://www.ohiosenate.gov/news/the-democratic-standard/standing-in-solidarity-with-our-somali-neighbors> (Ohio has the second largest population of Somalis in the U.S. after Minnesota);

designation remains in limbo due to pending litigation,<sup>9</sup> fear prevails as immigration officers continue to aggressively enforce civil immigration activities throughout the state.<sup>10</sup>

As described in the Complaint and the attached Declarations, Plaintiffs and Declarants were each arrested by Defendants without a warrant and without any pre-arrest, individualized determination that they were likely to escape before a warrant could be obtained. For example, on April 22, 2025, CBP agents arrested Plaintiff F.M. as he exited his vehicle in a Walmart parking lot to pick up a delivery for work without asking him anything about himself, his job, where he lived, or his ties to the community. Declaration of F.M., ¶¶ 12-14, 28. They also never showed him a warrant for his arrest or indicated they had one. *Id.* ¶ 21. F.M. has worked in the U.S. for the past two years after entering on a J-1 visa and applying for asylum, paid all taxes, and obeyed all laws. *Id.* ¶¶ 2-11. After five terrible weeks in detention, an immigration judge found F.M. not to be a flight risk when he was ultimately released on bond. *See id.* ¶¶ 32-35. Now out of detention, F.M. must go out of the house and work, but he lives in fear due to the pervasive immigration enforcement in his community. *Id.* ¶¶ 37-40. He is too afraid to go to church, and instead streams church services online, which do not have the same engaging effect or benefit of community. *Id.* ¶ 37.

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<sup>9</sup> Nate Raymond, *US judge temporarily blocks Trump from ending protections for 1,100 Somalis*, REUTERS (Mar. 13, 2026), <https://www.reuters.com/world/us-judge-temporality-blocks-trump-ending-protections-1100-somalis-2026-03-13/>; *African Cmty. Together v. Noem*, \_\_\_ F. Supp. 3d \_\_\_, 2026 WL 395732 (D.Mass 2026); Order Granting Certiorari, *Trump v. Miot*, 607 U.S. \_\_\_, 2026 WL 731087 (March 16, 2026) (No. 25-1084); *Miot v. Trump*, 2026 WL 659420 (D.C. Cir. Mar. 6, 2026); *Miot v. Trump*, \_\_\_ F. Supp. 3d \_\_\_, 2026 WL 266413 (D.D.C. 2026) .

<sup>10</sup> For example, at least 10 individuals were arrested in the Columbus area between March 9-15, 2026. *See @614icewatch*, INSTAGRAM (Mar. 17, 2026), [https://www.instagram.com/p/DV-L3OjDksX/?img\\_index=1](https://www.instagram.com/p/DV-L3OjDksX/?img_index=1). ICE data reveals that one in five arrests in Ohio between August and February are “collateral”, meaning no warrant was issued. *See Danae King, ‘Wrong place, wrong time?’ Over 500 Ohio ICE arrests were ‘collateral’*, COLUMBUS DISPATCH (Apr. 10, 2026), <https://www.dispatch.com/story/news/politics/2026/04/10/ice-arrests-skyrocket-including-those-detained-as-collateral/89523780007/>.

Plaintiff Jose Armando de Leon Zapata was similarly arrested on September 30, 2025, without a warrant or any individualized determination of probable cause that he was likely to escape before a warrant could be obtained, when his Lyft driver turned him over to police as he was on his way to work. Declaration of Jose Armando de Leon Zapata, ¶¶ 15-23. CBP soon showed up and arrested Mr. Zapata without asking him his name, how long he had been in the U.S., anything about his family, job, or ties to the community. *Id.* ¶ 20. Mr. Zapata was never shown a warrant for his arrest. *Id.* ¶ 21. Mr. Zapata's wife is a U.S. citizen and he has been steadily employed and pays taxes since he arrived in the U.S. in May 2022. *Id.* ¶¶ 2-7, 30. Nevertheless, Mr. Zapata spent twenty-one days in jail before an immigration judge eventually found him not to be a flight risk and he was released on bond. *See id.* ¶¶ 30, 32. Mr. Zapata still has to take a ride share service to get to work but he fears being arrested again as he lives and works in areas with many other immigrants and is aware that ICE has been in his neighborhood since his arrest. *Id.* ¶¶ 36, 41.

Plaintiff Moises Javier Aguilar Peralta was arrested on December 18, 2025, after leaving a Home Depot three minutes away from his home where he purchased materials for work. Declaration of Moises Javier Aguilar Peralta, ¶¶ 17-23. The officers did not show him a warrant or assess whether he was likely to escape before they could obtain one. *Id.* ¶ 41. They did not ask Mr. Peralta any questions about his family or community ties or learn that he had a pending asylum application after fleeing Honduras in 2023 where he had been kidnapped and almost killed. *Id.* ¶¶ 4-8, 50. Mr. Peralta spent twenty-seven days in jail before being released on bond, when an immigration judge found he posed no flight risk. *Id.* ¶¶ 103, 108-09. Since his release, Mr. Peralta still feels panic. *Id.* ¶ 126. He lives near Cleveland Avenue, which is an area where a lot of immigrants are being targeted and where ICE has targeted a lot of nearby apartments. *Id.* ¶¶ 123-

24. Mr. Peralta has changed his routine in an effort to avoid rearrest, but he still has to go to Home Depot to get materials for work. *Id.* ¶¶ 125, 127-28. Before getting out of his car or getting gas he checks his surroundings for ICE. *Id.* ¶¶ 129-30. He fears being sent back to Honduras, a country he fled, because if he is sent back, he would be murdered. *Id.* ¶¶ 135-36.

ICE agents also arrested Plaintiff S.T. on December 18, 2025, when she was driving in the parking lot of Easton Town Center Mall, where she worked at a restaurant. Declaration of S.T., ¶¶ 11-12, 17. The officers never showed S.T. a warrant for her arrest and never asked about her family, job, ties to the community, or how long she has been in the United States. *Id.* ¶¶ 29, 36. Rather, they just accused her of being “illegal.” *Id.* ¶¶ 27, 33. S.T. was eventually released on bond one month after her arrest when an immigration judge found that S.T. did not pose a flight risk. *Id.* ¶¶ 94-96. Since her release from detention, S.T. has remained fearful every day that she will be arrested again by ICE. *Id.* ¶ 97. S.T. had been employed and paid taxes in the U.S. since arriving in 2014, but lost her job while she was detained and now tries to stay home as much as possible, although she still must take her daughter to the bus stop and get groceries for her family, including three young children, one of whom is a U.S. citizen. *Id.* ¶¶ 5-10, 13 100-01, 105. ICE continues to be very active in S.T.’s neighborhood, as they have an office ten minutes away. *Id.* ¶ 103. S.T. receives text messages from her friends and neighbors reporting weekly about ICE arresting more people in her neighborhood, including arrests at the Home Depot down the street from her home. *Id.* ¶ 104. S.T. has also seen posts online and in WhatsApp groups that ICE is arresting people and leaving the cars of those they arrest on the side of the road in her neighborhood. *Id.* ¶ 106.

The experiences of the Plaintiffs described in the preceding paragraphs are not unique. To the contrary, they reflect Defendants’ unlawful policy and practice of effecting warrantless arrests without regard to probable cause that the person is likely to escape. For example, Jose Cesareo

Valladares, who has lived in Columbus for the past eighteen years and is the primary breadwinner for his wife and eleven-year-old child, both of whom are U.S. citizens, was arrested by individuals in plain clothing while returning home from the grocery store on December 17, 2025. Declaration of Jose Cesareo Valladares, ¶¶ 5-11, 13-15. The men did not identify themselves as law enforcement officers or immigration agents, did not present a warrant, and never asked about his ties to the community, family, employment, or his criminal history. *Id.* ¶¶ 17, 23-24, 25-28. Leosdanis Mulet, a Cuban national with a pending green card application under the Cuban Adjustment Act, was also arrested on December 20, 2025, when ICE officers cut off the vehicle his wife was driving and physically pulled him out of the passenger seat. Declaration of Leosdanis Mulet, ¶¶ 1, 16-24. Mr. Mulet was never shown a warrant for his arrest and other than being asked “what makes you legal in this country,” no further questions were asked. *See id.* ¶¶ 34, 36-39. No one asked how long he had been in the U.S., anything about his family, his employment, ties to the community or whether he had a criminal record. *Id.*

Guadalupe Montoya Sadillo, who has resided in Columbus for the past twenty-one years with his three children, two of whom are U.S. citizens, was arrested while working at a construction site on December 21, 2025, by masked individuals in unmarked black vehicles. Declaration of Guadalupe Montoya Sadillo, ¶¶ 6-15. Officers never conducted a pre-arrest determination of Mr. Sadillo’s likelihood of escape. They never asked him how long he had been in the United States, about his ties to the community, family, or employment, whether he had a criminal history, or showed him a warrant for his arrest. *Id.* ¶¶ 18-20, 25-28. Rather, after looking at his Mexican ID, officers told Mr. Sadillo that he had “no papers” and would be deported. *Id.* ¶¶ 21-22. Julio Cesar Chavez Velasquez was also arrested in December 2025, while placing groceries in his car after shopping to celebrate his daughter’s birthday. Declaration of Julio Cesar Chavez Velasquez, ¶¶ 11-

18. He was arrested by masked men who did not identify themselves as immigration officers or any other law enforcement agency, had their faces covered, did not show him a warrant, and did not ask about his employment or ties to the community. *Id.* ¶¶ 4-10, 26-29, 33-40.

Brad Bonacci, the General Manager of a hotel in Columbus, Ohio, also witnessed a horrifying incident on December 17, 2025, when masked federal agents entered the hotel lobby looking for an unknown individual. Declaration of Brad Bonacci, ¶¶ 1-8. At that same moment, three housekeepers who were walking to their cars in the parking lot for a lunch break were snatched by federal agents who jumped out of their vehicles then sped off the property. *Id.* ¶ 9. All three housekeepers appear Hispanic or Latino, and two are Puerto Rico-born United States citizens. *Id.* ¶¶ 12-13. No questions were asked before these federal agents grabbed them and placed them in their vehicles. *Id.* ¶¶ 11-12. Two of the women were ultimately released once ICE realized they were U.S. citizens—but only after spending four days in jail. *Id.* ¶ 19.

On the morning of February 7, 2026, M.A.R. and his coworker were pulled over by an unmarked vehicle on I-270 as they were driving to work. Declaration of I.A., ¶¶ 18-19. Officers did not show M.A.R. a warrant for his arrest, did not explain to M.A.R. why he was being stopped or detained, and did not ask him any questions about his community ties or family. *Id.* ¶¶ 20-23. M.A.R. has lived in the United States continuously since 2006 and has lived in Columbus for the past twelve years. *Id.* ¶¶ 8-10. Similarly, J.R. was arrested and detained by ICE officers on March 13, 2026, without a warrant and without any questions asked about his flight risk, family, or community ties. Declaration of Y.R., ¶¶ 21-27. J.R. has been in the United States since August 2016, and has a pending asylum application. *Id.* ¶¶ 8-9. J.R. has no criminal history, two children, one of whom is a United States citizen, valid work authorization and a valid driver's license, both of which he showed to the arresting officers. *Id.* ¶¶ 13-15, 26. J.R. has worked in construction for

nearly ten years, pays taxes, has owned a home since 2020, and is responsible for paying his family's bills and mortgage. *Id.* ¶¶ 16-20.

Over the past year, most of the clients of Emily Montgomery Brown, the Director of the Immigration Clinic and Assistant Clinical Professor of Law at The Ohio State University Moritz College of Law, appear to have been picked up in collateral, non-targeted arrests. Declaration of Emily Montgomery Brown, ¶¶ 1, 4. None of those clients appear to have been arrested pursuant to a warrant, but rather were picked up at gas stations, in parking lots next to construction vehicles, or at their cars parked outside of work or shopping areas. *Id.* ¶ 4. The agents did not ask them any questions to assess their community ties or flight risk before arresting them, although several of those arrested in fact had U.S. citizen children or other family members and had lived in the U.S. for many years. *Id.* ¶ 5.

Brian Hoffman, the Executive Director of the Ohio Center for Strategic Immigration Litigation and Outreach (“OCSILiO”), has weekly conversations with prospective clients who have been detained by ICE or U.S. Border Patrol, most of whom were not arrested pursuant to a warrant and none of whom were asked anything about their community ties or other questions to assess their likelihood of escape before being arrested. Declaration of Brian J. Hoffman, ¶¶ 1, 3-4, 9-10. Most recently, Brian met with a brother and sister who were arrested on the morning of February 25, 2026, in Canton, Ohio, on their way to work. *Id.* ¶ 8. They both have U.S. citizen children but were arrested without warrants and without any analysis of whether they were likely to escape before a warrant could be obtained. *Id.*

## **II. Since President Trump’s Second Term in Office, Defendants Have Embarked on a Nationwide Crackdown on Immigration**

What is happening in Ohio is part of a nationwide crackdown. During the 2024 presidential campaign, President Trump promised that “on Day One . . . [w]e will begin the largest deportation

operation in the history of our country.”<sup>11</sup> The President has continued to make false and misleading claims about immigrants, including that they are “criminals”, “killers”, “gang members”, “poisoning our country” and “taking your jobs.”<sup>12</sup>

In January 2025, after President Trump took office, the administration imposed an arrest quota of 75 arrests per day on each ICE field office across the country, including the Detroit ICE field office.<sup>13</sup> The Detroit ICE field office manages immigration enforcement in the states of Michigan and Ohio.<sup>14</sup> In May, the arrest quota increased to a new goal of 3,000 daily arrests nationwide, a number that Homeland Security Advisor and White House Deputy Chief of Staff Stephen Miller publicly confirmed.<sup>15</sup> Miller also said that “number is going to keep getting bumped higher over time.”<sup>16</sup> To help meet the quota and carry out these massive arrests, ICE officers were encouraged to “turn up the creativity knob up to 11 and push the envelope.”<sup>17</sup>

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<sup>11</sup> Press Release, The White House, *Promises Made, Promises Kept: Border Security Achieved in Fewer Than 100 Days* (Apr. 28, 2025), <https://www.whitehouse.gov/articles/2025/04/promises-made-promises-kept-border-security-achieved-in-fewer-than-100-days> (quoting *Transcripts, Donald Trump Holds a Campaign Rally in Concord, North Carolina – October 21, 2024*, ROLL CALL, <https://rollcall.com/factbase/trump/transcript/donald-trump-speech-campaign-rally-concord-north-carolina-october-21-2024/#108>).

<sup>12</sup> The Marshall Project, *Fact-checking Over 12,000 of Donald Trump’s Quotes About Immigrants* (Oct. 21, 2024), [https://www.themarshallproject.org/2024/10/21/fact-check-12000-trump-statements-immigrants#migrant\\_crime](https://www.themarshallproject.org/2024/10/21/fact-check-12000-trump-statements-immigrants#migrant_crime).

<sup>13</sup> Nick Miroff & Maria Sacchetti, *Trump Officials Issue Quotas to ICE Officers to Ramp Up Arrests*, WASH. POST (Jan. 26, 2025), <https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota>.

<sup>14</sup> U.S. Immigr. and Customs Enf’t, Detroit Field Off., <https://www.ice.gov/field-office/detroit-field-office>.

<sup>15</sup> Cameron Arcand, *Trump administration sets new goal of 3,000 illegal immigrant arrests daily*, FOX NEWS (May 29, 2025), <https://www.foxnews.com/politics/trump-administration-aims-3000-arrests-illegal-immigrants-each-day>.

<sup>16</sup> *Id.*

<sup>17</sup> José Olivares, *US immigration officers ordered to arrest more people even without warrants*, THE GUARDIAN (June 4, 2025), <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests> [<https://perma.cc/54HH-SNSN>].

Instead of just focusing on the “worst of the worst,” Defendant Lyons said ICE will take into custody anyone living in the U.S. without authorization whom ICE encounters, even those who are not their direct target.<sup>18</sup> Tellingly, ICE has recently rejected its own previous requirement that immigration officers must gain prior supervisor approval of, or at least fill out a paper form with information about, the person they plan to arrest, instead preferring more “spontaneous” arrests.<sup>19</sup> In a January 28, 2026 Memo from Defendant Lyons to all ICE personnel, Lyons set forth factors that purport to satisfy the likelihood of escape requirement in 8 U.S.C. § 1357 but are in fact so broad that they would sweep in essentially any person encountered on the street in a vehicle or on foot.<sup>20</sup> Such an analysis essentially renders the likelihood of escape requirement in 8 U.S.C. § 1357(a)(2) meaningless,<sup>21</sup> reflecting the administration’s intention to “move[]from targeted enforcement to broad street sweeps.”<sup>22</sup>

Courts across the country have consistently found Defendants’ practices unlawful: They may not make immigration arrests without warrants and without complying with the probable cause requirements in § 1357(a)(2).<sup>23</sup> In fact, as a result of a 2018 lawsuit filed by Chicago

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<sup>18</sup> Camilo Montoya-Galvez, *ICE head says agents will arrest anyone found in the U.S. illegally, crack down on employers of unauthorized workers*, CBS NEWS (July 21, 2025), <https://www.cbsnews.com/news/ice-head-todd-lyons-agents-will-arrest-anyone-found-illegally-crack-down-on-employers/>.

<sup>19</sup> Julia Ainsley et al., *Under Trump administration, ICE scraps paperwork officers once had to do before immigration arrests*, NBC NEWS (Sept. 9, 2025), <https://www.nbcnews.com/politics/national-security/trump-administration-ice-scraps-paperwork-officers-immigration-arrests-rcna229407>.

<sup>20</sup> Memorandum from Todd Lyons, Senior Off. Performing Duties of the Dir. to All ICE Personnel (Jan. 28, 2026) (available at <https://immpolicytracking.org/policies/ice-issues-guidance-on-arrest-warrants-and-warrantless-arrests/#/tab-policy-documents>).

<sup>21</sup> See Hamed Aleaziz & Charlie Savage, *ICE Expands Power of Agents to Arrest People Without Warrants*, NYTIMES (Jan. 30, 2026), <https://www.nytimes.com/2026/01/30/us/politics/ice-expands-power-agents-warrants.html>.

<sup>22</sup> *Supra* note 19.

<sup>23</sup> See *Escobar Molina v. Dep't of Homeland Sec.*, 811 F. Supp. 3d 1, 15 (D.D.C. 2025); *Ramirez Ovando v. Noem*, 810 F. Supp. 3d. 1209, 1241 (D. Colo. 2025); *United Farm Workers v. Noem*,

residents and non-profit organizations against ICE for this same policy and practice of conducting warrantless arrests in the Chicago-area without complying with the probable cause requirements in § 1357(a)(2),<sup>24</sup> ICE adopted a policy prohibiting warrantless arrests that failed to meet the requirements of § 1357(a)(2).<sup>25</sup> This policy makes clear that “mere presence within the United States in violation of U.S. immigration law is not, by itself, sufficient to conclude that [a noncitizen] is likely to escape before a warrant for arrest can be obtained.”<sup>26</sup> It also lists specific factors relevant to determining likelihood of escape, including “knowledge of that individual’s prior escapes or evasions of immigration authorities, attempted flight from an ICE Officer, [and] ties to the community (such as a family, home, or employment) or lack thereof, or other specific circumstances that weigh in favor or against a reasonable belief that the subject is likely to abscond.”<sup>27</sup>

Despite this prior recognition that probable cause encompasses such considerations, ICE is now disregarding its obligations under federal law and carrying out warrantless arrests on a wide scale, without probable cause.

## ARGUMENT

“A preliminary injunction is an extraordinary remedy which should be granted only if the movant carries his or her burden of proving that the circumstances clearly demand it.” *Overstreet v. Lexington-Fayette Urban Cnty. Gov’t*, 305 F.3d 566, 573 (6th Cir. 2002). To obtain relief,

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No. 25-cv-246 (E.D. Cal. Apr. 29, 2025); *Hussen v. Noem*, \_\_ F. Supp. 3d \_\_, 2026 WL 657936 (D. Minn. 2026).

<sup>24</sup> See Second Amended Complaint, *Castañon Nava v. Dep’t of Homeland Sec.*, 806 F. Supp. 3d 823 (N.D. Ill. 2018) ( No. 18-cv-03757), ECF No. 58.

<sup>25</sup> ICE Broadcast Statement of Policy, *Castañon Nava v. Dep’t of Homeland Sec.*, 806 F. Supp. 3d 823 (N.D. Ill. 2018) ( No. 18-cv-03757), Appendix A to Settlement Agreement, available at [https://www.ice.gov/doclib/legalNotice/220527castanonSettlement\\_attA.pdf](https://www.ice.gov/doclib/legalNotice/220527castanonSettlement_attA.pdf).

<sup>26</sup> *Id.* at 18.

<sup>27</sup> *Id.* at 17.

plaintiffs must show that they: (1) have a strong likelihood of success on the merits; (2) will suffer irreparable harm if the injunction is not issued; (3) the issuance of the injunction will not cause substantial harm to others; and (4) that the public interest would be served by issuing the injunction. *Hall v. Edgewood Partners Ins. Ctr., Inc.*, 878 F.3d 524, 526–27 (6th Cir. 2017). The factors governing whether a court issues a preliminary injunction “are not prerequisites, but are factors that are to be balanced against each other.” *Overstreet*, 305 F.3d at 573.

Here, Plaintiffs seek a prohibitory injunction, which “freezes the positions of the parties until the court can hear the case on the merits.” *Heckler v. Lopez*, 463 U.S. 1328, 1333 (1983); *see also, UFW v. Noem*, 785 F. Supp. 3d 672, 732 (E.D. Ca. 2025) (finding plaintiffs’ request for an injunction directing DHS to comply with § 1357(a)(2) and § 287.8(c)(2)(ii) to be “prohibitory” rather than “mandatory”).

#### **I. Plaintiffs Have a Strong Likelihood of Success on the Merits of Their Claims**

Plaintiffs are likely to succeed on the merits of their claim that Defendants’ policy and practice of making warrantless arrests in Ohio without making any individualized determinations of flight risk violates 8 USC § 1357(a)(2), 8 CFR § 287.8(c)(2)(ii), the APA, 5 USC § 706(2)(A), (C), and the *Accardi* doctrine.

- A. Before an arrest may be made without a warrant, the INA and DHS regulations require agents to make an individualized determination that the person is likely to escape before a warrant can be obtained.

The Immigration and Nationality Act (INA) sets out the “terms and conditions of admission to the country[.]” *Chamber of Com. of U.S. v. Whiting*, 563 U.S. 582, 587 (2011), quoting *De Canas v. Bica*, 424 U.S. 351, 359 (1976).<sup>28</sup> Generally, officers making civil immigration arrests are

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<sup>28</sup> The INA does not strip this Court of jurisdiction, as this case does not challenge the Attorney General’s “‘decision or action’ to ‘commence proceedings, adjudicate cases, or execute removal orders[.]’” *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (citing 8

required to have a warrant. *See Arizona v. United States*, 567 U.S. 387, 408 (2012). “If no federal warrant has been issued, those officers have more limited authority.” *Id.* That limited authority is codified in 8 U.S.C. § 1357(a)(2), which permits warrantless arrests *only if* the agent “has **reason to believe that the alien so arrested** is in the United States in violation of any such [immigration] law or regulation **and is likely to escape before a warrant can be obtained for his arrest**[.]” 8 U.S.C. § 1357(a)(1), (2) (emphasis added). The statute’s two-pronged requirement is mirrored in DHS’s regulations for enforcement activities. *See* 8 C.F.R. § 287.8(c)(2) (“An arrest shall be made *only* when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States” and that “[a] warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained.” (emphasis added)).

“Though 8 U.S.C. § 1357(a)(2) uses the phrase ‘reason to believe’ as the standard for executing warrantless civil immigration arrests, ‘aliens in this country are sheltered by the Fourth Amendment in common with citizens,’ and therefore, to avoid running afoul of the Fourth Amendment, this statutory phrase is ‘considered the equivalent of probable cause.’” *Escobar Molina v. Dep’t of Homeland Sec.*, 811 F. Supp. 3d 1, 13 (D.D.C. 2025) (quoting *Au Yi Lau v. U.S. Immigr. & Naturalization Serv.*, 445 F.2d 217, 222-23 (D.C. Cir. 1971)); *accord Tejada-Mata v. Immigr. & Naturalization Serv.*, 626 F.2d 721, 725 (9th Cir. 1980) (“The phrase ‘has reason to believe’ [in § 1357] has been equated with the constitutional requirement of probable cause.”); *United States v. Cantu*, 519 F.2d 494, 496 (7th Cir. 1975) (same); *United States v. Pacheco-Alvarez*,

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U.S.C. § 1252(g)) (emphasis in original), removal of an alien from the United States, *see* 8 U.S.C. § 1252(b)(9), or a final order of removal, *see* 8 U.S.C. § 1252(a)(5).

227 F. Supp. 3d 863, 887 (S.D. Ohio 2016) (same). “Reason to believe” must therefore “be particularized with respect to the person to be searched or seized,” *United States v. Pruitt*, 458 F.3d 477, 490 (6th Cir. 2006) (quoting *Maryland v. Pringle*, 540 U.S. 366, 371 (2003)).

“[H]aving reason to believe [that the suspect] is an alien subject to removal from the United States does not, without more, provide the probable cause needed to make a lawful [warrantless] arrest.” *Orellana v. Nobles Cnty.*, 230 F. Supp. 3d 934, 945 (D. Minn. 2017); *Ramirez Ovando v. Noem*, 810 F. Supp. 3d 1209, 1241 (D. Colo. 2025); *see also Pacheco-Alvarez*, 227 F. Supp. 3d at 872, 889-90 (“ICE officers lacked ‘reason to believe’ [the suspect] posed a risk of escape,” even though he had admitted that he “was born in Mexico and did not have any documentation that would allow him to reside in the United States”). To find otherwise would render the INA requirement of an individualized finding on escape risk to be surplusage. *See Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1007 (N.D. Ill. 2016) (“Such a reading would render the limitations on warrantless arrest created by . . . [§] 1357(a)(2) meaningless.”).

Defendants previously recognized as much in 2021 when ICE issued a nationwide “Broadcast Statement of Policy” in *Castañon Nava v. Dep’t of Homeland Sec.*, 806 F. Supp. 3d 823 (N.D. Ill. 2018), making clear that “mere presence within the United States in violation of U.S. immigration law is not, by itself, sufficient to conclude that [a noncitizen] is likely to escape before a warrant for arrest can be obtained” and listing specific factors that may be relevant to a flight risk determination, including “knowledge of that individual’s prior escapes or evasions of immigration authorities, attempted flight from an ICE Officer, [and] ties to the community (such as a family, home, or employment) or lack thereof.”<sup>29</sup>

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<sup>29</sup> ICE Broadcast Statement of Policy, *supra* n. 25 at 17.

Under both the INA and DHS regulations, “ICE officers must make a ‘particularized inquiry’ that the subject is likely to abscond.” *Ramirez Ovando*, 810 F. Supp. 3d at 1217 (quoting *Moreno*, 213 F. Supp. 3d at 1007–08); *see also* ICE Broadcast Statement of Policy at 17-18, *Castañon Nava v. Dep’t of Homeland Sec.*, 806 F. Supp. 3d 823 (N.D. Ill. 2018) ( No. 18-cv-03757), Appendix A to Settlement Agreement, available at [https://www.ice.gov/doclib/legalNotice/220527castanonSettlement\\_attA.pdf](https://www.ice.gov/doclib/legalNotice/220527castanonSettlement_attA.pdf). (requiring ICE officers to document “the specific, particularized facts supporting the conclusion that the alien was likely to escape before a warrant could be obtained”). When assessing whether the individual is an escape risk, courts look to factors such as the individual’s criminal history, job stability, financial or familial obligations, interaction with law enforcement once stopped, and other factors to determine whether ICE had (or even could have had) knowledge that the individual “posed a risk of escape before [ICE] could obtain an administrative arrest warrant for [their] removal proceedings[.]” *Pacheco-Alvarez*, 227 F. Supp. 3d at 890. The “specific circumstances that weigh in favor of or against a reasonable belief that the person is likely to abscond . . . are not to be viewed singly; they must be considered as a whole.” *Ramirez Ovando*, 810 F. Supp. 3d at 1241.

“Courts have also made the self-evident finding that the likelihood of escape is lower when the individual has resided in the country for a lengthy period of time and has strong community ties.” *Escobar Molina*, 811 F. Supp. 3d at 13. Those Courts included ones in this District. *See United States v. Abdi*, No. 04-cr-88, 2005 WL 6119695, at \*6 (S.D. Ohio Sept. 12, 2005), *rev’d on other grounds*, 463 F.3d 547 (6th Cir. 2006) (no probable cause for escape risk where defendant owned a business, leased property, lived with his then-pregnant wife and two children, and had family in the area); *Pacheco-Alvarez*, 227 F. Supp. 3d at 890 (same, where defendant had a stable job, lived with his fiancé, and helped pay her rent and raise her two children); *see also La Franca*

*v. Immigr. & Naturalization Serv.*, 413 F.2d 686, 689 (2d Cir. 1969) (being “the owner and operator of a bakery in Jersey City” lowered petitioner’s likelihood of escape before a warrant could be obtained); *United States v. Bautista-Ramos*, No. 18-CR-4066, 2018 WL 5726236, at \*7 (N.D. Iowa Oct. 15, 2018) (no flight risk where ICE encountered noncitizen at his place of employment, “a place he routinely visited,” as opposed to anywhere near the border or heading in that direction); *United States v. Khan*, 324 F. Supp. 2d 1177, 1187 (D. Colo. 2004) (same, where defendant worked two jobs, owned a vehicle, paid rent, and never experienced legal trouble before his immigration arrest); *Pichardo Medina v. Hermosilla*, No. 25-CV-02233, 2025 WL 3712271, at \*4 (D. Or. Dec. 22, 2025) (same, where “Petitioner has lived in the United States for approximately 21 years, has no criminal record, has paid taxes for over a decade, is connected to his community through his church, has a family, and is a unique source of trust and affection for his son, who is a U.S. citizen”).

B. Defendants have a policy and practice of making warrantless immigration arrests without an individualized determination of escape risk in Ohio.

The Complaint, Declarations submitted herewith, and statements and actions of Defendants themselves make it abundantly clear that Defendants have a policy and practice of making warrantless arrests in Ohio without making individualized determinations of likelihood of escape. This policy of Defendants is consistently manifested in several ways:

(1) *Defendants’ own statements*

Statements of Defendants themselves demonstrate that federal agents are not making an individualized determination of probable cause for escape risk before making a warrantless arrest. For example, in July 2025, the acting U.S. Attorney for the Eastern District of California was fired after she told a Border Patrol official that he could not arrest immigrants without probable cause. Heather Knight and Hamed Aleaziz, *Trump Fired a U.S. Attorney Who Insisted on Following a*

*Court Order*, NYTIMES (Sept. 26, 2025), <https://nytimes.com/2025/09/26/us/trump-fires-us-attorney-california-immigration.html>. In response to a similar warrantless arrest lawsuit filed in D.C., Defendant DHS issued a public statement in September 2025, that “DHS law enforcement uses ‘reasonable suspicion’ to make arrests.” Teo Armus and Jenny Gathright, *Lawsuit accuses ICE of illegally arresting Latino immigrants in D.C.*, WASH. POST (Sept. 25, 2025), <https://www.washingtonpost.com/immigration/2025/09/25/dc-ice-arrests-lawsuit-trump/>; *see also* Homeland Security (@DHSgov), X (Sept. 25, 2025), <https://x.com/DHSgov/status/1971315047201694042> (reiterating that DHS uses this “reasonable suspicion” standard in making civil immigration arrests). The following month, former Chief Border Patrol Agent Gregory Bovino reiterated in a public statement, “We need reasonable suspicion to make an immigration arrest . . . You notice I did not say probable cause, nor did I say I need a warrant.” Priscilla Alvarez and Michael Williams, *Border Patrol official denies racial profiling factors in immigration arrests, says officers do consider whether people appear “panicked” or “scared”*, CNN (Oct. 7, 2025), <https://www.cnn.com/us/live-news/national-guard-chicago-portland-trump-10-07-25?post-id=cmgh33k7200053b6nkxi1f197>.

But Defendants’ reliance on the “reasonable suspicion” standard falls far short of the requisite probable cause it needs to effectuate a warrantless arrest. *See, e.g., United States v. Pruitt*, 458 F.3d 477, 490 (6th Cir. 2006) (“Reason to believe” must “be particularized with respect to the person to be searched or seized[.]”(cleaned up). In fact, such statements confirm that such a policy and practice of making warrantless civil immigration arrests *without* the requisite probable cause findings exists.

(2) *The experiences of the Plaintiffs and Declarants, including Ohio attorneys who practice immigration law.*

In none of the more than 11 arrests documented in the attached Declarations did federal officers even attempt to obtain knowledge of facts relevant to any flight or escape risk factor. Indeed, in none of the arrests did the agents ask any questions about where the person they arrested lives, whom the person lives with or the person's family members, the person's work history, criminal history, or anything else about the person's family or ties to their community—factors that courts have held militate *against* finding probable cause that the person poses a flight risk. This appears to be standard practice for ICE and Border Patrol in Ohio. This is corroborated by the Executive Director of the Ohio Center for Strategic Immigration Litigation and Outreach (OCSILiO), who has weekly conversations with prospective clients who were detained by ICE or U.S. Border Patrol, most of whom were arrested without a warrant and *none* of whom were asked questions to assess their likelihood of escape. Brian J. Hoffman Decl., ¶¶ 1, 3-4, 9-10.

For example, officers arrested Plaintiff F.M. without asking him anything about his asylum case, criminal background, or ties to the community, despite F.M. calmly telling the officers that he had an ongoing immigration case, work permit, and driver's license. F.M. Decl., ¶¶ 14, 28. Rather, the arresting officers told F.M. to just “stay silent and stay calm”, shackled his legs and placed him in the back of a car. *Id.* ¶¶ 17, 29. Border Patrol agents likewise arrested Plaintiff Jose Armando de Leon Zapata on September 30, 2025, without learning how long he had been in the U.S., anything about his family, job, or ties to the community. Jose Armando de Leon Zapata Decl., ¶¶ 20, 23. Mr. Zapata was handcuffed and put in a vehicle where a Border Patrol agent told him he was being arrested because he was an “illegal alien” and would probably be deported before they even asked his name. *Id.* ¶ 20, 25.

Plaintiff Moises Javier Aguilar Peralta was arrested as he was exiting a Home Depot where he picked up materials for work after officers approached him and demanded to know if he had “residency or citizenship.” Moises Javier Aguilar Peralta Decl., ¶¶ 21-32, 37-38. The officers never asked him how long he had been in the U.S., about his work, or his family. *Id.* ¶ 50. Instead, the officers aggressively handcuffed and arrested Mr. Peralta, celebrating the fact that they had “one more.” *Id.* ¶¶ 54-61. Plaintiff S.T. was also arrested by ICE without being asked anything about her family, job, ties to her community, or how long she had been in the U.S. S.T. Decl. ¶ 29. The officers merely accused her of being “illegal.” *Id.* ¶¶ 27, 33.

Officers likewise arrested Guadalupe Montoya Sadillo, who has lived in Columbus, Ohio, for the past twenty-one years, while he was working at a construction site and without asking him how long he had been in the U.S., about his ties to the community, family or employment, or criminal history. Guadalupe Montoya Sadillo Decl., ¶¶ 6-7, 13-14, 23, 25-28. Julio Cesar Chavez Velasquez was similarly arrested by officers after shopping with his wife and their six-year-old daughter for her birthday. Julio Cesar Chavez Velasquez Decl. ¶¶ 11, 13-20. The officers asked Mr. Velasquez where he was born and arrested him without asking how long he had lived in the U.S., his employment or business, or criminal history. *Id.* ¶¶ 36, 38, 40-41. Rather, the officers told Mr. Velasquez that if he did not get out of his vehicle, they would break his window and take him out, then handcuffed him, placed him in their vehicle, sped off and ran two red lights. *Id.* ¶¶ 31, 42-44, 45-50. Officers also arrested Jose Cesareo Valladares in the parking lot of his apartment building as he returned home from the grocery store without asking him how long he had lived in the U.S., his ties to the community, anything about his family or employment, or his criminal history. Jose Cesareo Valladares Decl., ¶¶ 13-14, 25-28. Mr. Valladares has lived and worked in Columbus,

Ohio, for the past eighteen years, and is the primary breadwinner for his U.S. citizen girlfriend and eleven-year-old U.S. citizen child. *Id.* ¶¶ 5-11.

Leosdanis Mulet was also arrested by ICE officers while his wife drove him and their two children home from the bank. Leosdanis Mulet Decl., ¶¶ 18-21. The officers did not ask Mr. Mulet how long he had been in the U.S., his ties to the community, his family, employment, or criminal history. *Id.* ¶¶ 36-39. Rather, after pulling Mr. Mulet out of the passenger seat of his car and handcuffing him, the officers asked “what makes you legal in this country?”, and when he responded that he entered on humanitarian parole and had a pending application for his green card, they told him to “take it up with the judge.” *Id.* ¶¶ 24, 27. M.A.R. was arrested on the morning of February 7, 2026, while driving to work with a coworker. I.A. Decl., ¶ 18. He did not provide any identification to the officers who pulled him over and was arrested without any questions asked about his family or community. *Id.* ¶¶ 23-24. J.R. was likewise arrested on March 13, 2026, without a warrant and without being asked any questions about his family, community ties, or other questions assessing his flight risk. Y.R. Decl., ¶¶ 21-27.

Notably, when each Plaintiff was finally afforded the opportunity to appear before an Immigration Judge, the Judge determined that they were eligible for a bond, which necessarily included a determination that they did not present a flight risk. If ICE had made a proper assessment, the individual would have never been detained.

(3) *Defendant Lyons’ memo*

A memo by Defendant Lyons on January 28, 2026 (The “Lyons memo”) circulated to all ICE personnel, purports to reiterate the statutory requirements contained in § 1357(a)(2) before ICE may make a warrantless arrest. But it in fact eliminates the requirement to inquire about *any* of the palpably relevant circumstances, and instead redefines “likelihood of escape” so broadly that it would apply to virtually any person ICE officers encounter, including anyone with access

to transportation.<sup>30</sup> The factors that purport to satisfy the likelihood of escape requirement thus sweep in essentially any person encountered on the street in a vehicle or on foot.<sup>31</sup> Such a definition essentially renders the warrant requirement in § 1357 meaningless.<sup>32</sup>

Despite the lip service to the probable cause standard reflected in the statute and case law, the memorandum demonstrates that ICE officers do not even *try* to establish probable cause as to the likelihood of Plaintiffs' and Declarants' absconding prior to arrest. Instead, physical ability to depart the physical scene of the encounter, "suspicious behavior," age, health, suspicion of fraudulent documents, and likelihood to physically "remain at the scene of the encounter," are weighted-factors which are so broad that they swallow the whole. Even so, however, none of the Plaintiffs or Declarants displayed any furtive conduct suggesting that they were likely to escape arrest. Nor did any make any effort to resist, drive or walk away. *Cf. U.S. v. Cantu*, 519 F.2d 494, 497 (1975) (finding probable cause where arrestee was speeding cross country).

Indeed, most of the Plaintiffs and declarants were arrested while going about their daily and routine life activities and fully cooperated with the arresting officers. For example, Mr. Zapata was arrested while in a Lyft on his way to work. Zapata Decl., ¶¶ 15-20. He did not try to flee the area, resist arrest, or protest. *Id.* ¶¶ 20-22. F.M. was also arrested while going to Walmart to pick up a delivery for work. F.M. Decl. ¶ 12. He followed all orders once stopped by the officers and did not protest. *Id.* ¶¶ 14-16. The officers even remarked how nice and easy to deal with F.M. was because he did not resist or try to run away. *Id.* ¶ 18. ICE officers followed and cut off the car Plaintiff S.T. was driving, and despite her obeying their orders to turn off her car, officers still

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<sup>30</sup> *Supra* note 20.

<sup>31</sup> *Id.*

<sup>32</sup> See Hamed Aleaziz and Charlie Savage, *ICE Expands Power of Agents to Arrest People Without Warrants*, NYTIMES (Jan. 30, 2026), <https://www.nytimes.com/2026/01/30/us/politics/ice-expands-power-agents-warrants.html>.

banged on her car door and pulled her out of her vehicle. S.T. Decl. ¶¶ 17, 24-26. At no point did S.T. resist or try to run away. *Id.* ¶ 31.

Similarly, Plaintiff Moises Javier Aguilar Peralta did everything to cooperate with the officers when he was arrested after leaving a Home Depot where he purchased supplies for work. Moises Javier Aguilar Peralta Decl., ¶¶ 21-24, 51. He showed them his driver's license and did not resist his arrest, did not try to flee, or fight back. *Id.* ¶¶ 51-52. He did not even consider resisting or fleeing because he knew he was not present unlawfully since he had a pending asylum case. *Id.* ¶ 53. Julio Cesar Chavez Velasquez likewise cooperated with the officers who arrested him, providing his driver's license upon request. Velasquez Decl., ¶¶ 20-22. He did not resist and did not try to run away. *Id.* ¶ 32; *see also* I.A. Decl., ¶ 21 (noting her father, M.A.R., did not try to resist his arrest in any way); Y.R. Decl., ¶ 25 (noting her husband, J.R., did not resist or attempt to flee).

The Lyons Memo begs the question by presuming anyone without legal status is likely to escape, and it expressly departs from and impermissibly seeks to overrule the applicable case law by instructing officers not to consider the actual risk that an individual will flee instead of appearing for subsequent immigration hearings or complying with future immigration obligations

(4) *Defendants' policy and practice in other locations throughout the country.*

Courts around the country have found that Defendants have a policy and practice of making warrantless arrests without a pre-arrest, individualized determination that the individual is likely to escape before a warrant can be obtained. *See Hussien v. Noem*, \_\_\_ F. Supp. 3d \_\_\_, 2026 WL 657936, at \*40 (D. Minn. 2026) ("I conclude that Plaintiffs have made a clear showing that Defendants adopted a policy authorizing federal immigration officers to conduct warrantless arrests without probable cause that the arrestees were violating immigration laws, and without probable cause that the arrestees were likely to escape before a warrant for their arrest could be

obtained, in Minnesota from mid-December 2025 to mid-January 2026.”); *Escobar Molina v. Dep't of Homeland Sec.*, 811 F. Supp. 3d 1, 33 (D.D.C. 2025) (“defendants ‘are engaging in a systemic policy and practice of making warrantless arrests without individualized determinations of flight risk.”); *Ramirez Ovando v. Noem*, 810 F. Supp. 3d 1209, 1237 (D. Colo. 2025) (“[D]efendants likely have a policy, pattern, and/or practice of violating these sections by effecting warrantless arrests without individualized probable cause of flight risk”); *United Farm Workers v. Noem*, 785 F. Supp. 3d 672, 735 (E.D. Cal. 2025) (“[T]he evidence shows a pattern and practice of warrantless arrests without Border Patrol agents performing individualized flight risk assessments to have probable cause for the arrest as required.”).

Defendants’ unlawful actions in Ohio are no different.

C. Defendants’ policy and practice of making warrantless immigration arrests without an individualized determination of escape risk violates the INA, DHS regulations, and the *Accardi* doctrine.

Having established the existence of Defendants’ policy and practice of effectuating warrantless arrests without making an individualized determination that the person is likely to escape before a warrant can be obtained, it necessarily follows that Defendants are violating federal law, DHS’s own regulations, and the *Accardi* Doctrine.

“Courts have consistently held that an agency policy of effecting warrantless immigration arrests under § 1357(a)(2) without regard for individualized flight risk” is amenable to judicial review and being struck down as invalid. *Ramirez Ovando*, 810 F. Supp. 3d 1209, at 1235 (citing *Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1008-09 (N.D. Ill. 2016)). Here, Defendants’ “systemic failure to apply the probable cause standard, including the failure to consider escape risk, directly violates the clear statutory requirements under the INA.” See *Escobar Molina*, 811 F. Supp. 3d at 27; *Roy v. Cnty. of Los Angeles*, Case No. 12-cv-09012, 2018 WL 914773, at \*21 (C.D. Cal., Feb. 7, 2018) (finding ICE’s policy and practice of issuing detainees without making any assessment of

flight risk violates § 1357(a)(2)); *Creedle v. Miami-Dade Cnty.*, 349 F. Supp. 3d 1276, 1295 (S.D. Fla. 2018) (same, as to plaintiff).

DHS's regulation, 8 C.F.R. § 287.8(c)(2)(ii), likewise expressly requires that a "warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained." Defendants' policy and practice of making warrantless immigration arrests without probable cause that the person Defendants' agents are arresting without a warrant "is likely to escape before a warrant can be obtained" directly violates 8 C.F.R. § 287.8(c)(2)(ii).

The *Accardi* doctrine provides the elementary principle of administrative law that agencies are required to follow their own regulations. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *see also Masis Lucero v. Field Off. Dir. of Enf't & Removal Operations, Detroit Field Off., Immigr. & Customs Enf't*, 25-cv-823, 2025 WL 3718730, at \*5 (S.D. Ohio Dec. 23, 2025) ("[W]here an agency has bound itself, through the adoption of rules, to provide certain substantive rights, the *Accardi* doctrine sharply limits the agency's ability to simply ignore their own published rules."). In particular, "[w]here the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures." *Morton v. Ruiz*, 415 U.S. 199, 235 (1974); *Gafurova v. Whitaker*, 911 F.3d 321, 330 (6th Cir. 2018) (quoting *Morton* at 235). Because DHS is not following its own regulations, this policy and practice also violates the *Accardi* doctrine.

Plaintiffs accordingly are likely to succeed on the merits of their claim that Defendants' policy and practice of making warrantless immigration arrests without an individualized

determination of probable cause for escape risk violates 8 U.S.C. § 1357(a)(2); 8 C.F.R. § 287.8(c)(2)(ii); and the *Accardi* doctrine.<sup>33</sup>

D. Defendants’ policy and practice of making warrantless arrests without probable cause of escape risk is a final agency action that violates the APA, 5 U.S.C. § 706(2)(A), (C)

The APA empowers affected parties to challenge agency actions that are (1) “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;” or (2) “in excess of statutory jurisdiction, authority, or limitations, short of statutory right[.]” 5 U.S.C. §§ 706(2)(A), (C). Review under the APA requires that the allegedly unlawful policy, pattern, and/or practice reflects “final agency action.” *Lujan v. Nat’l Wildlife Fed’n*, 497 U.S. 871, 890 (1990); *see* 5 U.S.C. § 704 (“Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review.”). For agency action to be “final,” it must be an action that “mark[s] the consummation of the agency’s decisionmaking process and . . . one by which rights or obligations have been determined, or from which legal consequences will flow.” *Corner Post, Inc. v. Bd. of Governors of Fed. Rsrv. Sys.*, 603 U.S. 799, 808 (2024) (citation omitted). “Courts approach the APA’s finality requirement flexibly and pragmatically.” *Nava v. Dep’t of Homeland Sec.*, 435 F. Supp. 3d 880, 901 (N.D. Ill. 2020).

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<sup>33</sup> Defendants also lack sovereign immunity in this action because it states a claim that an agency or its officers acted in an official capacity and seeks only injunctive relief. *See Haines v. Fed. Motor Carrier Safety Admin.*, 814 F.3d 417, 425 (6th Cir. 2016) (rejecting sovereign immunity due to the express waiver of immunity in the APA, where 5 U.S.C. § 702 provides: “A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party.”).

Defendants’ policy of making warrantless immigration arrests without the requisite probable cause findings in § 1357(a)(2) is a final agency action.<sup>34</sup> This policy reflects a final decision by Defendants as to how to conduct warrantless immigration arrests in Ohio in pursuit of the President’s goal of mass immigration arrests and deportations; it is not an action of “merely tentative or interlocutory nature.” *Bennett v. Spear*, 520 U.S. 154, 178 (1997). Rather, it is an action “by which rights or obligations have been determined, or from which legal consequences will flow,” *Corner Post, Inc.*, 603 U.S. at 808, given that it is determinative of whether an individual will be arrested and detained without a warrant.

## **II. Plaintiffs Have Standing to Pursue Their Claims.**

Plaintiffs and the class they represent fully expect to be confronted again by ICE officers. When arrested, they had been engaged in innocent, lawful conduct, yet they were confronted and arrested without probable cause. None had any criminal record at all—save one who had a previous case of driving without a license. ICE remains active in Ohio and continues to execute the government’s illegal warrantless arrest policy on a daily basis.<sup>35</sup> Moreover, more surges in enforcement have been threatened. Plaintiffs and their fellow class members have been forced to limit their movements, imposing real and unavoidable costs on them, their families, their employers, and their communities. But because of the breadth of Defendants’ activity in these communities, even these efforts to avoid experiencing unlawful arrest again are unlikely to protect Plaintiffs in the absence of the requested relief from this Court.

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<sup>34</sup> The APA’s requirement of final agency action imposes its own exhaustion duty, and exhaustion here would be futile to make an agency correct its own intentional violations of statutory rights. *Cf. Shearson v. Holder*, 725 F.3d 588, 594-95 (6th Cir. 2013) (where exhaustion would “allow the agencies involved an opportunity to resolve problems with their procedures”).

<sup>35</sup> *See supra* n. 10, discussing recent arrests in Ohio.

Those seeking to enjoin illegal conduct must have Article III standing. The Plaintiffs have satisfied that requirement. The core jurisdictional standing requirement is that a plaintiff have a “personal stake in the outcome.” *Baker v. Carr*, 369 U.S. 186, 204 (1962). In similar litigation, the government has generally relied heavily on the oft-cited *Los Angeles v. Lyons*, 461 U.S. 95 (1983), but such reliance would be inapposite here.

*Lyons* held that the personal stake requirement of *Baker* meant more than past harm and fear of recurrence; instead, plaintiffs had to show beyond “subjective apprehensions” the “reality of the threat of repeated injury.” *Id.* at 107 n.81. In *Lyons*, the plaintiff, who had been subjected to an unlawful chokehold, lacked standing. He could not demonstrate the required personal stake because an injury from an unlawful chokehold was unlikely to recur. Missing from the evidence was proof that the “City ordered or authorized police officers to act in such [a] manner.” 461 U.S. at 106. Here, in contrast, the evidence demonstrates beyond question that Defendants have ordered and authorized federal officers to act exactly as they have toward Plaintiffs and their fellow class members. Worse, Defendants have incentivized this unlawful conduct on a massive scale by the imposition of arbitrary numerical goals.

The evidence here demonstrates that DHS is operating throughout the United States on a quota system to detain undocumented aliens. “Courts generally agree that, ‘when the threatened acts that will cause injury are authorized or part of a policy, it is significantly more likely that the injury will occur again,’ and it is consequently more likely that plaintiffs have standing to pursue equitable relief.” *Hinton v. District of Columbia*, 567 F. Supp. 3d 30, 49 (D.D.C. 2021) (quoting *Does I Through III v. District of Columbia*, 216 F.R.D. 5, 11 (D.D.C. 2003)). “[E]xposure to [the allegedly unlawful] policy is both itself an ongoing harm and evidence that there is ‘sufficient

likelihood’ that Plaintiffs’ rights will be violated again.” *Ortega-Melendres v. Arpaio*, 836 F. Supp. 2d 959, 979 (D. Ariz. 2011), *aff’d sub nom. Melendres v. Arpaio*, 695 F.3d 990 (9th Cir. 2012).

The absence of such a pattern doomed standing in *Lyons*: the plaintiff was unlikely to violate a traffic law and be stopped by police and subjected to a chokehold without provocation when the police department policy prohibited such a chokehold. 461 U.S. at 105-08. The presence of arrests without probable cause pursuant to DHS policy establish standing here. *See, e.g., 303 Creative LLC v. Elenis*, 600 U.S. 570, 583 (2023) (“credible threat” of future enforcement based on State’s “history of past enforcement against nearly identical conduct”); *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 164 (2014) (“[P]ast enforcement against the same conduct is good evidence that the threat of enforcement is not ‘chimerical’” (quoting *Steffel v. Thompson*, 415 U.S. 452, 459 (1974))).

As in *Escobar Molina*, “plaintiffs have shown a substantial likelihood that they are among the group of individuals that defendants target[.]” 811 F. Supp 3d. at 15. That increases significantly the threat of imminent harm. *See, e.g., Church v. City of Huntsville*, 30 F.3d 1332, 1337-39 (11th Cir. 1994) (plaintiffs who were homeless were “far more likely to have future encounters with the police” under city’s alleged policy of harassing or removing homeless individuals); *Williams v. City of Chicago*, No. 22-cv-3773, 2023 WL 6388891, at \*4 (N.D. Ill. Sept. 29, 2023) (plaintiffs alleged “sufficient risk of future harm” from police encounters where the city had an alleged policy of targeting plaintiffs’ neighborhoods for stop-and-frisks due to the “high rates of ShotSpotter activations”).

Here, “for reasons beyond” the control of Plaintiffs and the class they represent, they are “unable to avoid repeating the conduct that led to the original injury at the hands of the defendant.” *Church*, 30 F.3d at 1338; *see also Melendres v. Arpaio*, 695 F.3d 990, 998 (9th Cir. 2012) (finding

“exposure to [a traffic stop] policy while going about one’s daily life . . . constitutes ‘ongoing harm and evidence that there is ‘sufficient likelihood’ that the Plaintiffs’ rights will be violated again’”) *Smith v. City of Chicago*, 143 F. Supp. 3d 741, 752 (N.D. Ill. 2015) (finding standing to challenge suspicionless stops and/or frisks because the plaintiffs were stopped or frisked while engaging in “innocent, lawful conduct” such as “walking home from the grocery store, standing in front of their own homes or the homes of friends, or taking digital photographs”). Plaintiffs and the class they represent suffer the same fate and, unless ICE is enjoined, they are likely to face the denial of statutory rights again.

As the Court is no doubt aware, in the much-reported-on *Noem v. Vasquez Perdomo*, \_\_\_ U.S. \_\_\_, 146 S.Ct. 1, 2-3 (2025), Justice Kavanaugh concurred in staying an injunction because “plaintiffs likely lack Article III standing to seek a broad injunction restricting immigration officers from making these investigative stops.” But that single justice’s fact-specific commentary, which occurred in a different substantive legal context and has since been overtaken by more recent events, does not alter the analysis above.

Justice Kavanaugh reasoned in that case, relying on *Lyons*, that “plaintiffs have no good basis to believe that law enforcement will unlawfully stop *them* in the future based on the prohibited factors—and certainly no good basis for believing that any stop of the plaintiffs is imminent.” *Vasquez Perdomo* at 2 (Kavanaugh, J., concurring) (emphasis in original). But he was assessing a very different injunction. Justice Kavanaugh was not addressing a regular pattern and policy by Defendants that violated established law. Instead, during an earlier period of immigration enforcement, he was analyzing a set of informal factors agents were allegedly using to support reasonable suspicion for immigration stops. His concurrence was not premised entirely on the unlikelihood of an individual person in Los Angeles being stopped by federal agents. Instead, it

was based on what Justice Kavanaugh deemed the particular unlikelihood of that person being stopped by those agents based on the particular set of factors the plaintiffs were alleging to be impermissible. *Id.* at 3. That is a very different scenario than the one presented here, where the government is applying an unlawful policy and practice on a blanket basis.

Importantly, Justice Kavanaugh's opinion was also informed and premised on his view at the time that the specific factors at issue related to reasonable suspicion, including the apparent race and primary language of those targeted for stops, were likely *not* impermissible on the merits. He noted statistical estimates of "an extremely high number and percentage of illegal immigrants in the Los Angeles area," the percentage arriving from Mexico and Central America, and their concentration in particular jobs, and expressed his view that incorporating race and primary language appeared to be "common sense." *Id.* at 3. But months later, and thus deeper into the expansion in geographic scope and intrusiveness of the Defendants' mass deportation push, Justice Kavanaugh himself seemed to acknowledge that his concurrence in *Vasquez Perdomo* had gone too far, and began to strike a different tone, warning that "officers must not make interior immigration stops or arrests" like those at bar "based on race or ethnicity." *Trump v. Illinois*, 607 U.S. \_\_\_, 146 S. Ct. 432, 436 n.4 (2025).

In light of succeeding events painting a clearer picture of the Defendants' blanket policies of violating federal statutory constraints, their expansion of these efforts to the interior, including Ohio, and the clearer showing of the impact of those efforts on the daily lives of those targeted, it is not surprising that cases like *Escobar Molina* have recognized the standing of individuals and classes similar to Plaintiffs and the Putative Class here. Where exceptions have arisen, such as in the recent case of *Hussen v. Noem*, \_\_\_ F. Supp. 3d. \_\_\_, 2026 WL 657936, at \*1 (D. Minn. 2026), they have arisen not based on blanket assertions that no one can have a personal stake sufficient to

satisfy Article III in cases like this, but based on the specific facts demonstrating whether or not party or class can meet the *Baker v. Carr* standard. In *Hussen*, the court principally relied on its assessment that ICE enforcement had receded from the Minneapolis-St. Paul area in light of the overwhelming public condemnation of the violent surge there. *Id.* at \*40. But relevantly, the months of continued, disruptive enforcement sweeps after the declared end of Operation Buckeye present a very different scenario.

*Hussen* also imposed an unprecedentedly restrictive view of standing, seeming to require that to have standing, plaintiffs must show they have had their rights violated more than once *each*. *Id.* at \*41. Such a requirement, which treats individuals' efforts to avoid a repeat arrest as a "voluntary[ly]" effort to "manufacture" standing, *id.* at \*31, quoting *Bost v. Ill. State Bd. of Elections*, \_\_\_ U.S. \_\_\_, 146 S. Ct. 513, 522 (2026), imposes a Catch-22: those who go into hiding out of a reasonable fear of a successive violation of their rights will be less likely to be harmed again, but will also lack standing, making it impossible for them to ever leave that hiding.

Such a Catch-22 is inconsistent with the Supreme Court's precedent. For instance, in *Clapper v. Amnesty Int'l USA*, the Court held that the harm predicted by the plaintiffs—who, unlike Plaintiffs here, had never experienced harm in the first place, and were following what the Court viewed as an unlikely chain of inferences that they might be harmed by the government's policies in the future—was too speculative to establish standing. 568 U.S. 398, 401-403 (2013). But even the *Clapper* Court acknowledged, "Our cases do not uniformly require plaintiffs to demonstrate that it is literally certain that the harms they identify will come about. In some instances, we have found standing based on a 'substantial risk' that the harm will occur, which may prompt plaintiffs to reasonably incur costs to mitigate or avoid that harm." *Id.* at 414, n.5. The same standard was recently quoted favorably in *Bost v. Ill. State Board of Elections*, 146 S. Ct. at 522 (2026), in which

a majority of the Supreme Court, including Justice Kavanaugh, recognized the standing of an electoral candidate to challenge a vote-counting procedure without requiring a showing that the policy would necessarily result in the candidate's defeat or an increase in campaign expenditures.

Plaintiffs and the putative class easily meet the *Clapper* test. The costs they have described and will demonstrate to the Court, including interference with their work, childcare, family relationships, worship, and participation in their communities, are extreme, but they are reasonable efforts to “mitigate or avoid” the harm imposed by Defendants’ unlawful policies. There are only two ways for this widespread imposition of *de facto* house arrest to end. One is untenable, as it would require Plaintiffs and the class to ignore the established, substantial risk of harm, inviting another illegal arrest by returning to their pre-arrest routines. The other, only this Court can provide: a remedy, in the form of preliminary injunctive relief, that affords Plaintiffs and the class of similarly-situated individuals the legal rights afforded by Congress through the INA and allows them to step out of the shadows without fear of unjustified imprisonment.

### **III. Absent Immediate Injunctive Relief, Plaintiffs and the Putative Class Will Continue Facing Irreparable Harm Due to Defendants’ Unlawful Policy and Practice.**

To be entitled to a preliminary injunction, Plaintiffs “must demonstrate, by clear and convincing evidence, actual irreparable harm or the existence of an actual threat of such injury.” *Patio Enclosures, Inc. v. Herbst*, 39 F. App'x 964, 969 (6th Cir. 2002). The injury “‘must be both certain and immediate,’ not ‘speculative or theoretical.’” *D.T. v. Sumner Cnty. Sch.*, 942 F.3d 324, 327 (6th Cir. 2019). Irreparable harm means harm that cannot readily or fully be remedied by relief ordered long after it was inflicted, whether in an award of money or an apology. *See Overstreet v. Lexington-Fayette Urb. Cnty. Gov't*, 305 F.3d 566, 578 (6th Cir. 2002) (“A plaintiff's harm from the denial of a preliminary injunction is irreparable if it is not fully compensable by monetary damages.”).

Being denied statutory rights in a way that inflicts concrete harm can be an irreparable injury. *See Williams v. Transworld Sys. Inc.*, No. 25-CV-09527, 2026 WL 74202, at \*2 (N.D. Cal. Jan. 9, 2026) (“Deprivation of some statutory rights may constitute irreparable harm[.]”); *see also Washington Post v. Dep’t of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) (“Without a preliminary injunction directing the Secret Service to process the plaintiff’s FOIA request in an expedited fashion, the plaintiff would lose out on its statutory right to expedited processing and on the time-sensitive public interests which underlay the request.”).

Here, DHS is operating throughout Ohio on a quota system to detain removable immigrants. “The mere fear of immigration detention and deportation may alone constitute a sufficient irreparable injury.” *D.B. v. Trump*, No. 25-CV-419, 2025 WL 1203232, at \*3 (S.D. Ohio Apr. 23, 2025); *see also Ratsantiboon v. Noem*, No. 25-CV-01315, 2025 WL 1118645, at \*2 (D. Minn. Apr. 15, 2025) (noting that “forc[ing the plaintiff] to live in uncertain legal status . . . can constitute a separate irreparable harm”). Here, Plaintiffs and the Putative Class continue to exist in a state of uncertainty as to whether they will be picked up and detained by ICE or CBP without any pre-arrest individualized determination of probable cause. This alone amounts to irreparable harm that has been sufficient to warrant a TRO, which places an even higher emphasis on irreparable harm. *See id* at \*2; *see also Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (finding irreparable harm, albeit in the context of a constitutional violation, where “[p]laintiffs faced a real possibility that they would again be stopped or detained and subjected to unlawful detention on the basis of their unlawful presence alone.”).

An arrest itself also involves deprivation of liberty. *Escobar Molina* recognized that even a few hours of being handcuffed and detained imposed irreparable harm. *See Escobar Molina v. U.S. Dep’t of Homeland Sec.*, 811 F. Supp. 3d at 51 (D.D.C. 2025); *see also Estrada v. Noem*, No.

25-CV-03271, 2025 WL 3691473, at \*5 (C.D. Cal. Dec. 10, 2025) (“The Court finds that Petitioners’ continued detention without an initial bond hearing constitutes immediate and irreparable injury, as this violates statutory rights afforded under 8 U.S.C. § 1226(a).”). The deprivation of opportunities as a result of one’s unlawful detention also amounts to real, irreparable harm. *See Ramirez Ovando v. Noem*, 810 F. Supp. 3d at 1238 (D. Colo. 2025) (“If instead of being arrested immediately by ICE, plaintiffs were allowed to go home until summoned into immigration court or arrested on an administrative warrant, they would have had the opportunity to speak to their families, pay their rent, put their items in storage, and try to obtain representation by an immigration lawyer.”) (record citations omitted).

In addition to an unlawful detention, Plaintiffs have convincingly alleged “an irreparable effect in the sense of making it difficult or impossible to resume their activities or restore the status quo ante in the event they prevail.” *Heideman v. S. Salt Lake City*, 348 F.3d 1182, 1189 (10th Cir. 2003); *see also Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025) (“Even individuals who face significant constraints on their liberty or over whose liberty the government wields significant discretion retain a protected interest in their liberty.”). This leaves Plaintiffs in the vulnerable position of being subject to re-detention, with potentially devastating consequences on their economic livelihoods, their families, and their health, and that harm will not be remedied by a money award at the end of this litigation. *See* S.T. Decl., ¶¶ 97-105 (fearing every day that she will be re-arrested by ICE due to frequent ICE activity and immigrant presence in her neighborhood); Peralta Decl., ¶¶ 123-35 (very scared to go about his daily life and often feels panic because of his experience in detention and living near an area where a lot of immigrants are being targeted); *id.* ¶¶ 135-38 (fearing if he returned to his country, he would be murdered); F. M. Decl., ¶¶ 36-41 (scared to go about his daily life, too scared to go to church and left to stream church

services online, fears being arrested again, not even able to be himself because of this fear); Zapata Decl., ¶¶ 35-38 (scared of being arrested again, having difficulty sleeping). Even those still in jail have no security that if released, they would not be subject to re-arrest. *See Velasquez Decl.*, ¶ 80 (“I’m afraid that even if I get out of jail, I could be arrested again. If that happens, I don’t know what I would do. I don’t know how my family will survive this again.”).

Plaintiffs have already been subject to arrests while going about their daily lives, and “these plaintiffs are subject to a much heightened risk of such re-arrest given that they fall within the targeted group for such arrests.” *Escobar Molina*, 811 F. Supp. 3d at 51. This is especially true here and now since, as revealed in the recent Lyons Memo, the administration has continued to “move[] from targeted enforcement to broad street sweeps.”<sup>36</sup>

Plaintiffs have merely been released from custody through a court order and the payment of bond, but there are no assurances that they, or any of the members of the Putative Class are not subject to detention without a pre-arrest individualized determination that they are likely to escape before a warrant can be obtained in violation of the INA and DHS regulations. What’s more, the pace of civil immigration arrests in Ohio are on the increase<sup>37</sup> and authorities are explicitly threatening coming surges.<sup>38</sup>

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<sup>36</sup> Julia Ainsley, et al., *supra* note 19 ; *see also* Memorandum from Todd Lyons, *supra* note 20.

<sup>37</sup> *See Hoffman Decl.*, ¶ 16 (“Immigration detentions do not appear to be slowing down in northern Ohio . . . This high rate of detention is continuing to this day”); *see also supra* n. 10 (discussing immigration arrest rates as recent as February and March 2026).

<sup>38</sup> *See Gov. Mike DeWine says Ohio prepping for possible ICE surge in Springfield*, COLUMBUS DISPATCH (Jan. 27, 2026) (“Gov. Mike DeWine said Ohio officials are preparing for a potential surge in immigration enforcement when thousands of Haitians in Springfield lose their legal status overnight.”). *Also see* Order Granting Certiorari, *Trump v. Miot*, 607 U.S. \_\_\_, 2026 WL 731087 (March 16, 2026) (No. 25-1084); *Miot v. Trump*, 2026 WL 659420 (D.C. Cir. Mar. 6, 2026); *Miot v. Trump*, \_\_\_ F. Supp. 3d \_\_\_, 2026 WL 266413 (D.D.C. 2026) (Termination of TPS for Haitians, originally set for February 3, 2026, has been delayed due to pending litigation, and the United States Supreme Court will hear oral argument on the matter later this month.).

Defendants' policy, practice, and pattern of statutory violations since at least April 22, 2025, are causing wholesale harm to Ohioans and continue to inflict an unnatural result: fear of ICE and CBP officers flouting the INA. "This is a deliberate choice to conduct routine civil immigration enforcement through masked anonymous agents operating without warrants across the interior of the United States." *Urquilla-Ramos v. Trump*, \_\_\_ U.S. \_\_\_, 2026 WL 475069, at \*14 (S.D.W.Va. 2026).

#### **IV. Issuance of a Preliminary Injunction Does Not Harm Others and Promotes the Public Interest in Federal Officers Complying with the INA.**

The final factors of a preliminary injunction analysis, the balance of harms and the public interest, "merge when the Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 435 (2009); *see also Ohio v. Becerra*, 577 F. Supp. 3d 678, 688 (S.D. Ohio 2021), *aff'd in part, rev'd in part and remanded*, 87 F.4th 759 (6th Cir. 2023) (same). The cognizable "public interest [is] in having the immigration laws applied correctly and evenhandedly." *Tesfamichael v. Gonzales*, 411 F.3d 169, 178 (5th Cir. 2005); *see also Lujan v. Defs. Of Wildlife*, 504 U.S. 555, 576 (1992) (discussing "the public interest in Government observance of the Constitution and laws"). Especially for undocumented immigrants seeking asylum, "the public's interest [is] in ensuring that we do not deliver [noncitizens] into the hands of their persecutors." *Leiva-Perez v. Holder*, 640 F.3d 962, 971 (9th Cir. 2011). Federal officers have ample ways to enforce immigration laws while complying with the INA.

What's more, the public clearly has a strong interest in ensuring that Defendants comply with the existing federal statutory framework to carry out civil immigration arrests and Defendants "cannot suffer harm from an injunction that merely ends an unlawful practice[.]" *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013); *see also Ramirez Ovando, v. Noem*, 810 F. Supp. 3d at 1238 ("[T]he specific harms that attend warrantless arrest without probable cause of flight are

not inevitable. They are the direct result of defendants’ ongoing violation of the law.”). And Defendants have no colorable interest in continuing unlawful arrests.

Americans do not support Defendants’ sweeping approach to immigration enforcement that is wreaking havoc on immigrant communities, hurting businesses, and forcing families to remain in hiding. And the public certainly does not have any interest in expending taxpayer funds to hold people in detention for multiple weeks only to have immigration judges finally assess their flight risk and release them. Nor should a bond be required for enjoining ICE to comply with statutory mandates. *Ramirez Ovando*, 810 F. Supp. 3d at 1242. *Accord UFW*, 785 F. Supp. 3d at 742; *Arevalo v. Trump*, 785 F. Supp. 3d 644, 668 (C.D. Cal. 2025) (“[C]ourts routinely impose either no bond or a minimal bond in cases involving public interests[.]”) (internal citation omitted). Although if a bond is so ordered, Plaintiffs respectfully request a nominal \$1 bond.

### CONCLUSION

Plaintiffs have presented persuasive evidence and argument based on controlling authority that Defendants must be preliminarily enjoined. The Court should grant Plaintiffs’ motion, provisionally certify the Warrantless Arrests Class, and issue a class wide preliminary injunction enjoining Defendants from making warrantless arrests in Ohio without an individualized, pre-arrest determination of probable cause that the person is likely to escape before a warrant can be obtained.

Dated: April 15, 2026

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2026, a copy of the foregoing Plaintiffs' Motion for a Preliminary Injunction, Memorandum in Support, and attached declarations were filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. In addition, the foregoing will be sent to counsel for Defendants via email at Christopher.Yates@usdoj.gov. All previous filings in this action have also been served upon Defendants by certified mail, email, or by the function of this Court's CM/ECF system.

/s/ Freda J. Levenson  
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/s/ John S. Marshall  
*Trial Attorney for Plaintiffs*  
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**DECLARATION OF F.M.**

I, F.M., declare under penalty of perjury of the laws of the United States that the following is true and correct to the best of my knowledge:

1. I was born in Kenya and lived there my whole life until I came to the United States.
2. I faced violence and persecution in Kenya and applied for a J1 visa as a means to escape this environment.
3. I came to the United States in December, 2023, on a J1 visa to work in agriculture.
4. I worked on a farm in Huron, Ohio for twelve months.
5. I applied for asylum with USCIS in April of 2024.
6. I received my asylum-based work permit from USCIS in October of 2024.
7. Around the beginning of 2025, I moved to Sandusky, Ohio, where I currently reside.
8. My J1 visa expired in December of 2024, but my pending asylum application offered me protection to live and work in the United States until the final adjudication of my asylum application.
9. I have followed and obeyed the laws of the United States since my arrival and, other than the incident detailed below, I have never been arrested, charged or convicted of a crime in the United States or in any country.
10. I have paid my taxes for the past two years.
11. For the past almost year, I have worked as a delivery driver and typically work eight hours a day.
12. On April 22, 2025, around 7 or 8 in the morning, I drove to a Walmart in Norwalk, Ohio, for work. I parked my car in the parking lot and got out of my car to walk into the store.
13. I took approximately two steps out of my car when I was approached by four men in civilian clothing.

14. One of the men asked me if I was [my first name] and I confirmed that I was. I was then told that I was under arrest. I asked why and was told it was for overstaying my J1 visa. I calmly let the officers know that I had an ongoing case in immigration court and that I have a work permit and a driver's license. Their response was that they were just doing their job.
15. As this conversation took place I was ordered by another officer to put my hands up and spread my legs. I immediately did so. They pushed me into the car parked next to mine. I did not resist. The officer patted me down and then placed my hands in handcuffs behind my back.
16. The officers asked if I had anything valuable in the car that I wanted to take with me. I told them my wallet was in there and I wanted that with me. One of the officers opened my car door and took out my wallet. He then opened my wallet and looked at my identification including my work permit and driver's license. I said I couldn't have acquired these documents if I didn't have my immigration case.
17. I asked them again why they are arresting me. They said you just have to stay silent and stay calm. So, I stayed calm, but I was panicking. I had done everything right and followed all the rules for my immigration case and never expected to be arrested.
18. The officers remarked that I was nice and easy to deal with because I did not resist or try to run away in any manner. I said there's no reason for me to resist because I'm not a criminal and I haven't committed any crime.
19. The officers walked me over to two unmarked cars and put me in the backseat of one of them. Once I was in the car, they shackled my legs together so I could not move.
20. The officers never showed me their badge or any other identification.
21. The officers did not present or show me any warrant for my arrest at any time.

22. When I was in the backseat of the car, I asked the officer driving if they could show me anything, any documentation, as to why they were arresting me or show me what I had done wrong. The only response I got was that they were doing their job and I overstayed my visa.
23. The officer started driving and another officer was in the backseat with me. I thought they were going to take me straight to the airport and send me back to a country I fear returning to. Instead, after about 40 minutes, they took me to a CBP office in Port Clinton. When we got there, they took the chains off my legs, but it took four officers to uncuff my hands. The handcuffs were so tight they couldn't get them off. It took about 20-30 minutes until they could take them off.
24. Once they uncuffed me, they had me sit in an office and take my jacket off. It was so cold in there, I was shaking. I asked if I could put my jacket back on, but they refused.
25. I also asked the officers for something to eat. I hadn't eaten breakfast that day and was planning on eating after I got back in my car from that stop at Walmart, but I never did. The officers only gave me water.
26. I continued to ask at the CBP station why I was being arrested and I never got an answer. I told them I have a pending case and have not committed any crime. The officer said I just have to stay calm, there is nothing he can do.
27. While they were searching my documents in the computer, I heard one officer remark "Why are we arresting this guy? It seems like he did things right." I was then kept in a small room by myself for about an hour or two.
28. The officers during the arrest and at the station never asked me any questions about my immigration case, my criminal background, or any ties to my community.

29. From the CBP office in Port Clinton, I was shackled and handcuffed again and taken in a van to Seneca County Jail. There was another man with me in the van who spoke Spanish that was also being taken to that jail. He said he was married to a U.S. Citizen.
30. When we got to Seneca County Jail, they checked my documents that were in my wallet again and put me in another room. I asked the officers if I could have my phone to write down phone numbers of some friends to let them know that I had been arrested. They gave me my phone and told me I had one minute. I wrote down the phone numbers of a few friends super-fast and then they grabbed my phone away.
31. I was very hungry this whole time. I hadn't eaten for almost that whole day.
32. I was detained at Seneca County Jail for five weeks. It was terrible. I was in complete shock. I knew I was running away from persecution in Kenya and knew I had tried to follow every procedure the law had required for me. And that's what I did. I was so afraid and was shaking because I never thought I would be arrested. It was like a dream. I couldn't tell if it was real.
33. I was put in a large room of bunk beds with about 40-50 other people, but people were always coming in and leaving. You have no freedom there, and no privacy. I could barely sleep at night. I was just thinking about everything, I thought this would be the end for me. I only slept when I was so exhausted after not sleeping for so many hours. But I was scared. My biggest worry was what will happen to me if I am sent back to Kenya. I thought, why did I even try to leave? I was running away from violence and persecution but now I'm just going back there. It was very troubling.
34. I was able to get in touch with my friend whose number I wrote down when I was arrested. He didn't know me to be a bad person, and he helped me. He helped me find a lawyer.
35. It was a long journey, but my lawyer was able to get bond, and after five weeks, I was eventually released on a bond of \$2,500.

36. Before I was arrested, I was a happy person, I was cheerful. But after this experience, everything changed. I am not the same person I was before. I am no longer a cheerful or active person. I have low morale. I am so scared of many things. I thank God because I am out of jail, and jail was a terrible place. I am thankful for my freedom and grateful for the support I have. But things are not the same as before.
37. I see how things are going everywhere and how things haven't calmed down, things are escalating. I am scared every day of being arrested again. I would like to go to church so bad, but I am too scared to go because I don't want to get arrested. I see that people have been arrested from church and from public areas. Instead, I stream church services online. But it is not as engaging as being there in person and there is no community. But it is better than being arrested again.
38. I still have to work because that is the only way to survive. But now I no longer drive to different locations or new places. Now I only go to where I know it is safe, where I can prevent myself from being exposed. I don't even know where the federal agents are, but I know they are probably out there. I didn't think things like this were happening here until it happened to me and I met a lot of people from Sandusky in Seneca County Jail who were arrested by border patrol.
39. There are immigrants in Sandusky and there will be more in the summer because they come to work at Kalahari and Cedar Point, there are also a lot of immigrants in the area working in agriculture.
40. I mostly want to stay in isolated areas or inside my car because I am too scared to be in public places and get arrested. If I get arrested again, I don't know what will happen, but I know it won't be good.
41. I always try to just be myself, but now I'm not even being me because of the fear that I have.

42. Because of this arrest, I am now placed in removal proceedings in immigration court.
43. I have an immigration court hearing coming up and just as I had done prior I will continue to respect and follow the laws here, including attending that hearing.
44. I am a plaintiff in this proposed class action lawsuit because I want to challenge the unjustified immigration arrests that are happening in Ohio.
45. I understand that there are many other people who have experienced something similar to what I experienced. I am seeking to represent a class of people in Ohio who have been arrested without a warrant and without proper reasons.
46. If the Court recognizes this case as a class action, I understand the responsibilities involved in being a plaintiff representing a class. I understand that I need to keep informed about what is going on with the case, including any agreements between the plaintiffs and the government to resolve this case. I understand that I need to think about the interests of the other proposed class members, who are people in a similar situation to me, and act on those interests. I am prepared to represent the proposed class in this case and will take my responsibilities seriously.
47. I understand that I will be part of a team making important legal decisions and directing the lawyers on this case after getting their advice. I will share what I think about these legal decisions and will be involved in the final approval of major legal decisions, including whether to settle this case with the government.
48. I will work with the other class representatives on this case to make decisions when issues come up about how to proceed.
49. I will communicate with and direct the lawyers representing the class about important motions, settlement talks, trial preparation, and trial. I understand that I am responsible to direct the lawyers on each of these things, after getting their advice. I will speak to the lawyers as often as necessary.

50. I understand that I may need to answer questions from the government's lawyers in writing or in person.

51. I understand that if a class is certified, my lawyers will owe a duty to all members of the proposed class to provide fair and adequate representation.

52. I believe that the following organizations and law firms should be approved by the Court to serve as co-counsel for the class: Advocates for Basic Legal Equality, Inc. (ABLE), the American Civil Liberties Union of Ohio Foundation (ACLU OH), Community Refugee and Immigration Services (CRIS), Marshall, Forman & Schlein, Walton + Brown LLP, and The Gittes Law Group. I believe they will work to obtain the best result for the class.

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

FM

\_\_\_\_\_  
Printed Name



\_\_\_\_\_  
Signature

March 17, 2026

\_\_\_\_\_  
Date

**DECLARATION OF J.A. (JOSE ARMANDO DE LEON ZAPATA)**

I, Jose Armando de Leon Zapata, declare under penalty of perjury of the laws of the United States that the following is true and correct to the best of my knowledge:

1. I was born in Mexico.
2. I came to the United States on a visa in May of 2022.
3. In October of 2022, I moved to Toledo, Ohio, where I currently reside.
4. When I moved to Ohio, I started working in roofing. I worked mostly putting shingles on roofs and did this when the weather allowed. When it was too cold or snowy, I worked in a restaurant on the weekends washing dishes.
5. Recently, because it was too snowy to work on roofs, I started working at another restaurant during the week. I mostly work in the kitchen.
6. When I get paid at the restaurants, they take taxes out of my pay checks.
7. I am a good and hard worker. I show up every day when I am working. The only time I have missed work is when I have to go to court or something like that.
8. When I came to Toledo in October, 2022, I met a man whose roof we were working on who had a room he was renting out. I started living there and paying him rent.
9. In August 2025, I married my wife, who is a U.S. Citizen.
10. My wife moved in with me into my friend's house. My wife does not currently work, so I provide financially for our rent, food, water, and utilities.
11. I was pretty busy working all the time, but every now and then, I used to go out to eat with my wife.
12. In September, 2025, my wife and I signed a lease to move into our own apartment at the beginning of October. We were excited. This apartment was closer to my work, so it would be easier for me to get there.

13. The restaurants I work at are about 20 mins away from my friend's home. So, I generally take a Lyft or Uber to get there. Sometimes, my coworkers give me a ride home, otherwise I also take a Lyft or Uber home.
14. I have minimal criminal history, I only have one misdemeanor for driving without a license. I was charged for this in March of 2024, and have not driven since this date.
15. On or about September 30, 2025, I was using a ride service, Lyft, to go to work. I had my headphones in and was watching videos on my phone in the backseat. I then heard the driver take a call and say, "he's here" and that's when my ride was pulled over by an unmarked and completely blacked-out SUV.
16. Another Toledo Police vehicle was also there. Six Toledo Police officers came out of the cars. They had rifles strapped across their bodies. They asked me to see my ID, but I told them I didn't have one with me. Then, they took me out of the vehicle and searched me, taking my phone and wallet out my pocket. They then put my arms behind my back and handcuffed me. They never even asked me my name.
17. I asked them why they are arresting me? They said just wait. I asked to call my wife, but they didn't let me.
18. The police checked the Lyft driver's identification and the driver left after I was in handcuffs.
19. Then, another unmarked car arrived, and a man dressed in civilian clothing with a gun around his waist walked toward me. He told me he was an agent of ICE. He said because I don't have an ID, Border Patrol is on the way.
20. A few minutes later, two Border Patrol vehicles arrived. Three Border Patrol agents came out of the cars and walked over to me. They didn't ask me anything. They never asked my name, never asked how long I have been here for, never asked about my family, job, or ties to the community. They just told me everything was going to be alright, and that they were going to

deport me quickly. Then, they turned me around, took off the handcuffs I had on, and put on new handcuffs. Then they put me in one of their vehicles.

21. I was never shown a warrant for my arrest.
22. I did not try to flee the area or resist anything. I didn't protest. All I asked was to call my wife, but they said no.
23. Nobody asked me about my community or family ties. Nobody even asked me my name.
24. I was then placed in a Border Patrol car with the one agent – Agent Gibson.
25. Agent Gibson drove from where I was arrested to the CBP Station, in total that took an hour. While we were driving, I asked Agent Gibson if I can call my wife, but he said no. I asked why was I being arrested, and he said because I'm an illegal alien. I asked him if I was going to be deported, and he said yes, I'm probably going to be deported.
26. I felt like I was being kidnapped. I couldn't do anything, I felt helpless.
27. Once I was at the CBP Station I was then asked for my name. I was also asked how I came to the United States, how I got here, if I was married, and how old I was. I answered these questions truthfully – I came in on a visa and am married to a U.S. Citizen.
28. Then they asked me to write my phone password on a piece of paper because they were going to look through it. I did. They were right there so I could see them looking through my phone. I don't know what they were looking at, but they looked through my phone for about an hour and a half to two hours. I could see that they were laughing and talking to each other while they were looking through my phone, but I couldn't hear what they were saying.
29. I was then placed in a holding cell for about four hours until I was transferred to Seneca County Jail at around midnight. That drive took about an hour and twenty minutes.
30. In total I was detained for 21 days. This was a very difficult time for my wife and I. My wife left an abusive situation with her family, and she relies on me for emotional and financial

support. I pay our rent, utilities, and buy our food. She found a job, but it wasn't enough to cover those costs, so she had to go live with a friend. She was alone and I worried about her. It hurt knowing I couldn't care for her.

31. We also had to cancel our plans to move into our own apartment closer to my work. My wife had to call the apartment complex and told them we couldn't move because I had been arrested. Because of this, we lost \$250 or so.

32. While I was in jail, my wife found an attorney to help me. On October 14, 2025, with my attorney's help, I was granted an immigration bond of \$13,000. My wife was able to raise that money through friends and community members and thankfully I was released on October 21, 2025.

33. When I got out of jail, I found out that I was fired from one of the restaurants because I didn't show up to work for so long. But I was able to return to the other restaurant, and I work there for 30-40 hours, four days a week.

34. I talked to my friend and asked him to give me and my wife another chance, and he let my wife and I come back and live with him. With everything going on though, we can't move anymore. We plan to just stay here.

35. I have a lot of payments, I'm paying my lawyer and paying back the people who helped get me out of jail. Now all I do is work and come home. I don't go out to eat anymore with my wife, we only eat at home.

36. I still take Lyft or Uber to get to work, but I'm scared. I'm always looking around to make sure I'm safe.

37. I'm more scared of the police. I'm scared that if they re-detain me, I don't have enough money to pay another bond.


38. Since being released from jail, I've had difficulty sleeping. There's a lot going on with my immigration case, a lot of problems, and I'm just thinking about all I have to do, and I'm worried about leaving my wife alone again.
39. On October 31, 2025, my wife filed an I-130 Petition for me to have legal status here. I am still in removal proceedings in immigration court and am going to those hearings and am attentive to my case.
40. I think that what happened to me before could happen to me again. I don't think that having a pending application and going to my court hearings would stop another arrest like this.
41. There are many immigrants in my neighborhood and where I work. Since my arrest, I've heard from others in my community that ICE has been around my neighborhood. Some friends of mine have been arrested by ICE since my arrest and they have been deported.
42. I am a plaintiff in this proposed class action lawsuit because I want to challenge the unjustified immigration arrests that are happening in Ohio.
43. I understand that there are many other people who have experienced something similar to what I experienced. I am seeking to represent a class of people in Ohio who have been arrested without a warrant and without proper reasons.
44. If the Court recognizes this case as a class action, I understand the responsibilities involved in being a plaintiff representing a class. I understand that I need to keep informed about what is going on with the case, including any agreements between the plaintiffs and the government to resolve this case. I understand that I need to think about the interests of the other proposed class members, who are people in a similar situation to me, and act on those interests. I am prepared to represent the proposed class in this case and will take my responsibilities seriously.
45. I understand that I will be part of a team making important legal decisions and directing the lawyers on this case after getting their advice. I will share what I think about these legal

decisions and will be involved in the final approval of major legal decisions, including whether to settle this case with the government.

46. I will work with the other class representatives on this case to make decisions when issues come up about how to proceed.
47. I will communicate with and direct the lawyers representing the class about important motions, settlement talks, trial preparation, and trial. I understand that I am responsible to direct the lawyers on each of these things, after getting their advice. I will speak to the lawyers as often as necessary.
48. I understand that I may need to answer questions from the government's lawyers in writing or in person.
49. I understand that if a class is certified, my lawyers will owe a duty to all members of the proposed class to provide fair and adequate representation.
50. I believe that the following organizations and law firms should be approved by the Court to serve as co-counsel for the class: Advocates for Basic Legal Equality, Inc. (ABLE), the American Civil Liberties Union of Ohio Foundation (ACLU OH), Community Refugee and Immigration Services (CRIS), Marshall, Forman & Schlein, Walton + Brown LLP, and The Gittes Law Group. I believe they will work to obtain the best result for the class.
51. Although I understand some English, my primary language is Spanish. This document was orally translated to me in Spanish in its entirety.

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

\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**DECLARATION OF (M.A.J.P.) MOISES JAVIER AGUILAR PERALTA (A242-319-513)**

I, Moises Javier Aguilar Peralta, declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. My name is Moises Javier Aguilar Peralta, and I am a citizen of Honduras.
2. I have personal knowledge of the matters stated in this Declaration.
3. I am over the age of 18 and competent to testify to the matters in this Declaration.
4. I was born in Puerto Cortes, Honduras on October 12, 1987.
5. I escaped my country because I was kidnapped and almost murdered.
6. I entered the United States in 2023.
7. Less than a year after entering the United States, I applied for asylum.
8. I fear that if I returned to Honduras, I would be killed.
9. Since arriving in the United States, I have resided in Ohio.
10. I live with my sister and her two sons.
11. My sister's little son is 2 and her older son is 10.
12. I help my sister pay the rent.
13. I sometimes take the kids to day care or school.
14. I also have a son of my own and a partner back home and send money to support them.
15. I always try to talk to my son back home and keep in touch.
16. I work in remodeling houses, including painting, doing bathrooms, walls inside houses, and basements, that sort of thing.
17. I was arrested by ICE on December 18, 2025, around 9 in the morning.
18. At that time, I was with a friend of mine from work, which is a subcontracting company.
19. I have worked for this company for almost three years.

20. When I started working there, it was just a painting company, but since I joined, because I brought some more skills, we have been able to expand and do other types of projects related to remodeling.
21. We had just purchased materials at the Home Depot on Cleveland Avenue.
22. We were at that Home Depot for work because we needed materials for a job.
23. This Home Depot was just about a three minute drive from my home.
24. When we exited the store and were carrying materials back to the car, as I neared the car with the keys in my hand, there was Ford Explorer that stopped.
25. Two people got out of the Ford Explorer.
26. One of them said to me in Spanish, "Police! This is a routine check!"
27. This did not seem routine to me at all.
28. Meanwhile, a white truck came from the other side, and two more officers got out.
29. The two vehicles that stopped were then encircling me and my coworker.
30. All four of these officers were men and they were dressed in civilian clothes.
31. It was not clear to me if they were armed, but the officers wore belts on which they appeared to wear tasers, handcuffs, and maybe canisters of tear gas.
32. The officers said to me, "do you have residency or citizenship?"
33. They also asked me where I was from.
34. I said I have an asylum case.
35. The officers told me something like, "that is not valid."
36. I also told the officers that I have a social security number and work permission.
37. The officers repeated five or six times, "do you have residency or citizenship?"
38. They repeated that so many times, and I told them that I would not answer that.

39. My friend I was with had lawful permanent residency and told them that.
40. The officers checked his papers and let him go.
41. At no point did the officers show me a warrant for my arrest.
42. The officers did not ask me any questions about my family or community ties.
43. There were about four officers at the scene.
44. Two of the officers had gotten out of the Ford Explorer, who dealt with me.
45. The other two had gotten out of the white truck, and they dealt with my friend.
46. The officers were dressed in jeans and jackets, with face coverings.
47. The officers did not identify themselves with names or badge numbers.
48. The officer who spoke to me in Spanish appeared to me to be Mexican, one of them was Black, and the other were white.
49. All four officers were men.
50. The officers never asked me anything about how long I have been in the U.S., my work, my family.
51. I did everything to cooperate, including showing my driver's license which I thought would be enough since I could only get it because I was in a pending asylum status.
52. I did not resist my arrest, I did not try to flee, and I did not fight back.
53. I did not even consider resisting or fleeing because I knew I was in legal status, with an asylum case pending.
54. When the officers arrested me, I heard the Spanish speaker say something like, "We have one more! We have one more!"
55. He repeated this several times.

56. From the way the Spanish-speaking officer said this and the others responded, it seemed like they were excited to have made another arrest.
57. The officers were aggressive towards me when they arrested me.
58. When I was arrested, I had been going to open my vehicle with my keys and the officer grabbed my wrist hard and took my keys before they handcuffed me.
59. The officers put handcuffs on me really tight in front of me, and it hurt me.
60. I told the officers they were too tight and hurt me, but they ignored me.
61. After they handcuffed me, they then pushed me against the Ford Explorer, put my hands above me, and patted me down.
62. Then, they removed the handcuffs and re-cuffed my hands behind my back.
63. The officers put me in the car and did not buckle my seatbelt.
64. The place where this happened is in a neighborhood with lots of Latino immigrants.
65. I am lighter skinned, but not tall, so I don't look like an American.
66. When people see me, because I'm short, they think I'm from Guatemala or Honduras or El Salvador.
67. My coworker who was stopped as well has cinnamon-colored skin and looks like he is Mexican but he is from El Salvador.
68. I speak just a little English, enough to say a few words to customers when I work.
69. I read a little bit in English, but only a few words.
70. My primary language is Spanish.
71. When I was arrested, they first took me to a place nearby.
72. This was a detention center nearby where people go for ICE check ins.
73. I was put into a small cell with 8 other men in it, all of whom were Latino.

74. The space was dirty and looked like someone had thrown up there, and there was a toilet in the back.
75. I was held there for hours, almost a whole day.
76. One of the guys in the cell told me that he had been detained at the same Home Depot, also picking up materials for a construction job, and that when he had been detained, he heard the same officers who detained me see me and my friend enter the Home Depot.
77. He told me that he had heard the officers say to one another something like, “there’s another two going in the store, let’s wait and catch them when they come out.”
78. He told me it seemed like the officers were basing arrests on what people looked like.
79. That also seemed true to me, since each of the other eight people in this cell were also Latino men who had also been picked up at the same Home Depot.
80. There was a tenth Latino man, a guy from Venezuela, who was detained when he arrived at that location for his ICE check in.
81. At that location, the officers tried to get me to sign something to allow me to be deported.
82. The officers told me I would get \$1000 in my country if I signed it.
83. I refused to sign it because I am afraid of going back to Honduras.
84. The officers insisted, asking, “are you sure?”
85. I kept refusing to sign.
86. Then, the officers prepared to transfer me and the other nine men out of the detention center, to go somewhere else, and chained us up before they transferred us into a vehicle.
87. They chained our legs together and our arms together.
88. They chained my handcuffs to my waist which was chained to my feet.
89. They put us in a white van.

90. The other people in the van were from Ecuador, El Salvador, Mexico, and Venezuela.
91. This van drove us to Detroit.
92. This van left Columbus around 4pm, and we arrived in Detroit around 9pm.
93. The drive was very uncomfortable, as I was all chained up in this one position.
94. The officers did not give me anything to eat or any water to drink all day.
95. It was really horrible being chained like this.
96. I felt like we were being treated like animals, savage animals, because they chained us this way, with our arms and legs and waist chained together.
97. Once we arrived in Detroit, we were unshackled to get fingerprints and photographs taken of us.
98. We spent about 2 or 3 hours in Detroit at a detention center in a small cell there.
99. At one point the officers were trying to make me sign something saying I owed over \$5000 for crossing the border illegally.
100. They then chained us up again like before, put us into a van, and drove us from Detroit to North Lake Correctional Facility in Baldwin, Michigan.
101. I think we arrived around 3am or 4am.
102. It was not until breakfast time at the North Lake Correctional Facility that I finally was able to eat something, after having been arrested around 9am the day before.
103. I spent 27 days in jail in Baldwin.
104. In the jail, I was put in a small room with two small beds and a toilet in the cell.
105. There was another person already there.
106. The guards would look at us when we used the bathroom. It felt like a violation of privacy.

107. When we went to meals, the officers made us walk through security scanners and sometimes, they would push you up against the wall as a form of harassment.

108. Finally, eventually, my lawyer was able to request bond from the immigration judge.

109. The immigration judge granted me release on bond of \$5,000.

110. The officers told me that I needed someone who was a citizen to pick me up from jail.

111. I had to borrow some money from friends, and my sister gave the money to my neighbor, who is a U.S. citizen.

112. My neighbor drove from Columbus to Baldwin, Michigan, over 6 hours, to pick me up.

113. I thank god that I was able to get out.

114. I know that in the United States the Fourth of July is a time for family and happiness, but for me and people from my country, December with Christmas and New Years is that kind of time, and I had to miss spending that with my family, which was horribly sad for me.

115. When I got out of jail, I did not have my driver's license because they took it when I showed them the day I got arrested, and they never gave it back.

116. Because of that, I had to go to the BMV to request a new driver's license so that I could continue to work and earn money.

117. Before this, I never had any problems with the police.

118. I have never committed any crimes.

119. I was never arrested before this incident.

120. I am a person who just goes from work to home, back and forth.
121. Since the first time I arrived in the United States, every year I pay my taxes.
122. I do this because I know that paying taxes is good and important for being a responsible person.
123. I am now very scared of going about my daily life because I live near Cleveland Avenue where there are a lot of immigrants being targeted.
124. There are a lot of apartments near there which are areas that ICE targets.
125. I still need to go to Home Depot for my work, but I choose to go to one further from my house than the one where I was arrested.
126. I often feel panic these days.
127. I have changed my routine because of this incident.
128. Instead of going to Home Depot every day before work to get materials, I think ahead of all my materials that I will need for a few days or a week at a time.
129. Before I get out of my car when I'm in the parking lot, I look around carefully.
130. Even before I get gas, at gas stations, I try to check my surroundings for ICE.
131. I now have trouble sleeping.
132. I sometimes wake up thinking I'm still stuck between those jail walls.
133. I wake up feeling like I'm about to fall from the upper bunk of the jail bunk bed.
134. It is like this incident has left a bad mark in my head.
135. I worry a lot and wonder where I can go: my country is not safe.
136. If I had to go back to my country, I fear I would be murdered.
137. My partner back home has to move from one place to another, in hiding.
138. Because of this arrest, I worry that the United States is not safe for me as well.

139. I hope things change here because this country is beautiful.
140. They are taking all the rights of the people here away.
141. It hurts my soul thinking of all the people still in that jail for months, the same as me.
142. I understand that there are many other people who have experienced something similar to what I experienced. I am seeking to represent a class of people in Ohio who have been arrested without a warrant and without proper reasons.
143. If the Court recognizes this case as a class action, I understand the responsibilities involved in being a plaintiff representing a class. I understand that I need to keep informed about what is going on with the case, including any agreements between the plaintiffs and the government to resolve this case. I understand that I need to think about the interests of the other proposed class members, who are people in a similar situation to me, and act on those interests. I am prepared to represent the proposed class in this case and will take my responsibilities seriously.
144. I understand that I will be part of a team making important legal decisions and directing the lawyers on this case after getting their advice. I will share what I think about these legal decisions and will be involved in the final approval of major legal decisions, including whether to settle this case with the government.
145. I will work with the other class representatives on this case to make decisions when issues come up about how to proceed.
146. I will communicate with and direct the lawyers representing the class about important motions, settlement talks, trial preparation, and trial. I understand that I am

responsible to direct the lawyers on each of these things, after getting their advice. I will speak to the lawyers as often as necessary.

147. I understand that I may need to answer questions from the government's lawyers in writing or in person.

148. I understand that if a class is certified, my lawyers will owe a duty to all members of the proposed class to provide fair and adequate representation.

149. I believe that the following organizations and law firms should be approved by the Court to serve as co-counsel for the class: Advocates for Basic Legal Equality, Inc. (ABLE), the American Civil Liberties Union of Ohio Foundation (ACLU OH), Community Refugee and Immigration Services (CRIS), Marshall, Forman & Schlein, Walton + Brown LLP, and The Gittes Law Group. I believe they will work to obtain the best result for the class.

150. Although I understand some English, my primary language is Spanish. This document was orally translated to me in Spanish in its entirety.

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

Executed on February 12, 2026.



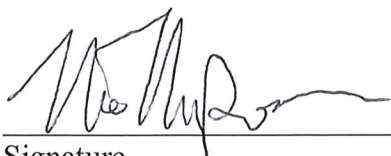
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Signature

Moises Javier Aguilar Peralta (A242-319-513)

**CERTIFICATION OF INTERPRETATION**

I, Madeline Thompson, hereby certify that I am fluent in the English and Spanish languages, and that I orally translated the attached declaration into Spanish and the declarant confirmed the accuracy of its contents before he signed it.



Signature

2/12/2026

Date

### DECLARATION OF S.T.

I, S.T., declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. My name is S.T., and I am a citizen of Peru.
2. I have personal knowledge of the matters stated in this Declaration.
3. I am over the age of 18 and competent to testify to the matters in this Declaration.
4. I was born in Lima, Peru.
5. I entered the United States on a visitor visa on February 19, 2014, and have been here since then.
6. I currently live in Northland Columbus, Ohio, where I have resided with my partner and our three children.
7. My youngest child is 7 years old and is a U.S. citizen.
8. I work to pay my family's rent and buy groceries for my family.
9. I take my daughter to ballet classes, which I pay for.
10. I have paid taxes in the United States since 2014.
11. Currently, I work in food preparation at a restaurant inside Easton Town Center Mall.
12. I have worked at this restaurant for the past three years and ten months.
13. I attend Catholic Church every Sunday.
14. I mostly speak Spanish, but I learned a little English from a class I took and from work because some of the people I work with are Americans and speak English to me.
15. My skin is not white. It is light brown, and I have black hair. People who see me assume that I am Hispanic or Latino.
16. I have never been charged or convicted of a crime.
17. On December 18, 2025, around 8:30 in the morning, I was driving into the parking lot of Easton Town Center. The parking lot was very empty because it was early in the morning, but I noticed a couple of trucks behind me in the rearview mirror with small lights on top. The lights were not on and the trucks did not look like police vehicles, so I kept driving.
18. Then, unmarked trucks drove in front of me and cut me off.

19. Two officers wearing vests that said "ICE" and carrying guns got out of the trucks and walked toward my car.
20. I put the car in park and locked the doors. I knew I didn't break any laws while driving and had been driving very slowly. I felt very scared.
21. The two officers who approached my car did not tell me their names. I could not see their name tags, badges, or badge numbers.
22. One of the officers got out his phone and started recording me.
23. The other officer started yelling at me in English. I think he was saying "with who you are?" but I couldn't fully understand because I only speak limited English.
24. After this, one officer started yelling at me in Spanish: "turn off your car, turn off your car." I didn't turn off the car because I was so scared and in shock, but they were banging on my car door so hard that I felt like they were going to break the door.
25. Although I was scared, I was able to find my phone that had my bank cards in the phone case. I opened the door with my phone in my hand to show the officers my information.
26. As soon as I opened the door, the officers grabbed me by the hands, took my phone, and pulled me out of the car. They put me in handcuffs.
27. Right away the English-speaking agent asked for my ID. But the one who spoke Spanish started talking over him and asking when I entered the United States and accusing me of being illegal.
28. I was overwhelmed by the questions from the two officers in English and Spanish and didn't know who to respond to, so I froze.
29. The officers then started looking through my phone case and found my bank cards with my name on them. Once they found my name, they stopped asking me any questions. They didn't ask me about my family or job, my ties to my community, or how long I have been here.
30. The Spanish-speaking agent took me to his truck and the English-speaking agent got in my car and moved it.
31. At no point did I try to run away or resist in any way.
32. The only reason I did not answer their questions was because they were both yelling at me in different languages and I didn't know who to respond to or what to say.
33. The officers mostly just accused me of being illegal.
34. I have no idea why ICE stopped me. I believe they stopped me because I look Hispanic. I believe ICE thinks everyone that is Hispanic is illegal.
35. The officers never told me why I was being arrested.

36. At no point during this encounter or at any other time did the officers show me a warrant.
37. There is no video or audio recording of what happened that I am aware of.
38. While I was in the truck, the driver took his phone out and started taking photos of me, demanding that I "look, look" at his phone.
39. After taking photos of me, he drove me about 5 minutes away to behind a Target where there were many other similar unmarked trucks.
40. Inside the truck there was a young Black man who was also arrested and in the back of the truck with me. He appeared to be African. He seemed extremely scared and kept looking around everywhere with big eyes and he seemed sad.
41. Behind the Target store there were wood benches with several ICE trucks surrounding them.
42. The officers took me and the young man out of the car and sat us on the wood benches. They started laughing at us saying things like "we got two more!"
43. More trucks were bringing people to this location and every time someone got out of a truck that was arrested, the officers would laugh at them.
44. While we were sitting on the bench they started asking lots of questions like "are you illegal?"
45. The only question I answered the whole time was that I entered on a visa.
46. The agents had a tablet that they were looking at. One officer said after looking at the tablet for a while that I had an ITIN number.
47. After that they put my phone and cards inside a plastic bag. They completed some forms and they put some documents in the plastic bag. Then they put me in a black truck.
48. We were behind the Target for approximately 25 minutes.
49. Officers then drove the truck. It started raining heavily. An American officer sat in the back with me. He kept asking me where I was from, but I was crying too much to answer. The driver of the truck said to the American officer "stop trying to talk to her, she is never going to answer you."
50. They took me to Westerville to an office building. Behind where the office was there were other trucks with more people who had been arrested.
51. There were so many people arrested and trying to be put into the building that they had to put us in a line to get into the building. We were all handcuffed and waiting to get in.
52. Once we entered the building, they started checking all of our pockets and putting all our things in the same bag that they put my phone and other papers in. They gave that bag of our things to another officer. They then escorted us to another room.

53. When we entered the other room there was a lady officer who rechecked my pockets and removed the handcuffs for the first time.
54. They put me in another room with one toilet and cement benches and tinted windows.
55. When I first entered I was the only person in the room because I was the only woman. There were many men being put in another room.
56. I wanted to use the restroom but there was a camera in the room that could see the toilet. I asked the guard to use a private restroom and they said no, use the one that was available to me, but I said there is a camera in here. They said the camera was turned off and I could go ahead and use it.
57. Later I was taken out of the room to be asked more questions and the same officers said "actually the camera was on" and they started laughing with another officer.
58. I was then put back in the same holding room and more women started coming in. Two were from Honduras, one was from Mexico, and one was from Colombia.
59. The Mexican woman that was in the room explained that she was detained because her 18-year-old son was putting gas in his car. ICE made him call his mom to come get him. When she got there, ICE detained her even though she showed them her work authorization card and papers. They released the son but kept the Mexican woman.
60. We spent a lot of time in this room. We must have been in the room for hours.
61. We were hungry. We asked two times for food and water. It wasn't until 2 or 3 PM that we got food. They gave us a very small cup of noodles that they heated up in a microwave and one bottle of water.
62. We were there for another 2 to 3 hours before being transferred to Michigan.
63. At 5 PM, they told us to use the restroom one more time because we had a 4-hour drive to our next destination.
64. They only took me and the two ladies from Honduras on this drive. In the truck they put the three women including myself in the first row and then loaded up about 20 men in the rows behind us. All 20 men behind us were Hispanic.
65. The rain was really bad on the drive and it took us a long time. We didn't arrive in Michigan until around 11 PM or midnight.
66. We were handcuffed in the van and our feet were chained. There was another chain that attached the handcuffs to chains around my ankles.
67. We were then unloaded from the car and they took us into a building. They took the handcuffs and chains off and put the women in a separate room again.

68. It was so late and our ankles and hands ached from how tight the cuffs were.

69. We were so hungry because all I had eaten was the small cup of noodles and the one bottle of water. We asked for more food. They then brought us a small burrito and another bottle of water.

70. They gave us a small thin mat and a piece of tin foil that they said we should use as a blanket.

71. After eating that night we tried to sleep.

72. I didn't eat again until the next day at 1 PM after begging an office worker I could see through the glass for food.

73. They then called us each for more information. They asked how long I had been here. They asked how many children I had.

74. They tried to get me to sign a document for myself and my children. I told them I would not sign until I spoke to my lawyer. I asked to speak to an attorney.

75. They then asked the other woman and me if we wanted to go back to our home countries.

76. At 7 PM at night they told us to go to the bathroom again because we were going to be moved to Detroit which was 4 hours away.

77. I asked for more water because I hadn't had water since 1 PM.

78. They handcuffed our hands and feet again. I asked them to be gentle with the handcuffs because my wrists hurt from before. But they put the handcuffs on tighter than before and didn't stop until I said it hurt.

79. That night the manager of the place kept telling the officers to work hard because they will get bonuses and gift cards for the more people they detain.

80. The officers kept laughing at us as they were moving us around talking about their bonuses. They were talking a lot about their overtime pay too.

81. I was then transferred in a white bus to the final detention facility.

82. When I arrived at the final detention center they put me in a room with no beds. I had to sleep on two plastic chairs for two nights.

83. The room was so cold. On the second night it was especially cold.

84. My back and kidneys were hurting really bad from how uncomfortable I was sleeping on the chairs and I was so thin from not eating for days.

85. I was so sad and I started staring into the camera at the facility because I know they watch us. I was begging for more clothes.

86. Finally after two days an officer came and took me to a room full of the clothes from other people who were detained. He let me get a coat and then took me back to the cell.

87. In the final detention center, I shared a room with another person.

88. We were woken up at 5:15 for breakfast.

89. But it is impossible to sleep because all night long the guards knock on our doors and shine a flashlight on us to check if we are still in the cell. It is so loud from the banging from the guards and the light shining.

90. During the day, they lock you in the room for an hour and then let you go out in the common area for two and a half hours.

91. I volunteered to work in the laundry because I was tired of being in the cell. I washed all the bedding and clothes for the men and women in the facility.

92. I was paid one dollar a day for my labor.

93. The dollar would be put on my commissary so I could use that to talk with my family or buy something. I also had other money on my commissary that my oldest daughter put on so I could talk to my kids.

94. I was eventually released on a \$3,000 bond after my attorney applied for me.

95. I was initially detained on December 18, 2025 at 8:30 AM.

96. I was released from custody one month after my initial detention.

97. I still fear every day even though I am out of custody.

98. I now try to stay home as much as possible because I am afraid of being arrested by ICE again. And even at home, I don't feel that safe because I live in a neighborhood that has many immigrants in it. Many people have been detained in my neighborhood.

99. After being arrested by ICE and detained for over a month, I lost my job.

100. When I was released, I asked for my job back but they told me that they had already filled the position because they couldn't wait for me to get out of detention.

101. Because I have lost my job, I have not gone back to work.

102. This has put financial strain on my household which has made making rent and purchasing groceries difficult for my family.

103. To this day, ICE continues to be very active in my neighborhood. I have heard that the ICE office is only ten minutes from my neighborhood, which is why they are here so frequently.

104. Every week, I get text messages from my friends and neighbors of ICE arresting people in my neighborhood. Just last week I heard that more people were arrested again at the Home Depot right down the street from my house.

105. I am still so afraid to leave my house but have to take my daughter to the bus stop and to go and get groceries for my family. However, when I go to the grocery store, I always have my oldest daughter pick me up and go with me. I am afraid to go alone because then nobody would know I was taken by ICE if I were taken again.

106. A lot of people have been posting online and on WhatsApp of people's cars left on the side of the road in my neighborhood because ICE arrests them and then just leaves the cars. The situation has not gotten any better.

107. I hope nobody else has to go through what I went through.

108. I am a plaintiff in this proposed class action lawsuit because I want to challenge the unjustified immigration arrests that are happening in Ohio.

109. I understand that there are many other people who have experienced something similar to what I experienced. I am seeking to represent a class of people in Ohio who have been arrested without a warrant and without proper reasons.

110. If the Court recognizes this case as a class action, I understand the responsibilities involved in being a plaintiff representing a class. I understand that I need to keep informed about what is going on with the case, including any agreements between the plaintiffs and the government to resolve this case. I understand that I need to think about the interests of the other proposed class members, who are people in a similar situation to me, and act on those interests. I am prepared to represent the proposed class in this case and will take my responsibilities seriously.

111. I understand that I will be part of a team making important legal decisions and directing the lawyers on this case after getting their advice. I will share what I think about these legal decisions and will be involved in the final approval of major legal decisions, including whether to settle this case with the government.

112. I will work with the other class representatives on this case to make decisions when issues come up about how to proceed.

113. I will communicate with and direct the lawyers representing the class about important motions, settlement talks, trial preparation, and trial. I understand that I am responsible to direct the lawyers on each of these things, after getting their advice. I will speak to the lawyers as often as necessary.

114. I understand that I may need to answer questions from the government's lawyers in writing or in person.

115. I understand that if a class is certified, my lawyers will owe a duty to all members of the proposed class to provide fair and adequate representation.

116. I believe that the following organizations and law firms should be approved by the Court to serve as co-counsel for the class: Advocates for Basic Legal Equality, Inc. (ABLE), the American Civil Liberties Union of Ohio Foundation (ACLU OH), Community Refugee and Immigration Services (CRIS), Marshall, Forman & Schlein, Walton + Brown LLP, and The Gittes Law Group. I believe they will work to obtain the best result for the class.

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

Executed on MARCH 17<sup>th</sup>, 2026.

ST  
Signature

S.T.

#### CERTIFICATION OF INTERPRETATION

I, Isbel Alvarado, hereby certify that I am fluent in the English and Spanish languages, and that I orally translated the attached declaration into Spanish and the declarant confirmed the accuracy of its contents before she signed it.

Isbel Alvarado  
Signature

03/17/2026  
Date

## **DECLARATION OF JOSE CESAREO VALLADARES (A240-456-764)**

I, Jose Cesareo Valladares, declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. My name is Jose Cesareo Valladres, and I am a citizen of Mexico.
2. I have personal knowledge of the matters stated in this Declaration.
3. I am over the age of 18 and competent to testify to the matters in this Declaration.
4. I am Hispanic/Latino and appear as such having brown skin, brown eyes, and black hair.
5. I have resided continuously in the United States for approximately eighteen years, having entered without inspection.
6. I have lived in Columbus, Ohio since my arrival.
7. I am a line cook by profession.
8. For the past eighteen years, I have worked in kitchens across Columbus, Ohio to support my family.
9. I am the primary breadwinner for my household.
10. I have a girlfriend who is a United States Citizen.
11. I have an eleven-year-old child with my girlfriend, and my child is a United States Citizen.
12. I have never been charged with or convicted of any crime.
13. On December 17, 2025, at approximately 10:15 a.m., I was arrested in the parking lot of my apartment building located in Columbus, Ohio.
14. I had just returned from the grocery store when the arrest occurred.
15. When I arrived at my apartment building's parking lot, I observed several individuals in plain black clothing standing near unmarked cars in the community parking lot.
16. These individuals were approaching people walking through the parking lot and asking them questions about their immigration status.
17. The individuals who arrested me did not identify themselves as law enforcement officers or immigration agents.
18. The individuals approached me and asked me for my identification.
19. I provided them with my Mexican Consulate Identification Card.

20. After reviewing my identification, the individuals told me I was being arrested for being "illegal."
21. The individuals asked me if I had gone back to Mexico at any time.
22. I responded that I had not, and that I had been living in the United States for the past eighteen years.
23. At no time did the individuals show me a warrant or any other legal documents authorizing my arrest.
24. The individuals did not present a warrant signed by a judge.
25. The individuals did not ask me about the length of my residence in the United States beyond the single question about whether I had returned to Mexico.
26. The individuals did not ask me about my ties to the community.
27. The individuals did not ask me about my family or employment.
28. The individuals did not ask me about my criminal history.
29. After my arrest, I was moved to a different location for a few hours where officers took my fingerprints and photograph.
30. I was initially transferred to Butler County Jail.
31. The conditions at the Butler County Jail were very crowded.
32. The jail was experiencing heating problems while I was there, and as a result, it is very cold inside the facility.
33. Recently I was transferred to the North Lake Correctional Facility in Baldwin, Michigan where I am currently detained.
34. My arrest and detention have caused significant hardship to my family.
35. My family is very concerned about my safety while I am detained.
36. Because I am the primary breadwinner and was responsible for paying the household rent, my family is now worried about their ability to pay rent and meet their basic financial needs.
37. I entered the United States without inspection approximately 18 years ago.
38. I have never been deported or removed from the United States prior to this detention.
39. I have never voluntarily departed the United States since my entry 18 years ago.
40. The immigration officers who detained me on December 17, 2025, did not present any warrant signed by a judge authorizing my arrest or detention.

- 41. I was detained without a judicial warrant while returning from the grocery store with groceries for my family.
- 42. My detention has caused significant hardship to my family, because I pay the rent for my US Citizen child and girlfriend.
- 43. Attached to this declaration is the biographic page from Bulter County Jail that accurately describes me (see Exhibit "A").

I am a native Spanish speaker, and this declaration has been interpreted into Spanish for my review. I fully understand all of its contents, terms, and implications. I am signing this document with complete comprehension of what I am agreeing to and affirming. I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 18<sup>th</sup>, 2026.

*Jose Cesareo Valladares* for Jose Cesareo Valladares

Signature  
 Jose Cesareo Valladares  
 (A240-456-764)



### EXHIBIT "A"

#### Search by Last Name

A · B · C · D · E · F · G · H · I · J · K · L · M · N · O · P · Q · R · S · T · U · V · W · X · Y · Z

#### CESAREO VALLADARES, JOSE

\*\*\* Held in custody by BUTL-JAIL at BUTLER COUNTY JAIL \*\*\*

Most Recent Mugshot 	Identifying Information Race: WHITE Gender: MALE DOB: 1/10/1977 SSN:  Hair: BROWN Eye: BROWN Height: 5'04" Weight: 160 Source: BUTL-JAIL: 25120522 Updated: 1/23/2026	Alert Information In Custody: <b>IC</b> Yes
	Verify SSN	

Booking Information Agency: BUTL-JAIL Location: BUTLER COUNTY JAIL Booking Date: 12/17/2025 5:21 PM Booking Number: 25120522	Arrest Information Arrest Date: 12/17/2025 1:05 PM Agency: *Not Entered* Location: Officer:
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\* Bonds/Bails listed below may not include the bail surcharge mandated by Ohio House Bill 1 and/or court costs which are due at the time the prisoner is released from custody. These fees may be as much as \$85 per bond.

#	COURT	CASE NUMBER	CHARGE DESCRIPTION	CHARGE DEGREE	CHARGE STATUS	JUDGE	BAIL TYPE	BAIL AMOUNT	DISPOSITION	DISP DATE	NEXT COURT DATE
1253866	*Unmatched Code*	()	HOLD FOR ICE	UN	*Unmatched Code*	*Unmatched Code*	*Unmatched Code*		*Not Entered*		

**AFFIDAVIT OF ATTORNEY  
REGARDING TELEPHONIC CONSENT AND AUTHORIZATION TO SIGN  
ON BEHALF OF CLIENT IN ICE DETENTION**

STATE OF Ohio

COUNTY OF Franklin

I, Robert Paul Wisniewski II, being duly sworn, depose and state as follows:

1. I am an attorney duly licensed to practice law in the State of Ohio, Bar Number 0103521. I am the attorney of record for the above-referenced client in immigration proceedings.

2. My client, Jose Cesareo Valladares (hereinafter "Client"), is currently detained in the custody of U.S. Immigration and Customs Enforcement ("ICE") at North Lake Correctional Facility, with Alien Registration Number ("A-Number") A240-456-764.

3. On or about February 19, 2026, I conducted a telephonic consultation with my Client. During this call, I reviewed the contents of the declaration and/or document(s) requiring signature with my Client in full.

4. During the aforementioned telephonic conversation, my Client expressly and voluntarily gave his informed consent and authorization for me, as his attorney, to sign the declaration and/or accompanying document(s) on his behalf. My Client confirmed that he understood the contents and significance of the document(s) and that the information contained therein was true and accurate to the best of his knowledge.

5. Prior to obtaining my Client's telephonic consent, the declaration and all accompanying document(s) were translated and explained to my Client in his native language, specifically: Declaration of Jose Cesareo Valladares. My Client indicated that he understood the contents of the document(s) as translated.

6. Due to my Client's current status as a detainee in ICE custody, it has not been practicable to obtain my Client's original, in-person signature on the relevant document(s). This affidavit is executed to memorialize my Client's telephonically expressed consent and authorization in lieu of an original signature.

7. All statements contained in the declaration and/or document(s) signed on behalf of my Client are true and accurate to the best of my Client's knowledge, as confirmed by my Client during our telephonic consultation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on February 19, 2026, in Columbus, Ohio.

**ATTORNEY SIGNATURE:**

[Handwritten Signature]

Signature

Robert Paul Wisniewski II

Printed Name

0103521 (Ohio)

Bar Number

The Nenecek Firm

Law Firm / Organization

471 East Broad St. Ste. 1200 Columbus, Ohio

Address

614-459-2180

Phone Number

Robert@jimmigration.com

Email Address

SUBSCRIBED AND SWORN TO before me this 19 day of February, 2026.

[Handwritten Signature]

Notary Public

06/08/2028

My Commission Expires



VADIM MOŠKALYUK  
Notary Public  
State of Ohio  
My Comm. Expires  
June 8, 2028

## **DECLARATION OF LEOSDANIS MULET (A246-586-315)**

I, Leodanis Mulet, declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. I am a Cuban national currently detained at Butler County Jail.
2. I have personal knowledge of the matters stated in this Declaration.
3. I am over the age of 18 and competent to testify to the matters in this Declaration.
4. I am Hispanic/Latino and appear as such. People who see me assume that I am Hispanic or Latino.
5. I am married and have two children, including a United States citizen child.
6. My daughter will turn three years old in March and is a United States citizen. My son is eleven years old.
7. I entered the United States approximately three years ago with my family. At the time of entry, my wife was pregnant.
8. My wife gave birth to our United States citizen daughter in this country.
9. When we first arrived in the United States, we initially went to Las Vegas for three months but were unable to find work.
10. We then moved to Columbus, Ohio, where I have been steadily employed and my family has resided since that time.
11. I work as an auto body painter and have been employed in this profession since I received my work authorization card.
12. I have been supporting my family through my work as an auto body painter throughout my time in Columbus.
13. My family and I attend church services every Sunday.
14. I have never been convicted of or charged with any crime in the United States or anywhere else.
15. I have never been arrested prior to this incident.
16. I was granted humanitarian parole and subsequently applied for adjustment of status in the United States.
17. I currently have a pending green card application under the Cuban Adjustment Act.
18. On December 20, 2025, at approximately 10:00 AM, I was driving home from the bank with my wife and both of my children.
19. We were three blocks from our home when two unmarked vehicles suddenly cut us off and forced our car to stop.

20. I was seated in the passenger seat of the vehicle.
21. Immigration and Customs Enforcement (ICE) officers exited the unmarked vehicles and approached our car.
22. My children were crying and extremely upset during this encounter.
23. The officers ordered me to put my hands up.
24. The officers then opened my car door, unbuckled my seatbelt, and physically pulled me out of the vehicle.
25. The officers pinned me against the hood of the car and placed me in handcuffs.
26. The officers removed my phone from my pocket, which contained my REAL ID.
27. The officers asked me "What makes you legal in this country?" To which I responded that I entered on humanitarian parole and had a pending application for my green card. They told me to "take it up with the judge."
28. The officers then placed me in one of their vehicles and drove away quickly, leaving my wife and children behind on the street.
29. While driving away, the officers examined my REAL ID.
30. I informed the officers that I was in legal status and had a pending Cuban adjustment application.
31. The officers responded that I was "illegal" and accused me of lying.
32. Despite showing the officers my REAL ID, they refused to believe that I had legal status.
33. The officers drove me around the block, then removed me from the vehicle and placed shackles on my ankles and around my waist.
34. At no point did the officers ask me about my immigration status before detaining me.
35. The officers did not present or show me any warrant at any time.
36. The officers did not ask me how long I had been in the United States.
37. The officers did not inquire about my ties to the community.
38. The officers did not ask about my family or employment.
39. The officers did not ask about my criminal history.
40. After my initial detention, I was taken to an office in Columbus, not far from where I was arrested.
41. At this office, there were approximately thirty-five other people being held.
42. Officers at the facility asked me how many children I had.

43. Officers asked if I wanted to leave the country and whether I would be willing to sign papers to leave voluntarily.
44. I was fingerprinted at this facility.
45. I was given court papers indicating a hearing date of January 20, 2026.
46. I was then transferred to Butler County Jail, where I am currently detained.
47. The conditions at the jail are very cold, and at night the temperature becomes freezing.
48. I am extremely worried that if I cannot be released soon, my family will not have enough money for food.
49. I am the primary provider for my household.
50. Attached to this declaration is the biographic page from Bulter County Jail that accurately describes me (see Exhibit "A")

I am a native Spanish speaker, and this declaration has been interpreted into Spanish for my review. I fully understand all of its contents, terms, and implications. I am signing this document with complete comprehension of what I am agreeing to and affirming. I declare under penalty of perjury that the foregoing is true and correct.

Executed on Feb. 18<sup>th</sup>, 2026.

*Leodanis Mulet*  
Signature

Leodanis Mulet  
(A246-586-315)

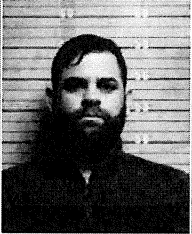

### EXHIBIT "A"

#### Search by Last Name

A · B · C · D · E · F · G · H · I · J · K · L · M · N · O · P · Q · R · S · T · U · V · W · X · Y · Z

#### MULET ZALDIVAR, LEOSDANIS

\*\*\* Held in custody by BUTL-JAIL at BUTLER COUNTY JAIL \*\*\*

Most Recent Mugshot 	Identifying Information Race: WHITE Gender: MALE DOB: 10/7/1990 SSN:  Hair: BLACK Eye: HAZEL Height: 5'07" Weight: 160 Source: BUTL-JAIL: 25120667 Updated: 1/23/2026	Alert Information In Custody: <b>IC</b> Yes
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Verify SSN

Booking Information Agency: BUTL-JAIL Location: BUTLER COUNTY JAIL Booking Date: 12/20/2025 10:44 PM Booking Number: 25120667	Arrest Information Arrest Date: 12/20/2025 6:00 PM Agency: *Not Entered* Location: Officer:
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\* Bonds/Bails listed below may not include the bail surcharge mandated by Ohio House Bill 1 and/or court costs which are due at the time the prisoner is released from custody. These fees may be as much as \$85 per bond.

#	COURT	CASE NUMBER	CHARGE DESCRIPTION	CHARGE DEGREE	CHARGE STATUS	JUDGE	BAIL TYPE	BAIL AMOUNT	DISPOSITION	DISP DATE	NEXT COURT DATE
1254117	*Unmatched Code*	()	HOLD FOR ICE	UN	*Unmatched Code*	*Unmatched Code*	*Unmatched Code*		*Not Entered*		

**AFFIDAVIT OF ATTORNEY  
REGARDING TELEPHONIC CONSENT AND AUTHORIZATION TO SIGN  
ON BEHALF OF CLIENT IN ICE DETENTION**

STATE OF Ohio

COUNTY OF Franklin

I, Anna Cotter, being duly sworn, depose and state as follows:

1. I am an attorney duly licensed to practice law in the State of Ohio, Bar Number 0103502. I am the attorney of record for the above-referenced client in immigration proceedings.

2. My client, Leosdanis Mulet (hereinafter "Client"), is currently detained in the custody of U.S. Immigration and Customs Enforcement ("ICE") at Butler County Corrections Center with Alien Registration Number ("A-Number") 246-586-315.

3. On or about 2/18/2026, I conducted a telephonic consultation with my Client. During this call, I reviewed the contents of the declaration and/or document(s) requiring signature with my Client in full.

4. During the aforementioned telephonic conversation, my Client expressly and voluntarily gave his informed consent and authorization for me, as his attorney, to sign the declaration and/or accompanying document(s) on his behalf. My Client confirmed that he understood the contents and significance of the document(s) and that the information contained therein was true and accurate to the best of his knowledge.

5. Prior to obtaining my Client's telephonic consent, the declaration and all accompanying document(s) were translated and explained to my Client in his native language, specifically: Spanish. My Client indicated that he understood the contents of the document(s) as translated.

6. Due to my Client's current status as a detainee in ICE custody, it has not been practicable to obtain my Client's original, in-person signature on the relevant document(s). This affidavit is executed to memorialize my Client's telephonically expressed consent and authorization in lieu of an original signature.

7. All statements contained in the declaration and/or document(s) signed on behalf of my Client are true and accurate to the best of my Client's knowledge, as confirmed by my Client during our telephonic consultation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on 2/18/2026, in Columbus, Ohio.

**ATTORNEY SIGNATURE:**

*Anna Cotter*

Signature

Anna Cotter

Printed Name

0103502

Bar Number

The Nemecek Firm Ltd.

Law Firm / Organization

471 E. Broad St. Ste. 1200 Columbus, OH 43215

Address

614-459-2180

Phone Number

anna@jnimmigration.com

Email Address

SUBSCRIBED AND SWORN TO before me this 18 day of February, 2026.

*Kyra Amil Miles*

Notary Public

12/3/2028

My Commission Expires



**Kyra Amil Miles**  
Notary Public, State of Ohio  
My Commission Expires 12-03-2028

**DECLARATION OF GUADALUPE MONTOYA SADILLO (A240-456-876)**

I, Guadalupe Montoya Sadillo, declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. My name is Guadalupe Montoya Sadillo, and I am a citizen of Mexico.
2. I have personal knowledge of the matters stated in this Declaration.
3. I am over the age of 18 and competent to testify to the matters in this Declaration.
4. I am Hispanic/Latino and appear as such having brown skin, brown eyes, and black hair.
5. I speak Spanish and very limited English.
6. I have resided in the United States for twenty-one years, having entered without inspection in 2004.
7. I have lived in Columbus, Ohio for the entire twenty-one years I have been in the United States.
8. I currently in Columbus, Ohio.
9. I am married and have three children, two of whom are United States citizens.
10. I work in construction to support my family.
11. I pay taxes in the United States.
12. I have never been convicted of or charged with any crime in the United States or anywhere else.
13. On December 21, 2025, at approximately 1:30 PM, I was working at a construction site at the Sugar Farms construction site in Hilliard, Ohio.
14. While I was working, several unmarked black cars drove up to the construction site.
15. Multiple individuals exited these unmarked black vehicles wearing masks.
16. These individuals approached me and identified themselves as being with "Immigration."
17. They did not identify themselves as being with ICE (Immigration and Customs Enforcement) or any other specific agency.
18. The officers did not show me any warrant or court order authorizing my arrest.
19. The officers did not present any documents signed by a judge authorizing my detention.

20. At no time during the encounter did the officers show me a judicial warrant.
21. The officers asked me for my documents but I had nothing on me but my Mexican ID card because I was working.
22. The officers told me that I had "no papers" and that I would be deported.
23. The officers then arrested me and put me in one of their vehicles.
24. When they initially detained me they grabbed me so hard and jerked my arms. To this day I still experience a lot of pain because of they way they grabbed me.
25. The officers did not ask me how long I had been in the United States.
26. The officers did not ask me about my ties to the community.
27. The officers did not ask me about my family or employment.
28. The officers did not ask me about any criminal history.
29. I did not consent to being detained by these officers.
30. After detaining me, the officers moved me to a different location for several hours.
31. At this location, they checked my papers and obtained information about my family and current address.
32. I am currently detained at Butler County Jail.
33. I am married.
34. Together, we have three children.
35. Two of my children are United States citizens.
36. I have been the primary financial provider for my family through my work in construction.
37. I have worked steadily in construction for many years in the Columbus area.
38. My family depends on my income to pay rent, buy food, and meet their daily needs.
39. I have built my life in Columbus, Ohio over the past twenty-one years and have deep ties to this community.
40. I entered the United States without inspection approximately twenty-one years ago.
41. I am currently undocumented and do not have legal immigration status in the United States.
42. I have never been deported or removed from the United States prior to this detention.
43. I have never voluntarily departed the United States since my entry twenty-one years ago.

- 44. The immigration officers who detained me on December 21, 2025, did not present any warrant signed by a judge authorizing my arrest or detention.
- 45. I was detained without a judicial warrant while working to support my family.
- 46. My detention has caused significant hardship to my family, including my two United States citizen children, who depend on me for financial support.
- 47. Attached to this declaration is the biographic page from Bulter County Jail that accurately describes me, with the exception of my name being spelled wrong (see Exhibit "A")

I am a native Spanish speaker, and this declaration has been interpreted into Spanish for my review. I fully understand all of its contents, terms, and implications. I am signing this document with complete comprehension of what I am agreeing to and affirming. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/18/2026, 2026.

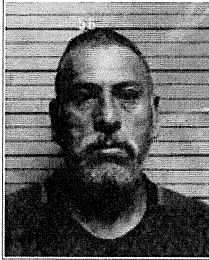

*Anabela for Guadalupe Montoya Sadillo*

Signature  
 Guadalupe Montoya Sadillo  
 (A240-456-876)

**EXHIBIT "A"**

**MONTOYA-CEDILLO, GUADALUPE**

\*\*\* Held in custody by BUTL-JAIL at BUTLER COUNTY JAIL \*\*\*

<p><b>Most Recent Mugshot</b></p> 	<p><b>Identifying Information</b></p> <p>Race: WHITE                  Gender: MALE                  DOB: 12/5/1965                  SSN:                   Hair: BLACK                  Eye: BROWN                  Height: 5'09"                  Weight: 170</p> <p>Source: BUTL-JAIL: 25120725                  Updated: 1/23/2026</p>	<p><b>Alert Information</b></p> <p>In Custody: <b>IC</b> Yes</p>
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Verify SSN

<p><b>Booking Information</b></p> <p>Agency: BUTL-JAIL                  Location: BUTLER COUNTY JAIL                  Booking Date: 12/21/2025 7:29 PM                  Booking Number: 25120725</p>	<p><b>Arrest Information</b></p> <p>Arrest Date: 12/21/2025 6:00 PM                  Agency: *Not Entered*                  Location:                  Officer:</p>
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\* Bonds/Bails listed below may not include the bail surcharge mandated by Ohio House Bill 1 and/or court costs which are due at the time the prisoner is released from custody. These fees may be as much as \$85 per bond.

#	COURT	CASE NUMBER	CHARGE DESCRIPTION	CHARGE DEGREE	CHARGE STATUS	JUDGE	BAIL TYPE	BAIL AMOUNT	DISPOSITION	DISP DATE	NEXT COURT DATE
1254150	*Unmatched Code*	()	HOLD FOR ICE	UN	*Unmatched Code*	*Unmatched Code*	*Unmatched Code*		*Not Entered*		

**AFFIDAVIT OF ATTORNEY  
REGARDING TELEPHONIC CONSENT AND AUTHORIZATION TO SIGN  
ON BEHALF OF CLIENT IN ICE DETENTION**

STATE OF Ohio  
COUNTY OF Franklin

I, Anna Cotter, being duly sworn, depose and state as follows:

1. I am an attorney duly licensed to practice law in the State of Ohio, Bar Number 0103502. I am the attorney of record for the above-referenced client in immigration proceedings.

2. My client, Guadalupe Montoya Sobillo (hereinafter "Client"), is currently detained in the custody of U.S. Immigration and Customs Enforcement ("ICE") at Butler County Corrections Facility with Alien Registration Number ("A-Number") 240-456-876.

3. On or about 2/18/2026, I conducted a telephonic consultation with my Client. During this call, I reviewed the contents of the declaration and/or document(s) requiring signature with my Client in full.

4. During the aforementioned telephonic conversation, my Client expressly and voluntarily gave his informed consent and authorization for me, as his attorney, to sign the declaration and/or accompanying document(s) on his behalf. My Client confirmed that he understood the contents and significance of the document(s) and that the information contained therein was true and accurate to the best of his knowledge.

5. Prior to obtaining my Client's telephonic consent, the declaration and all accompanying document(s) were translated and explained to my Client in his native language, specifically: Spanish. My Client indicated that he understood the contents of the document(s) as translated.

6. Due to my Client's current status as a detainee in ICE custody, it has not been practicable to obtain my Client's original, in-person signature on the relevant document(s). This affidavit is executed to memorialize my Client's telephonically expressed consent and authorization in lieu of an original signature.

7. All statements contained in the declaration and/or document(s) signed on behalf of my Client are true and accurate to the best of my Client's knowledge, as confirmed by my Client during our telephonic consultation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on 2/18/2026, in Columbus, Ohio.

**ATTORNEY SIGNATURE:**

*Anna Cetter*

Signature

Anna Cetter

Printed Name

0103502

Bar Number

The Nemecek Firm Ltd.

Law Firm / Organization

471 E. Broad St. Ste. 1200 Columbus, OH 43215

Address

614-459-2180

Phone Number

anna@immigration.com

Email Address

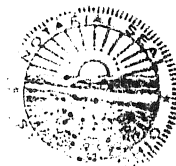
SUBSCRIBED AND SWORN TO before me this 18 day of February, 2026.

*[Signature]*

Notary Public

12/3/2028

My Commission Expires



**Kyra Ann Miles**  
Notary Public, State of Ohio  
My Commission Expires 12-03-2028

**DECLARATION OF JULIO CESAR CHAVEZ VELASQUEZ (A240-456-821)**

I, Julio Cesar Chavez Velasquez, declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. My name is Julio Cesar Chavez Velasquez, and I am a citizen of Nicaragua.
2. I am over the age of 18 and have personal knowledge of the matters stated in this Declaration.
3. I was born in Managua, Nicaragua.
4. I have resided continuously in Columbus, Ohio for approximately four years.
5. I currently live with my wife, six-year-old daughter, and my brother-in-law.
6. My wife is currently pregnant and is approximately three months along in her pregnancy.
7. I have never been convicted of or charged with any crime.
8. I obtained a work permit valid for two years. I was in the process of starting my own roofing and siding business. I had obtained some contracts for roofing and siding work and was waiting for the cold weather season to begin the work.
9. Once I received my work permit, I also updated my driver's license. When I went to the BMV to obtain my driver's license, I did not think a Real ID was necessary because I already had a driver's license.
10. I have been filing my taxes.
11. In December 2025, I was arrested while shopping to celebrate my daughter's birthday.
12. My wife has video recordings of my detention.
13. At the time of my arrest, I was with my wife and my six-year-old daughter.
14. We were shopping at a store called Michoacana.
15. My daughter was in our car while I was taking items back to the vehicle.
16. After we finished shopping and placed our groceries in the car, a black vehicle came and parked directly in front of our car.
17. Another vehicle came and parked behind us, blocking us so we could not leave.
18. I got into my car and put it in park.
19. Officers got out of their vehicles and approached my car.
20. The officers asked me if I had documents or papers.
21. I told them that I had identification.
22. I provided the officers with my driver's license, which was current and up to date.

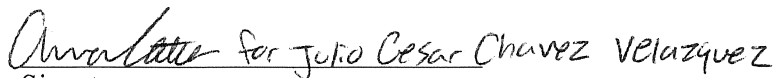
23. The officers took my driver's license and ran it.
24. While the officers were checking my license, I called my lawyer and was speaking with my lawyer on the phone.
25. The officers told me that I could continue talking to my lawyer.
26. The officers came back and told me that I had to come with them.
27. My wife asked the officers if they had any documents or warrant to arrest me.
28. The officers did not have any documents or warrant.
29. The officers did not show me or give me any documents before arresting me.
30. One officer became upset when my wife asked about documents.
31. The officers told me that if I did not get out of my vehicle, they would break my window and take me out.
32. Because of this threat, I got out of my vehicle. I did not resist, and I did not try to run away.
33. The officers were wearing vests but did not identify themselves as immigration officers or any other law enforcement agency.
34. The officers had their faces covered.
35. I believe there were approximately three or four officers present at the scene.
36. The officers did not ask me how long I had been in the United States.
37. The officers only asked me if my daughter was born here, where I was born, and for my documents.
38. The officers did not ask me about my ties to the community.
39. The officers did not ask me about my family beyond asking if my daughter was born in the United States.
40. The officers did not ask me about my employment or business.
41. The officers did not ask me about my criminal history.
42. After I got out of the vehicle, the officers placed handcuffs on me.
43. The handcuffs hurt me and caused me pain.
44. When they put the handcuffs on me, I felt like I was suffocating and felt like my chest was heavy.
45. The officers placed me in a car where there was another detained person already inside.
46. There was one officer driving the car.

47. The driver took off and ran a red light.
48. I told the driver that he had to be careful because there was another person in the car.
49. The driver ran another red light.
50. After running the second red light, the driver stopped at a gas station and loosened my handcuffs.
51. From the gas station, the officers took me to a location somewhere in Columbus, Ohio.
52. I cannot read or write so I did not know what was going on.
53. From Columbus, I was transported in a black van to somewhere in Michigan, close to Canada.
54. From Michigan, I was transported by bus to another location approximately four hours away.
55. During the bus transport from Michigan, I and the other detained individuals had chains around our stomachs, hands, and feet, which was very uncomfortable.
56. There were approximately thirty to forty people on the bus.
57. Most of the detained individuals were from Latin American countries.
58. The group included a mix of people who had been picked up in Michigan and Ohio.
59. I am currently in immigration detention.
60. I am in the appeals process and do not have a hearing date for my appeal.
61. The detention center has old-style phones and tablets that detainees can use to make calls.
62. When I first arrived, I had a phone but it did not have battery, so it was not updated on the tablet system.
63. I submitted a service request to fix the phone issue but have not received a response, and it has been a week.
64. Initially, I was able to speak with my wife by phone.
65. However, my wife's phone number has been blocked in the detention center phone system, and I do not know why.
66. I have been able to speak with my brothers, who live in Columbus.
67. I spoke with my wife yesterday through my sister, who called her after I contacted my sister.
68. I am not sure if the phone calls are being recorded.
69. I have never felt this way before in my life.

68. I do not feel good; I feel very bad.
69. I cannot fully explain how I feel, but I am very scared.
70. I miss my family terribly.
71. I am afraid that immigration authorities will separate me from my family permanently.
72. I do not know what will happen to me or my family.
73. I have faith in God and believe that God is working through my attorney to help me.
74. I know that God is able to help and will help us move forward.
75. My wife is not doing well emotionally and is very nervous about the situation.
76. My daughter is also struggling emotionally, and this has been very hard for my family.
77. My wife and daughter are afraid to leave the house and are afraid of everything.
78. Fortunately, we had saved some money ahead of time and my brother-in-law is able provide some financial support to my wife and daughter.
79. My wife has told me that we cannot go back to Nicaragua because it is too dangerous. My wife informed me that people who are returning to Nicaragua are having their passports taken away.
80. I feel horrible that I cannot provide for my family and keep my family safe. I had dreams of starting my roofing business and it was finally happening. Now we have nothing. I'm afraid that even if I get out of jail, I could be arrested again. If that happens, I don't know what I would do. I don't know how my family will survive this again.

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

Executed on 2/19/2026, 2026.



Signature

Julio Cesar Chavez Velazquez  
(A240-206-914)

**AFFIDAVIT OF ATTORNEY  
REGARDING TELEPHONIC CONSENT AND AUTHORIZATION TO SIGN  
ON BEHALF OF CLIENT IN ICE DETENTION**

STATE OF Ohio

COUNTY OF Franklin

I, Anna Cotter, being duly sworn, depose and state as follows:

1. I am an attorney duly licensed to practice law in the State of Ohio, Bar Number 0103602. I am the attorney of record for the above-referenced client in immigration proceedings.

2. My client, Julio Cesar Chavez Velasquez (hereinafter "Client"), is currently detained in the custody of U.S. Immigration and Customs Enforcement ("ICE") at North Lake Correctional Facility with Alien Registration Number ("A-Number") 240-456-821.

3. On or about 2/19/2026, I conducted a telephonic consultation with my Client. During this call, I reviewed the contents of the declaration and/or document(s) requiring signature with my Client in full.

4. During the aforementioned telephonic conversation, my Client expressly and voluntarily gave his informed consent and authorization for me, as his attorney, to sign the declaration and/or accompanying document(s) on his behalf. My Client confirmed that he understood the contents and significance of the document(s) and that the information contained therein was true and accurate to the best of his knowledge.

5. Prior to obtaining my Client's telephonic consent, the declaration and all accompanying document(s) were translated and explained to my Client in his native language, specifically: Spanish. My Client indicated that he understood the contents of the document(s) as translated.

6. Due to my Client's current status as a detainee in ICE custody, it has not been practicable to obtain my Client's original, in-person signature on the relevant document(s). This affidavit is executed to memorialize my Client's telephonically expressed consent and authorization in lieu of an original signature.

7. All statements contained in the declaration and/or document(s) signed on behalf of my Client are true and accurate to the best of my Client's knowledge, as confirmed by my Client during our telephonic consultation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on 2/19/2026, in Columbus, Ohio.

**ATTORNEY SIGNATURE:**

*Anna Catter*

Signature

Anna Catter

Printed Name

0103502

Bar Number

The Nemecek Firm Ltd.

Law Firm / Organization

471 E. Broad St. Ste. 1200, Columbus, OH 43215

Address

614-459-2180

Phone Number

anna@jimmigration.com

Email Address

SUBSCRIBED AND SWORN TO before me this 19 day of February, 2026.

*Kyra Amil Miles*

Notary Public

12/13/2028

My Commission Expires



**Kyra Amil Miles**  
Notary Public, State of Ohio  
My Commission Expires 12-03-2028

## DECLARATION OF BRAD BONACCI

I, Brad Bonacci, declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. My name is Brad Bonacci. I am the General Manager of the Hilton Garden Inn at Easton in Columbus, Ohio. I have worked in the hotel industry for 18 years, and I am familiar with the hospitality workforce. Immigrants have long been the backbone of this industry.
2. I have personal knowledge of the matters stated in this Declaration.
3. I am over the age of 18 and competent to testify to the matters in this Declaration.
4. On December 17, 2025, I was working at the hotel when I received a call from a sister property near Polaris advising me that federal agents, who I later understood to be from Immigration and Customs Enforcement ("ICE"), were staying at a hotel behind their property. Upon learning this, I convened a quick meeting with hotel leadership to begin developing a safety procedure for our staff.
5. During that meeting, I received a call that agents had appeared at my front desk. I went to the lobby, where the agents showed me a photograph on a phone of a man they said had "pinged" to our hotel location. I did not recognize the individual. He was not a guest at our hotel and was not an employee.
6. Approximately five agents were present in the lobby. (See Exhibit "A".) While I was speaking with those agents, I observed three vehicles enter the property from the Morse Road entrance and drive around to the back of the hotel.
7. The agents who entered the lobby were masked. They wore gaiter-style masks that covered their lower faces and necks. Some agents were in plain clothes; others wore generic tactical gear. Their badges appeared inconsistent — they looked as though they might have been purchased from a retail or online source rather than issued by a government agency. The agents carried both handguns and automatic-style weapons, which were openly displayed. A person without prior knowledge of the situation would have had no way to identify these individuals as law enforcement. Their appearance was startling and alarming.
8. None of the agents displayed any official identification. They did not verbally identify themselves as ICE agents, agents of the Department of Homeland Security, or any other federal agency. They stated only that they were in the area looking for a known individual — who turned out not to be present at our hotel.
9. At that same moment, three of my housekeepers — who were on their way to their cars for a lunch break — were walking through the rear parking lot. The agents who arrived in those vehicles detained all three housekeepers, then sped off the property through the Sunbury Road exit. The entire detention took less than three minutes.
10. No warrant of any kind was presented — not an arrest warrant, not an administrative warrant, and no other legal document. No paperwork was shown to me, to any member of my staff, or, to my knowledge, to any of the workers who were detained.

11. Based on my review of video footage obtained at the corporate office, the three workers were detained without any questions being asked of them. The agents pulled up, jumped out of the vehicles, grabbed the workers, placed them in the vehicles, and drove away. There were no verbal exchanges, no requests for identification, no requests for documentation. The footage shows the entire arrest occurring in under three minutes. In my assessment, it was a snatch and grab.
12. The three housekeepers who were detained all appear Hispanic or Latino, with dark skin and Hispanic features. Based on my observations of the video footage and the events as I witnessed them, it is my belief that their physical appearance was the sole basis for their detention. The ICE vehicles that came around the back of the hotel drove directly to these three individuals without stopping or surveying the area, indicating to me that the agents had already made the decision to arrest before they even exited their vehicles. None of the agents spoke to the workers, asked for identification, or asked any questions whatsoever before detaining them. The agents simply pulled up, got out, and grabbed them. Given that no questions were asked and no investigation occurred in the moment, the only factor that could have guided the agents to these three specific individuals — and not to any others who were present on the property — was how they looked. In my view, these three employees were targeted because of the color of their skin and their Hispanic appearance.
13. Two of the three detained workers — whom I will refer to as F. and D. — are Puerto Rico-born United States citizens. They are American citizens. The third detained worker is a Mexican immigrant who had all of his legal documentation in order. All employees at this hotel are required to present correct documentation at the time of hire; none of my staff can be hired without it.
14. Shortly after the vehicles left, the agents in the lobby received a message and informed me that they were at the wrong location. They then left the hotel.
15. As soon as the lobby agents departed, I heard screaming from our executive housekeeper. I went to the rear parking lot, where I found the personal belongings — including phones, wallets, and car keys — of the three detained housekeepers left on top of their vehicles. As of the day after the arrests, the workers' vehicles were still sitting abandoned in the parking lot.
16. Following the arrests, a second group of hotel employees who had been heading outside witnessed the detention of their coworkers. They immediately turned around and fled into the hotel, hiding in the basement.
17. We did not initially know which employees had been taken. There are many housekeeping staff members, and we had to conduct a manual roll call to determine who was detained. We also did not know, at that time, what agency had taken them.
18. Locating the facilities where the staff members had been taken proved extremely difficult. Beginning early evening on December 17th and stretching into the following day, I worked together with a handful of employees to search online arrest databases statewide, going from jail to jail looking at daily incarcerations. We located all three workers on Thursday, December 18th — one in Butler County, one in Hamilton County,

and one in Miami County. They were held in three different counties, all between one and two and a half hours from the hotel where they were picked up.

19. I subsequently spoke with F. and D. after their release. They told me that they were placed in a cell with dozens of other people for four days before anyone spoke with them. They were ultimately released after ICE determined that they were United States citizens.
20. No documentation of any kind was left behind by the agents after the arrests. No receipt of detention, no copy of any warrant, and no written communication from any federal agency was provided to the hotel or, to my knowledge, to the detained workers.
21. Neither I nor the hotel's legal team has had any follow-up contact from ICE or any other federal agency since December 17, 2025. No explanation has been offered, and no one has contacted us regarding the detained workers or the circumstances of the arrests.
22. Once the agents departed, the hotel essentially shut down for the remainder of the day. Employees were sent home, and a skeleton crew drawn from management remained on duty to cover essential operations. The hotel set aside several rooms where workers who did not feel safe leaving the premises could decompress and begin to process what had happened. Almost immediately, conversations between staff and management turned to how we could support the families of those who had been taken, including one worker who has an 8-month-old baby at home.
23. In consultation with corporate, I developed and implemented an updated action plan for navigating on-site interactions with ICE and other federal agencies. The plan requires staff members to congregate in designated secure, non-public areas of the hotel while management engages the agents. I also converted my manager's office into an ad hoc ICE response center, where I have been printing red cards for distribution to staff members reminding them of their Constitutional rights.
24. I implemented a transportation system that has remained in place in the weeks since the arrests. Managers, including myself, have been driving approximately 50 housekeeping and kitchen staff members to and from work, with additional assistance from the hotel shuttle. Employees have also been paired in a buddy system, escorting one another within the building and avoiding the outdoors as much as possible.
25. I shifted the staffing model, reducing the number of daytime housekeepers from approximately twelve to three while boosting the size of the nighttime crew. Employees have gravitated toward the nighttime shifts because they feel more comfort working while knowing their families are safe at home.
26. I relaxed all corporate policies related to attendance. Tardiness and call-offs are not being held against any employee. Any worker who does not feel safe returning to work has been placed on an on-call, as-needed leave. No one will lose their job. We will hold the positions of the three detained workers for as long as they are gone.
27. In the days following the arrests, I observed that the phones of the detained workers continued to show activity on our staff WhatsApp group chat — they appeared to be online. Out of concern that the chat was being monitored by federal agents, we created an entirely new group chat.

28. I have spoken with managers at other local hotels who described similar experiences. Reports of ICE enforcement actions at hotels stretching from Polaris to the North Side circulated on social media and in group texts among hotel managers. We have received no meaningful institutional support. Our response has been entirely self-organized. Every manager I spoke with expressed the same sense of abandonment.
29. I am aware that the Ohio Hotel & Lodging Association (OHLA) initially sent an email to member hotels stating that it had not seen raids or received any reports of enforcement actions targeting hotels in Columbus. A second email from OHLA followed the same afternoon acknowledging that arrests had in fact occurred at local hotels. As of the date of this declaration, hotel employees and their families have received no coordinated institutional protection beyond what individual hotel managers organized on their own.
30. Attached hereto as Exhibit A is a photograph that I took on December 17, 2025, after the federal agents departed from the hotel. The agents depicted in the photograph are the ones who I had observed in the hotel lobby that day.

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

Executed on March 1, 2026.

  
Signature

Brad Bonacci

## EXHIBIT A

Photograph of Federal Agents in Hotel Lobby Area



*Photograph taken by Brad Bonacci on December 17, 2025, depicting federal agents who had been present in the lobby of the Hilton Garden Inn at Easton, photographed after they departed the hotel.*

## DECLARATION OF I.A.

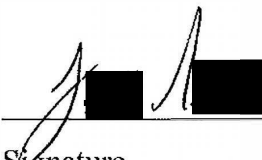
I, I.A., declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. My name is I.A. I am 25 years old.
2. M.A.R. is my father.
3. I have lived with my father for the past seven years.
4. I have personal knowledge of the matters stated in this Declaration.
5. I am over the age of 18 and competent to testify to the matters in this Declaration.
6. My father was born in Honduras. He is Hispanic, with black hair, brown skin, and a mustache.
7. My father speaks Spanish. He speaks very little English and cannot read or write in English.
8. My father entered the United States in 2006 by crossing the southern border. He was not stopped or inspected at that time.
9. My father has lived in the United States continuously since 2006.
10. My father has lived in Columbus, Ohio for the past twelve years.
11. My father owns a trailer in which he lives. He rents a lot where he parks his trailer.
12. My father has never been arrested or detained prior to this incident.
13. My father has no criminal record, to my knowledge.
14. My father has worked in construction in Columbus, Ohio for as long as I can remember. Construction has been his consistent occupation throughout his time in the United States.
15. My father is the primary financial provider for his partner, who lives with him. Without his income, she is in significant financial need and requires support.
16. My father also provides complete financial support for his mother, who still lives in Honduras.
17. Since my father's detention, I have been helping to provide financial support to his partner. This is straining my own finances and has been very hard on my family.
18. On the February 7<sup>th</sup>, 2026 at 9:50AM, my father was driving to work with a coworker. He was traveling on I-270 in Columbus, Ohio and was planning to work that day.
19. My father observed an unmarked vehicle behind him activate flashing lights. He pulled over in compliance.
20. My father was in his car at the time officers approached him.
21. My father did not resist in any way.

22. No warrant was shown to my father or his friend.
23. Officers did not explain to my father why he was being stopped or detained. They did not ask him any questions about his community ties or his family.
24. My father did not provide any identification to the ICE officers when asked by the officers.
25. My father's coworker was present and was also arrested at the same time. There was no video or audio recording of the detention.
26. After my father was arrested, officers left his car on the side of the road.
27. I believe my father was targeted because of his appearance — specifically because he looks Hispanic and speaks very little English.
28. My father called me the day he was arrested and told me what had happened. My father calls me every day because I am the person in the family who handles important information and communications, and he trusts me to be responsible.
29. After his arrest, my father was taken to the Westerville ICE office, where he was fingerprinted.
30. My father is currently being held at Butler County Jail.
31. I speak with my father by phone every day.
32. My father's detention has had a devastating emotional impact on our entire family. We are very sad and scared. The feeling of helplessness — of wanting to do something and not being able to — has been overwhelming.
33. My father's partner has been especially hard hit. He was the sole breadwinner, and she now requires significant financial support that she did not previously need.
34. I am doing my best to help support my father's partner financially, but doing so is straining my own finances.
35. This situation has been extremely difficult for my entire family.

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

Executed on 02/20, 2026.

  
\_\_\_\_\_  
Signature

I.A.

**INTERPRETER'S CERTIFICATION**

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I, the undersigned, hereby certify under penalty of perjury that:

I am fluent in both English and Spanish and am competent to serve as an interpreter in this matter.

I have no conflict of interest with any party to this proceeding.

I interpreted the entirety of this Declaration — including each and every numbered paragraph — from English into Spanish for I.A., the declarant.

I read or communicated each paragraph of this Declaration to I.A. in Spanish, and I.A. confirmed that she understood the content of each paragraph before proceeding.

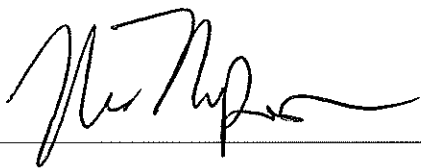
I.A. had the opportunity to ask questions, seek clarification, and request corrections at any point during the interpretation, and any such corrections were incorporated into the Declaration before it was signed.

After the full Declaration was read and explained to I.A. in Spanish, I.A. confirmed that she understood the entire Declaration, that its contents are true and correct to the best of her knowledge, and that she signed it voluntarily.

The interpretation I provided was accurate, complete, and impartial, and I did not add, omit, or alter any information during the course of the interpretation.

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

Executed on February 20, 2026.



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Interpreter Signature

Printed Name: Madeleine Thompson

Language(s): English and Spanish

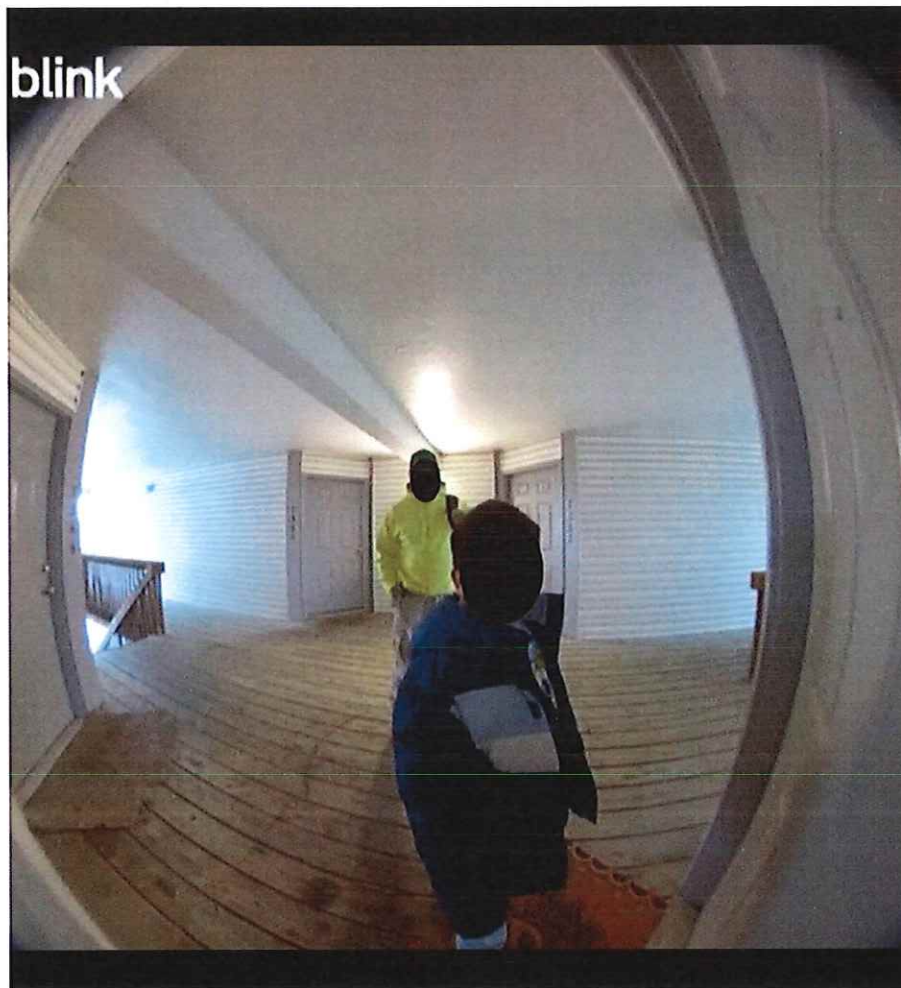
### DECLARATION OF Y.R.

I, Y.R., declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

1. My name is Y.R. I am the wife of J.R.
2. J.R. is my husband.
3. I have personal knowledge of the matters stated in this Declaration.
4. I am over the age of 18 and competent to testify to the matters in this Declaration.
5. My husband was born in Venezuela. His entire family is Venezuelan.
6. My husband is a white Latino with black hair.
7. My husband speaks Spanish. He speaks very little English.
8. My husband entered the United States in August 2016 on a tourist visa together with me and our daughter.
9. In 2017, our family applied for asylum. That case is still pending.
10. Our family also had Temporary Protected Status (TPS) based on Venezuela, but our TPS was recently terminated.
11. My husband and I have been living in the United States since 2016.
12. My husband and I have been married since 2015.
13. We have two children. Our older daughter, who is 20 years old, came with us to the United States. Our son, who is 8 years old, was born in the United States and is a United States citizen.
14. My husband has no criminal history whatsoever.
15. My husband has valid work authorization. At the time of his detention, he had a valid driver's license and a valid work authorization card that does not expire until February 18, 2029.
16. My husband has worked in construction since we arrived in the United States, for nearly ten years.
17. My husband has paid taxes for many years. Since he obtained his work authorization nearly ten years ago, he has always paid taxes.
18. My husband and I own our home in Pickerington, Ohio. We purchased it during the pandemic in 2020.
19. My husband is the primary financial provider for our family. He handles all of our household finances. I do not currently have access to our accounts, and I am very worried about paying our bills and our mortgage.



20. My husband takes our son to school and to soccer practice. He works constantly to provide for our family.
21. On the morning of Friday, March 13th, 2026, my husband was detained in Reynoldsburg, Ohio.
22. Before his arrest, my husband was dropping our son off at our older daughter's apartment. Our daughter lives in an apartment complex in Reynoldsburg where many Latino families live. My husband was wearing his construction work clothing that morning. A photograph captured by our daughter's Blink doorbell camera on the morning of March 13th, 2026 shows my husband in his construction clothes dropping our son off at her door. A true and correct copy of this photograph is reproduced below as Exhibit A.



*Exhibit A – Blink doorbell camera footage from our daughter's apartment showing J.R. in construction clothes dropping off their son on the morning of March 13, 2026.*

23. As my husband was leaving our daughter's apartment complex in his car, he was stopped and apprehended by ICE officers.
24. ICE officers were very rough with my husband even though he was not resisting. He told them to calm down because they were being very aggressive. They pinned his car by

YR

cutting him off so he had nowhere to go. He told me that they pulled him out of his car and were going to hit him.

25. My husband did not resist or attempt to flee.
26. My husband voluntarily showed the officers his valid driver's license and his valid work authorization card. The officers did not care and arrested him anyway.
27. No warrant was shown to my husband. They asked him no questions about flight risk or his family or community ties.
28. The officers did not tell my husband why he was being stopped or detained.
29. After his arrest, officers left my husband's car on the side of the road with the keys inside and the car unlocked.
30. I believe my husband was targeted because of his appearance and because he was leaving a heavily Latino neighborhood wearing construction clothing. He was also driving a Toyota Tundra, a truck commonly associated with Latino construction workers in our area.
31. A photograph was taken by a resident the morning of March 16th, 2026, at an apartment complex near where my husband was detained. The photograph shows an ICE vehicle stopping another person near the apartment complex. A true and correct copy of this photograph is reproduced below as Exhibit B.



*Exhibit B – Photograph taken by a resident of the apartment complex in Reynoldsburg, Ohio on March 16, 2026, showing an ICE vehicle stopping another person near the complex.*

YR

32. After his arrest, my husband was taken to the Westerville ICE processing center, where he called me and told me what had happened.
33. My husband is currently being held at Butler County Jail.
34. My husband has been given a court date of April 14th.
35. My husband's detention has had a devastating impact on our entire family. I am scared and overwhelmed. I do not have access to our finances and I am worried about keeping our home.
36. Our son, who is a United States citizen, has lost his father from the home. My husband took him to school and soccer practice. Our family is suffering greatly.
37. This situation has been extremely difficult for our entire family.

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

Executed on MARCH 16, 2026.

Y. R.  
Signature

Y.R.

**INTERPRETER'S CERTIFICATION**

I, the undersigned, hereby certify under penalty of perjury that:

I am fluent in both English and Spanish and am competent to serve as an interpreter in this matter.

I have no conflict of interest with any party to this proceeding.

I interpreted the entirety of this Declaration — including each and every numbered paragraph — from English into Spanish for Y.R., the declarant.

I read or communicated each paragraph of this Declaration to Y.R. in Spanish, and Y.R. confirmed that she understood the content of each paragraph before proceeding.

Y.R. had the opportunity to ask questions, seek clarification, and request corrections at any point during the interpretation, and any such corrections were incorporated into the Declaration before it was signed.

After the full Declaration was read and explained to Y.R. in Spanish, Y.R. confirmed that she understood the entire Declaration, that its contents are true and correct to the best of her knowledge, and that she signed it voluntarily.

The interpretation I provided was accurate, complete, and impartial, and I did not add, omit, or alter any information during the course of the interpretation.

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

Executed on March 16, 2026.



Interpreter Signature

Printed Name: Madeleine Thompson

Language(s): English and Spanish

**DECLARATION OF IMMIGRATION ATTORNEY EMILY MONTGOMERY BROWN**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Emily Montgomery Brown and I am an attorney and member of the Ohio bar. I was admitted to the bar in November 2014 and have been practicing law here ever since. I am currently practicing in Columbus, Ohio, where I have served as an Assistant Clinical Professor of Law and the Director of the Immigration Clinic at The Ohio State University Moritz College of Law since 2022. I have been practicing immigration law since 2016. I also worked on immigration cases as a law student during my summer internship at a nonprofit in Boston and in a law school clinic for five semesters.
2. In my current role directing the Immigration Clinic, I supervise third-year law students in the representation of noncitizens in Columbus who are seeking a variety of humanitarian immigration benefits, including asylum, U and T visas, and relief under the Violence Against Women Act. The clinic frequently represents individuals in removal proceedings, including detained individuals, and occasionally files habeas petitions and lawsuits in federal district court under the Administrative Procedure Act and the Mandamus Act. We have represented detainees at both the Butler County Jail (Hamilton, Ohio) and the North Lake Processing Center (Baldwin, Michigan). In my previous immigration practice before joining Ohio State, I represented detainees at all the ICE detention facilities in Ohio on matters including bond, asylum, cancellation of removal, and motions to suppress evidence.
3. The clinic has a relatively small docket compared to many immigration attorneys because students must be closely supervised and mentored as they learn the practice of immigration law. I currently represent 52 clients. But although I cannot accept many

cases for full representation, I often receive calls from detainees or family members or friends of detainees seeking consults or asking for referrals if I cannot represent them. I have also heard of reports of arrests directly from my clients—usually family or friends of theirs who have been detained.

4. I have noticed a dramatic increase in calls from detainees or about detainees who are seeking legal representation since January 20, 2025. Some detainees whose contacts I have talked to tell me they have been arrested at their routine ICE check-ins at the ICE office in Westerville, Ohio. But most of them appear to have been collateral, non-targeted arrests. I have heard stories of these people being detained at gas stations, in parking lots next to construction vehicles, and in their cars parked outside of work or shopping areas. In all of these cases of public arrests, ICE agents were in unmarked vehicles and did not wear uniforms with names or badge numbers. The arrests have taken place all over Columbus, but primarily in neighborhoods or shopping centers with high numbers of immigrant residents or customers.
5. None of the people who were arrested in public places that I have described in the preceding paragraph told me that they were arrested pursuant to an administrative warrant. Several of them had U.S. citizen children or other family members and had lived in the U.S. for many years but ICE did not ask them any questions to assess their community ties or flight risk before taking them into custody.
6. In addition to these public arrests, I was contacted by one former client whose home was visited by an ICE agent a couple months ago (he had not missed a check-in nor had anything else happened in his case to warrant agents coming to his door, but he believes they were there to arrest). He told me he was not home at the time, but an ICE agent

knocked on his door, his wife answered, and the agent asked for him by name, but his wife said he wasn't home. The agent did not present a warrant. This particular former client has a U.S.-citizen wife and multiple U.S.-citizen children, including one with a serious disability which will leave him dependent on his parents for care for his entire life. If he were to be deported, it would be catastrophic for the entire family.

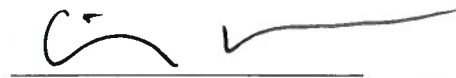
7. A significant majority of the detainees I have consulted about or heard about were Latino.
8. Because I cannot offer representation to many of the detainees whose cases I am consulting on, I do not usually know what ends up happening to them (deportation, release, transfer, etc.). However, I have spoken to multiple detainees who have already been detained for several months and have tried to obtain release on bond but have been told by immigration judges that they are not eligible for bond due to the Board of Immigration Appeals decision, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (2025), and I also have a detained client who has been detained since November 2025 because an immigration judge found that he was not eligible for bond due to *Matter of Yajure Hurtado*. I have filed a habeas petition in federal district court and hope that the judge will soon order his release.
9. A significant change in my practice over the last year has been the increased amount of time I have to spend with clients discussing their fears of spending time in public places or driving to work or their children's schools. This is not limited to clients who have no immigration status or who are in removal proceedings with pending asylum claims. Virtually all my noncitizen clients, including green card holders and asylees—statuses that should protect them from ICE arrest—have contacted me, sometimes frequently, to ask about their safety and risk of ICE arrest. Some of my clients have told me they are

experiencing difficulty sleeping, and some have told me that they have quit jobs, stopped driving, and no longer answer the door to their home. There is no end to the fear—one client (who worked with the US-backed government in Afghanistan and then legally entered the U.S. via the CBP One app, applied for asylum a few months later, and has work authorization) texted me a few weeks ago to ask if I thought he should stop attending his English class because ICE might look for people there. Many of my clients have told me about someone they know who has been arrested in public by ICE, and accordingly, they are very much in fear that the same will happen to them: that they will be detained in public without a warrant and with no questions asked.

10. I also have multiple clients who are required to report for ICE check-ins and in several instances are now required to report much more frequently than they have in the past (pre-2025). Each time they prepare for a check-in they are very afraid of being detained. Then the process repeats all over again shortly thereafter.

I declare under penalty of perjury under the law of the United States and 28 U.S.C. § 1746

that the foregoing is true and correct.



Emily Montgomery Brown

Date: March 13, 2026

**DECLARATION OF IMMIGRATION ATTORNEY BRIAN J. HOFFMAN**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Brian J. Hoffman. I am an attorney licensed to practice law in the state of Ohio. I am the Executive Director of The Ohio Center for Strategic Immigration Litigation and Outreach (“OCSILiO”). My office is located in Wooster, Ohio. I have been practicing immigration law during my entire fifteen-year legal career and have worked with people in immigration detention most of my career. About a dozen of my clients are currently detained.
2. OCSILiO represents detained clients throughout Ohio, primarily people detained at the Mahoning and Seneca County Jails, both of which serve as immigration detention facilities. We represent detained people in removal defense, including bond hearings, and some affirmative applications before U.S. Citizenship and Immigration Services. We also represent detained people in writs of habeas corpus in federal court. Most of our cases come through word of mouth through current detainees or churches/nonprofits. OCSILiO conducts a lot of outreach in northern Ohio, so we have good relationships with leaders in various immigrant communities in that area.
3. I personally hear a lot of accounts of how people have been detained by ICE in my role at OCSILiO. I receive calls, messages, and emails every week from detained people and their families and friends looking for legal assistance. When I conduct an intake interview with a prospective detained client, we go over all of the details of their case, including their arrest by U.S. Immigration and Customs Enforcement (“ICE”) or U.S. Border Patrol.

4. As part of the intake process, I ask what questions the prospective client was asked by ICE or Border Patrol and what, if anything, ICE/Border Patrol officers told them about why they were being arrested. In all of my regular detention cases, I cannot remember a time where clients have told me about ICE or Border Patrol asking any questions about community ties or anything else that would indicate they are making a flight risk assessment.
5. I have noticed a sizeable increase in calls from newly detained people and their loved ones over the past year and still continuing.
6. In the past year, the way my detained clients are apprehended by ICE has changed significantly. In the past, almost everyone in ICE custody that I spoke to were there after local law enforcement had arrested them for a criminal or traffic violation. They would be transferred directly from the local jail, where they were being detained for a state criminal law violation, to an immigration detention facility.
7. Now, we are seeing more people than ever being arrested by ICE directly, rather than after an initial arrest or detention by local law enforcement. Many of these arrests are in vehicle stops that ICE or Border Patrol either make themselves, or ICE/Border Patrol will immediately show up on the scene of a traffic stop and make an immigration arrest. In the case of two of my clients, and immigration enforcement authorities detained them on the side of the road after their car broke down.
8. For example, I recently met with clients, M.A. and his sister P.A., who were detained on the morning of February 25, 2026, in Canton, Ohio, on their way to work. They both have U.S. citizen children but were arrested without warrants and without any analysis of whether they were likely to escape before a warrant could be obtained. P.A.'s husband

was detained in a workplace raid last fall, and her children are now living with relatives and church friends.

9. Again, in none of these instances that I describe above is ICE or Border Patrol asking questions that indicate they are making a flight risk assessment.
10. In most of these cases that I describe above, ICE or Border Patrol are not making the arrest with an administrative or judicial warrant. When I meet with these clients/prospective clients in immigration detention, I review the documents they have that they were given by ICE or Border Patrol. I file Freedom of Information Act requests to get the documents. I review these documents to see if there is a warrant, but there usually is no warrant. Often a warrant, if there is one, is dated *after* the client was detained.
11. I also routinely review the Form I-213 Record of Deportable/Inadmissible Alien for each case. In my experience, those documents never contain notes or language indicating ICE or Border Patrol made a flight risk determination.
12. I have had cases where ICE has included incorrect information in an I-213 that would make the client seem removable when they were not. I represented clients arrested by ICE in a workplace raid in Canton, Ohio at the end of October 2025. There were no criminal allegations against these individuals. Almost all of the people apprehended in that raid were collateral arrests. One of my clients arrested in that raid had an approved I-360, deferred action, and a work permit, and ICE wrote in his I-213 that he had no legal status or valid identity documents.
13. Almost every single person I represent in immigration detention is Latino.

14. Many of the people I speak to or whose families I speak to who are in immigration detention ask for voluntary departure to be taken back to their home country, rather than staying and fighting their underlying detention. They have never been in jail before, and the conditions in immigration detention facilities are awful. It is very difficult to be released from immigration detention, requiring multiple claims filed in different courts. Clients can easily spend four to six months in detention after a warrantless arrest.
15. In my practice, I see that ICE frequently arrests immigrants without a warrant and without any assessment of escape risk. Because of recent case law and policy developments at the Department of Justice, many of my clients are not receiving immigration bonds. But in all cases when they are granted an immigration bond, the immigration judge is required to determine that they present no flight risk before granting a bond. ICE should be performing this risk assessment upfront, instead of arresting and detaining these individuals, nearly all of whom have deep connections to their communities. Many of my clients have been previously released by immigration authorities, and were re-detained without any allegation that they were now somehow a flight risk or danger.
16. Immigration detentions do not appear to be slowing down in northern Ohio. OCSILiO is getting a higher number of calls from detained people and their loved ones than ever before, and is unable to even respond to many inquiries. This high rate of detention is continuing to this day.
17. Anxiety in our client communities is extremely high. Churches are experiencing a drop in participation. Community events are not as well attended as they used to be. People are trying to hunker down and stay at home.

18. The U.S. citizen children of detained people are suffering as well. I have a case right now where the child of my detained client is close to finishing high school, which will be difficult for them to do if they go with their parent to their parent's home country. We now have to figure out who will care for this child while the parent is detained. An entire informal foster care system is cropping up because so many people are being detained who are parents. It is made even worse because there is no financial support for the people taking in kids who have been separated from their parents, many of whom already have their own kids already.

I declare under penalty of perjury under the law of the United States and 28 U.S.C. § 1746

that the foregoing is true and correct.

  
\_\_\_\_\_

Brian J. Hoffman

Date: \_\_\_\_\_