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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Eugene Division

M-J-M-A- and VICTOR CRUZ GAMEZ, individually and on behalf of all similarly situated individuals,

Petitioner and Plaintiffs,

v.

LAURA HERMOSILLO, Seattle Field Office Director, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO"); TODD LYONS, Acting Director of Immigration Customs Enforcement ("ICE"); U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; KRISTI NOEM, Secretary of the Department of Homeland Security ("DHS"); U.S. DEPARTMENT OF HOMELAND SECURITY; and PAMELA BONDI, Attorney General of the United States,

Respondents-Defendants.

Case No. 25-cv-02011-MTK

CLASS ACTION ALLEGATIONS

PETITIONER'S & PLAINTIFFS' SUPPLEMENTAL PLEADING PURSUANT TO FED. R. CIV. P. 15(d)

Petitioner-Plaintiff, by and through her undersigned counsel, hereby supplements her Petition pursuant to Federal Rule of Civil Procedure 15(d). Petitioner-Plaintiff and Plaintiff allege the following:

1. Plaintiffs incorporate by reference every allegation in Petitioner's Petition for a Writ of Habeas Corpus (Dkt. 1).

Introduction

2. Defendants' policy and practice of arrest first, ask questions later has sown fear and alarm among Oregon's communities and caused devastating consequences for the people who call Oregon home.

3. Masked, nameless, heavily armored agents from the U.S. Department of Homeland Security have invaded Oregon's peaceful communities and neighborhoods, using tactics like flying drones over elementary schools and employing intrusive surveillance systems, including automated license plate readers, massive data harvesting, and facial recognition, to indiscriminately stop, arrest, and detain people to feed the political demand for human bodies to fulfill the Government's arbitrary detention and deportation quotas.

4. Masked DHS agents are "live targeting" Oregonians by pulling over, arresting, and detaining workers and students—citizen and immigrant alike—without probable cause and without assessing immigration status or flight risk as required by law.

5. By law, warrantless arrests for immigration civil violations are highly regulated and require, at a minimum, two individualized determinations: that (1) the person being arrested "is in the United States in violation" of immigration laws and, separately, (2) the person being arrested "is likely to escape before a warrant can be obtained for [their] arrest." 8 U.S.C. § 1357(a)(2).

6. DHS agents are ignoring the law's clear requirement to assess both immigration status and flight risk before making a warrantless arrest. Instead, in search of higher arrest numbers to feed the White House's demand, they are arresting and then detaining massive numbers of people in Oregon without *any* probable cause as to either immigration status or flight risk.

7. But the DHS lawlessness gets worse. After an arrest, the law requires DHS to make an individualized custody determination regarding the arrestee and to release individuals who are neither a danger to the community nor a flight risk. Yet DHS is openly refusing to obey the law because they are serving the political objective of meeting quotas, instead of obeying their oaths to follow the law.

8. At least since the imposition of the quotas in Oregon, DHS has applied policies and practices that prohibit an individual's release. They openly defy their regulatory duty to make custody determinations based on the individualized circumstances. Instead, DHS imposes a categorical rule that all individuals apprehended in Oregon must be detained and must be transported out of the District of Oregon regardless of the individual facts and circumstances.

9. Oregonians, regardless of their citizenship or immigration status, are at risk because of DHS agents' indiscriminate and lawless practices. DHS's illegal scheme is terrorizing the state and tearing families apart.

10. Plaintiffs' experiences are representative of those of other innocent Oregonians unlawfully swept into the vast DHS detention apparatus. They were arrested without a warrant, without probable cause that they had committed an immigration violation, and without probable cause that they were likely to flee before a warrant could be obtained. If the DHS agents had followed the law in effectuating these immigration stops, any one of the armed agents that

surrounded the Plaintiffs would have learned that each has important community ties, including a history of local employment, and presented no likelihood of escape.

11. Plaintiffs, M-J-M-A- and Mr. Cruz Gamez, bring this challenge on behalf of themselves and individuals similarly situated to put an end to the Defendants' policy and practice of unlawful warrantless arrests in Oregon.

Jurisdiction

12. Jurisdiction is proper and relief is available under 28 U.S.C. § 1331 (federal questions).

13. This Court has federal question jurisdiction under 28 U.S.C. § 1331 (federal question). Plaintiffs allege violations of the U.S. Constitution, Immigration & Nationality Act (INA), and the Administrative Procedure Act (APA).

14. This Court has the authority to grant the relief requested by Plaintiffs under the Administrative Procedure Act, 5. U.S.C. § 701, et seq.; Rules 57 and 65 of the Federal Rules of Civil Procedure; the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02; the All Writs Act, 28 U.S.C. § 1651; and the Court's inherent equitable authority.

Additional Party

15. **Plaintiff Victor Manuel Cruz Gamez** is a 55-year-old resident of Hillsboro, Oregon and has resided in the United States for more than twenty-five years.

16. Mr. Cruz was driving home from work on October 14, 2025, when masked DHS agents arrested him without a warrant and detained him for over three weeks.

DHS's Operation Black Rose—Widespread Policy and Practice of Warrantless Arrests

17. Kept secret from the public, Operation Black Rose began in fall 2025—likely on or about September 28, 2025—as an expansion of DHS's illegal warrantless arrest actions in Oregon.

Named differently as Operation Fortify the Border, Fortifying the Border, Portland Clean Up, Portland Sweep, Portland Safe, or similar names, this operation and similar operations were intended to satisfy the relentless demand for immigrant bodies to meet the arbitrary detention and deportation quotas.[1] Particular to Oregon, the operation is apparent retribution by the Government against Oregon because of its so-called "sanctuary" policies.

18. Operation Black Rose is an important part of the Government's objective to achieve its minimum of 3,000 arrests every day. The Government's push for mass immigration arrests effected a change in the policy and procedures by which civil immigration arrests are conducted.

19. Instead of searching for or seizing particular people, DHS agents do "live targeting" at geographical sites such as specific cities or particular apartment complexes in Oregon to arrest and detain people based on racialized, intrusive surveillance.

20. DHS agents identify targets based on race using a secret set of government database systems that identify sites and people based on a purported immigration nexus.

[1] Plaintiffs use the term "Operation Black Rose" to refer to the enforcement actions of DHS that occurred in Oregon in the fall of 2025 and which are on-going. The policy and practice of warrantless arrests has spanned and continues to span several operations. *See* Transcript of Dec. 2, 2025 Evidentiary Hearing at 134 (government lawyer explaining that "Operation Fortifying the Border is used generally to describe this movement of officers to the Portland area during mid to late October.") There may be more than one parallel or consecutive operation. *See, e.g.,* Tr. 142 ("We get a lot of target packages through these kinds of operations."), 170 (purpose of temporary assignment was to "assist ICE with their immigration operations."); Tr. 200 (government witness indicating name of operation as "Operation Portland Safe."); Tr. 221 (government witness explaining that "[w]e received the e-mail that said we're going to be doing at-large enforcement."); Tr. 259 (government witness explaining that the operation had a name but "I just wasn't aware of it because it doesn't really matter what the operation is called. An at-large arrest is an at-large arrest."); Tr. 330 (government witness explaining she was part of "Operation Portland Sweep"); Tr. 337 (government witness explaining that "[t]here's still an operation being conducted."); Tr. 347 (government witness explaining about operation names as "I believe it was referred to as a couple of different operations while I was there[.]); Tr. 398 (government witness explaining that "[e]very operation that we do has a name, and that's what this one was called."). Plaintiffs allege that these DHS enforcement actions are ongoing.

21. An immigration nexus means a person—including citizens of the United States, lawful permanent residents, asylum-seekers, and visitors—has had some sort of interaction with an immigration official or an immigration agency in the past.

22. DHS has a policy and practice of making warrantless arrests without conducting an individualized assessment establishing probable cause that the person being arrested is unlawfully present in the country and, independently, is likely to escape before a warrant can be obtained, as required by 8 U.S.C. § 1357(a)(2).

23. DHS's widespread policy and practice in Oregon is to make warrantless arrests and detentions against individuals without probable cause that they are in the United States in violation of U.S. immigration law.

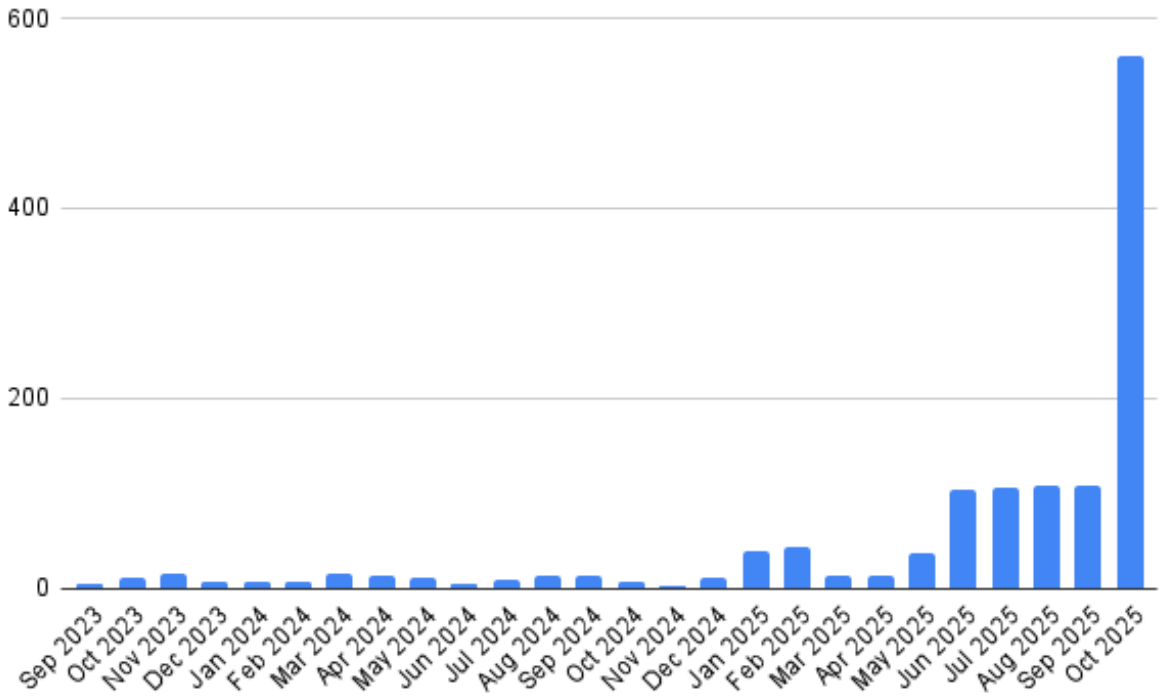
24. DHS's widespread policy and practice in Oregon is to arrest, without a warrant, and detain individuals without probable cause of flight risk.

25. DHS's widespread policy and practice in Oregon is to arrest, without a warrant, and detain individuals without engaging in or documenting the multi-factor analysis required by the Nava Broadcast Policy.

26. Civil immigration arrests in Oregon have soared, as indicated in the chart below. Upon information and belief, many of the arrests made since enforcement efforts dramatically increased are pursuant to the warrantless arrest policy and practice.[2]

[2] Emily Ryo is the Charles L. B. Lowndes Distinguished Professor of Law and Professor of Sociology at Duke University School of Law. Professor Ryo conducted an analysis of publicly available government data regarding immigration apprehensions in Oregon. Her declaration is filed at *Clear Clinic, Inc, et al v. Noem*, 6:25-cv-01906-AA, Dkt. 78 (D. Or. 2025) and is also available at https://perma.cc/5HJJ-EQ9D.

Monthly ICE Arrests in Oregon, September 5, 2023-October 31, 2025



27. Since October 2025, civil immigration arrests in Oregon soared 1,400% over prior months, and more than 7,900% over the prior year.

28. A spokesperson for DHS publicly explained that "DHS law enforcement uses 'reasonable suspicion' to make arrests." *See DHS Debunks Governor Pritzker's Harmful Lies About Operation Midway Blitz in Chicago, Federal Law Enforcement*, U.S. Dep't Homeland Security (October. 6, 2025), https://perma.cc/AD8T-MK8G.

29. Another high-ranking DHS agent doubled down on the illegal standard by stating that "We need reasonable suspicion to make an immigration arrest…You notice that I did not say probable cause, nor did I say I need a warrant." CGTN America News (@cgtnamerica), Instagram Reel (Oct. 9, 2025), https://perma.cc/Z68D-8NSX

30. On November 2, 2025, President Trump urged DHS to push its detention dragnet even farther.[3]

31. On November 11, 2025, ICE arrested at least 24 people in and around Salem, Oregon; upon information and belief, most, if not all, of these arrests were made without a warrant and many of those arrested were farmworkers on their way to work. On October 30, 2025, at least 35 people were arrested in the nearby (heavily Latino) community of Woodburn, Oregon.[4]

32. On November 14, 2025, DHS's Chief of the Border Patrol stated that no U.S. city, such as Portland, will be a sanctuary and that "we know who we are looking for and we have collaterals which are those other illegals that are in that area [such as a Home Depot]" and that every state is subject to the so-called rules of the border.[5]

33. On November 19, 2025, ICE agents detained at least 15 people in Eugene and the surrounding area; upon information and belief, most, if not all, of these arrests were made without a warrant. Five people were arrested while seeking permits for mushroom foraging on federal land.[6] Earlier in the month, in the nearby town of Cottage Grove, agents pulled a Lawful

[3] Aliza Chasan, *Trump says immigration raids "haven't gone far enough"*, CBS News, Nov. 2, 2025, https://www.cbsnews.com/news/trump-says-ice-raids-havent-gone-far-enough-60-minutes/.
[4] Dianne Lugo, *ICE arrests at least 24 in northeast Salem in highest one-day total, activists say*, Salem Statesman Journal, Nov. 11, 2025, https://www.statesmanjournal.com/story/news/politics/2025/11/11/ice-arrests-at-least-16-in-northeast-salem-oregon/87217507007/.
[5] Ali Bradley, Jeff Arnold, *No US city will be 'sanctuary' for migrants: Border Patrol chief*, NewsNation, Nov. 14, 2025, https://www.newsnationnow.com/us-news/immigration/no-sanctuary-migrants-patrol-chief/
[6] Nathan Wilk, *Lane County advocates report at least 15 new ICE detentions,* KLCC, Nov. 21, 2025, https://www.klcc.org/politics-government/2025-11-21/lane-county-advocates-report-at-least-15-new-ice-detentions

Permanent Resident of Guatemalan origin from her car, threw her to the ground, kneeled on top of her, handcuffed her, and detained her for a half hour.[7]

34. On Thanksgiving Day, 2025, Trump posted the following message on Truth Social:

> Even as we have progressed technologically, Immigration Policy has eroded those gains and living conditions for many. I will permanently pause migration from all Third World Countries to allow the U.S. system to fully recover, terminate all of the millions of Biden illegal admissions, including those signed by Sleepy Joe Biden's Autopen, and remove anyone who is not a net asset to the United States, or is incapable of loving our Country, end all Federal benefits and subsidies to noncitizens of our Country, denaturalize migrants who undermine domestic tranquility, and deport any Foreign National who is a public charge, security risk, or non-compatible with Western Civilization. These goals will be pursued with the aim of achieving a major reduction in illegal and disruptive populations, including those admitted through an unauthorized and illegal Autopen approval process. Only REVERSE MIGRATION can fully cure this situation. Other than that, HAPPY THANKSGIVING TO ALL, except those that hate, steal, murder, and destroy everything that America stands for — You won't be here for long![8]

35. In late November 2025, ICE agents dramatically increased surveillance and warrantless arrests in Yamhill County. Agents questioned and detained two U.S. citizen high school students. In one case, agents broke the student's car window and forcibly pulled him from the vehicle, with one agent commenting "I don't care" when the student asserted he was a U.S. citizen. In the second case, agents followed the student home and interrogated her parents about her immigration status. The agency flew surveillance drones over a local elementary school, brandished weapons at bystanders, and sped through school zones, ultimately arresting at least five people; upon information and belief, most, if not all, of these arrests were made without a warrant.[9]

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[7] Jaime Adame, *Cottage Grove woman tells of being detained by ICE despite lawful status*, Lookout Eugene-Springfield, Nov. 7, 2025, https://lookouteugene-springfield.com/story/justice/2025/11/07/cottage-grove-woman-tells-of-being-detained-by-ice-despite-lawful-status/.

[8] Donald J. Trump, @realDonaldTrump, Truth Social, Nov. 27, 2025, 8:26 PM, https://truthsocial.com/@realDonaldTrump/posts/115625427648743414.

[9] Marina Dunbar, *ICE detained teenaged U.S. citizen during school lunch break, family says,* The Guardian, Nov. 23, 2025, https://www.theguardian.com/us-news/2025/nov/23/ice-oregon-

36. The overriding message, communicated by and to Defendants, is that agents and officers carrying out immigration operations on the ground must prioritize arrest numbers, regardless of an individual's circumstances, and that detention is more important than the law.

37. In November and December 2025, more than 700 Oregonians were swept into the vast immigration detention system through Operation Black Rose, many of whom were arrested and detained without a warrant.

38. Plaintiff-Petitioner M-J-M-A-, like others, fears arrest and detention under DHS's widespread policy or practice of making warrantless arrests without probable cause.

Stop and Arrest of Plaintiff Victor Manuel Cruz Gamez

39. Plaintiff Victor Manuel Cruz Gamez is married and has three children and four U.S. citizen grandchildren, all of whom live in Oregon. He operates his own construction business in Oregon.

40. In May 2025, DHS granted him deferred action status as a bona fide applicant for U-nonimmigrant status. Deferred action is a form of prosecutorial discretion that defers a person's removal from the United States for a certain period of time.

41. On October 14, 2025, Mr. Cruz was returning home after a day of work. Masked DHS agents stopped his vehicle while looking, apparently, for someone else.

42. After Mr. Cruz presented his valid immigration work permit, the DHS agents told him that the work permit "means nothing to us. For us, you are still an illegal."

43. The agents handcuffed and chained him waist to ankles and put him in their vehicle.

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student-citizen-detained-immigration; Michaela Bourgeouis, Joelle Jones, *Yamhill County nonprofit raises civil rights concerns amid 'extensive' ICE detainments*, KOIN6, Nov. 26, 2025, https://www.koin.com/news/oregon/yamhill-county-nonprofit-raises-civil-rights-concerns-amid-extensive-ice-detainments/.

44. While being detained at the Portland ICE facility, the DHS agents determined that: "Well, since you are here, we must take you to Tacoma."

45. Mr. Cruz was held in detention for approximately three weeks until his release was ordered by a court.

46. Mr. Cruz fears arrest and detention under DHS's widespread policy or practice of making warrantless arrests without probable cause.

Arrest First, Ask Questions Later

47. The experiences of M-J-M-A- and Mr. Cruz are not unique. They reflect an unlawful policy and practice that immigration officers rely on in their enforcement operations across the country and throughout Oregon: make warrantless arrests without the requisite probable cause determinations regarding immigration status and flight risk. That is, their policy and practice is: arrest first, ask questions later.

48. Defendants' policy and practice of widespread warrantless arrests is exemplified by the experiences of numerous Oregon community members.

49. Like thousands of Oregonians everywhere, on Friday morning, November 21, 2025, **M-E-G-G-** was simply heading into work, when multiple DHS vehicles swarmed her, forced her to pull over, and trapped her on the side of the road. *M-E-G-G- v. Hermosillo*, 3:25-cv-2160-AB, Dkt 9 at 2-4 (D. Or. 2025). M-E-G-G- is a 46-year-old resident of Washington County. *Id.* She has lived in the Cornelius, Oregon area for over 20 years. *Id.* She is the mother of five children. *Id.* One of her youngest children is a twelve-year-old U.S. citizen who is a seventh grader at a local high school, with a learning disorder and enrolled in specialized classes. *Id.* M-E-G-G- is the primary caregiver for her mother, who is a lawful permanent resident. *Id.* She has been steadily employed as a housecleaner in Washington County for more than a decade. *Id.* She has no criminal

record and no prior immigration record. *Id.* Even so, DHS arrested and detained her without a warrant. *Id.*, Dkt. 7 at 2-3. "[U]pon approaching the vehicle," the DHS agents "observed that the driver of the vehicle, Petitioner, was not their target." *Id.* They detained her without probable cause for any immigration violation and then, in spite of her lengthy residence, family ties, work history, and lack of criminal record, DHS nevertheless executed the warrantless arrest without an individualized determination that she was a flight risk. *Id.* Her detention caused emotional distress, family separation, and other harm to her and her family.

50. Or take the case of **Fernando Pichardo Medina**: a resident of the United States for approximately 21 years who has paid his taxes for over a decade and is connected to the community through his church, family, and his minor son who is a U.S. citizen. *Pichardo Medina v. Hermosillo*, 3:25-cv-02233-MC, Dkt. 15 at 3 (D. Or. 2025). He was arrested by DHS agents without a warrant who were looking for someone else. *Id.* at 2-3. DHS "followed an inverted process that began by first arresting Petitioner without a warrant, only then issuing a Notice To Appear and preparing a warrant for his arrest, and ultimately detaining Petitioner based on the events of their premature arrest." *Id.* at 9.

51. Or the case of **B.D.A.A.** who has resided in the United States since 1992. *B.D.A.A. v. Bostock*, 2025 WL 3484912 (D. Or. 2025). In December 2024, she received a *bona fide* determination for U-nonimmigrant status. *B.D.A.A. v. Bostock*, No. 6:25-cv-02062-AA, 2025 WL 3484912 at *5 (D. Or. 2025). U-nonimmigrant status is a legal status for a non-citizen victim of certain serious crimes who have suffered substantial physical or mental abuse, who possess information concerning criminal activity and who have helped law enforcement investigate or prosecute those crimes. *Id.* at * 5. On November 5, 2025, she was traveling alone on the highway, complying with all the traffic laws when she was stopped by DHS and arrested without a warrant.

Id. at *1. The reason for the arrest, according to the arresting DHS agent: B.D.A.A.'s "bad luck." *Id.* at *2. DHS made no record of any flight risk assessment and provided no facts or documentation to discern any basis to make such assessment. *Id.* at *8. Although they discovered that B.D.A.A. had resided in the U.S since 1992, that she had valid work authorization, and that she had grown children who live in the community, they nevertheless detained her without a warrant. *Id.* at *7.

52. **R-G-S-** is a 27-year-old Oregon resident who intends to seek asylum in the United States. *M-L-G-G-, et al. v. Wamsley*, 6:25-cv-02012-AA, Dkt. 31 at 2-4 (D. Or. 2025). She has resided in the U.S. for more than a year. *Id.* On October 30, 2025, while traveling to work, she was arrested and detained by DHS without a warrant. *Id.* DHS made no pre-arrest individualized analysis of probable cause for immigration status or flight risk. *Id.*

53. **A-B-D-** is a 44-year-old farmworker from the Willamette Valley who was arrested by DHS agents without a warrant on October 30, 2025. He was detained in spite of his years of residence in the United States and lack of any criminal history. *A-B-D- et al. v. Wamsley*, 6:25-cv-02014-AA, Dkt. 19 at 2-3 (D. Or. 2025).

54. **C-C-S-** is a 31-year-old farmworker from the Willamette Valley who has resided in the United States for more than two years with family. She has no criminal history. *A-B-D- et al. v. Wamsley*, 6:25-cv-02014-AA, Dkt. 20 at 2-3 (D. Or. 2025). On October 30, 2025, DHS agents arrested and detained her without a warrant and without any showing of probable cause as to immigration status or flight risk.

55. **L-A-R-A-** is a resident of Beaverton, Oregon, where he lives with his U.S.-citizen partner of fifteen years. *L-A-R-A- v. Wamsley*, 3:25-cv-01994-AB, Dkt. 1 at 10-12 (D. Or. 2025). On the morning of October 28, 2025, he was innocently heading to work when he stopped at a

local supermarket to buy a loaf of bread. *Id.* After buying the bread and as he pulled out of the supermarket parking lot, masked DHS agents arrested him without a warrant and without any individualized determination about his immigration status or flight risk. *Id.*

56. On September 23, 2025, **L.A.E.** was going about his day when DHS agents who were "looking for someone else" arrested him. *L.A.E. v. Wamsley*, No. 3:25-cv-01975-AN, 2025 WL 3037856, at *1. (D. Or. 2025). DHS agents detained him in spite of his residence in the United States since 1999, his three U.S. citizen children, his lack of any criminal record, and the existence of a stay of his removal granted by the Ninth Circuit. *Id.* at.

57. Many more Oregonians have been arrested and detained as a result of the warrantless arrest policy but, because of barriers to access to counsel imposed by Defendants, are unrepresented. *See*, *CLEAR Clinic, Inc. v. Noem*, 6:25-cv-01906-AA (D. Or. Filed Oct. 16, 2025) (challenging government policy denying access to counsel for individuals arrested by DHS for civil immigration offenses in Oregon.)

58. In these encounters, Defendants' agents are systematically making immigration arrests without a warrant and without probable cause findings as to immigration status and flight risk as required under federal immigration law.

Impacts on Oregon

59. Because of the widespread nature of the arrests pursuant to the unlawful policy and practice of making warrantless arrests without probable cause, and because of the systemic nature of Defendants' disregard for the requirements of federal law, Plaintiffs and those who live and work in Oregon, particularly those of Latinx ethnicity or any person who is perceived as immigrant by Defendants because of their race, ethnicity, language, skin color, or other reasons face a substantial risk that they will be subjected to unlawful warrantless arrests in the near future.

60. Defendants' conduct is causing ongoing harm to Plaintiffs, class members, and other members of the Oregon community, leaving neighborhoods hollowed out and small businesses reeling. [10] Defendants' lawless activity has devastated families and left people afraid to leave their homes.[11]

61. On October 15, 2025, the City of Portland, Oregon enacted an emergency ordinance to protect its residents because of the impacts of the Defendants' actions.[12]

62. On November 4, 2025, the County of Washington, Oregon declared a state of emergency because of the impacts of the Defendants' actions.[13]

63. On November 10, 2025, the City of Hillsboro, Oregon declared a state of emergency because of the impacts of the Defendants' actions.[14]

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[10] Gosia Wozniacki, *Latino businesses face economic fallout as immigration enforcement ramps up in Portland area*, OregonLive (Nov. 3, 2025), https://perma.cc/46RP-VHGT ("Business owners and managers report stark declines in sales since mid-September – some as much as half. It's worse than during the pandemic, many say, with empty store aisles, deserted restaurant floors and workers resigning or regularly calling in sick out of fear.")

[11] Gosia Wozniacki, *Latino community describes terror as ICE intensifies Oregon operations*, OregonLive (Nov. 6, 2025), https://perma.cc/FP7M-2V9N; Austin De Dios, *More Oregon cities declare emergencies as federal immigration enforcement takes toll on communities*, OregonLive (Nov. 21, 2025), https://perma.cc/9YKB-R8V8; Madeleine Moore, *Salem declares emergency over increased ICE activity, citing reports of unlawful arrests*, OPB (Dec. 2, 2025), https://perma.cc/LPS4-RY8X; Shane Dixon Kavanaugh, *City Council defies Trump with 'Protect Portland Initiative' against federal overreach*, OregonLive (Oct. 16, 2025), https://perma.cc/5ERX-JY2Y; Holly Bartholomew, *Washington County declares emergency over increased ICE activity*, OPB (Nov. 5, 2025), https://perma.cc/KGX4-AK4X; Joanna Hou, *PPS Secures North Portland Schools Amid Reports of ICE Activity*, Willamette Week (Nov. 6, 2025), https://perma.cc/N3RA-AF3H.

[12] Portland City Council, Emergency Ordinance 192115 (Oct. 15, 2025), https://perma.cc/3BNE-SC3J.

[13] Washington County Board of Commissioners, Resolution & Order 25-72, *In the Matter of Declaring a State of Emergency Regarding Federal Immigration Enforcement* (Nov 4, 2025), https://perma.cc/NM89-T7CP.

[14] Hillsboro City Council, Resolution No. 2906, *A Resolution of the City of Hillsboro Recognizing that a State of Emergency Exists Within the Community due to the Impacts of Federal Immigration Enforcement Actions and Setting Forth Various Actions the City Should Take to Address Such Impacts* (Nov. 18, 2025), https://perma.cc/XJB5-7XGK.

64. On November 10, 2025, the City of Forest Grove, Oregon declared a state of emergency because of the impacts of the Defendants' actions.[15]

65. On November 17, 2025, the City of Cornelius, Oregon declared a state of emergency because of the impacts of the Defendants' actions.[16]

66. On November 21, 2025, the City of Woodburn, Oregon declared a state of emergency because of the impacts of the Defendants' actions.[17]

67. On December 1, 2025, the City of Salem, Oregon declared a state of emergency because of the impacts of the Defendants' actions.[18]

68. On December 9, 2025, the City of Eugene, Oregon set aside public funds for immigrant community support because of the impacts of the Defendants' actions.[19]

69. On December 12, 2025, the County of Multnomah, Oregon declared a state of emergency because of the impacts of the Defendants' actions.[20]

[15] Forest Grove City Council, Resolution No. 2025-61, *Resolution Declaring a State of Emergency to Address Community Impacts of Federal Immigration Enforcement* (Nov. 10, 2025), https://perma.cc/7QEM-JFBJ.
[16] Cornelius City Council, Resolution No. 2025-61, *Ratifying a State of Emergency Proclamation* (Nov. 17, 2025), https://perma.cc/E5YX-T9ZL.
[17] Sophia Cossette, *Woodburn declares state of emergency due to federal immigration crackdown*, Woodburn Independent (Nov. 21, 2025), https://perma.cc/QM48-ZL7H
[18] Salem City Council, Resolution No. 2025-33, *A Resolution of the City of Salem Recognizing that a State of Emergency Exists within the Community due to the Impacts of Federal Immigration Enforcement Actions and Setting Forth Actions the city Should Take to Address Such Impacts* (Dec. 1, 2025), https://perma.cc/6KDE-W6MJ.
[19] Grace Chinowsky, *Eugene sets aside funds for future immigrant community support*, LookOut Eugene-Springfield (Dec. 9, 2025), https://perma.cc/P62U-ZLV
[20] Multnomah County Board of Commissioners, Executive Rule No. 432, *Declaration of Emergency Due to the Impacts of Federal Immigration Enforcement Actions* (Dec. 12, 2025), https://perma.cc/6CW3-MKT8.

70. Other Oregon jurisdictions are considering similar declarations because of the impacts of Defendants' actions, including the Cities of Gresham, Oregon and Springfield, Oregon.[21]

71. On January 8, 2025, two federal agents shot a man and a woman while attempting to enforce immigration law.

72. Despite federal law, ICE agents have continued to conduct illegal arrests in Oregon—including during broad immigration sweeps, individual stops, and collateral detentions—and are hailing the success of their escalated enforcement operations. ICE's unlawful tactics will not stop absent court intervention.

73. In Oregon, DHS is purportedly planning to build an immigration detention facility in Newport, Oregon.[22]

74. Absent judicial intervention, DHS will continue their unlawful practices in Oregon, and Plaintiffs and members of the class are likely to suffer repeat unlawful arrests.

75. DHS's unlawful arrests have sent shockwaves of terror across the state of Oregon. Fearing unlawful detention, many residents are now staying home from work, school, and doctor appointments.

Class Action Allegations

76. Plaintiffs seek to represent a class of individuals who have been or will be subjected to the unlawful practices challenged in this lawsuit.

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[21] Christopher Keizer, *Gresham Mayor: 'We are a nation of laws. We are a nation of immigrants'*, Portland Tribune (Dec. 16, 2025), https://perma.cc/94B8-BCB8; Callee Ackland, *Springfield, Do Something: The city council should not be silent about the humanitarian crisis for immigrants*, Eugene Weekly (Dec. 31, 2025), https://perma.cc/S8DK-CJ3G.

[22] *State of Oregon v Noem*, 6:25-cv-02171-AA, Dkt 47 at 5, 14-16 (filed 12/19/2025); Dirk VanderHart, *A federal defense contractor is seeking hundreds of coastal Oregon hotel rooms, city of Newport says,* OPB, Nov. 25, 2025.

77. Plaintiffs seek to represent a class under Federal Rule of Civil Procedure 23(b)(2) consisting of:

> WARRANTLESS ARREST CLASS: All persons since September 28, 2025, who have been arrested or will be arrested in the District of Oregon for alleged immigration violations without a warrant and without a pre-arrest, individualized assessment of probable cause that the person is in the United States unlawfully and that the person poses a flight risk.

78. Plaintiffs further seek to represent a subclass:

> UNASSESSED ESCAPE RISK SUBCLASS: All persons since September 28, 2025, who have been arrested or will be arrested in the District of Oregon for alleged immigration violations without a warrant and without a pre-arrest, individualized assessment of probable cause that the person poses a flight risk.

79. The proposed class and subclass satisfy the requirements of Federal Rule of Civil Procedure 23(a)(1) because they are sufficiently numerous as to make joinder impracticable. Approximately 155,000 Oregonians lack immigration status.[23] DHS has publicly stated that it intends to continue making warrantless arrests regardless of an individual's circumstances. DHS has publicly stated that it intends to continue using the wrong standard in making warrantless arrests.

80. The proposed class and subclass meet the commonality requirements of Federal Rule of Civil Procedure 23(a)(2) because all members of the class and subclass are subject to DHS's policies and practices regarding warrantless arrests, as well as the absence of policies relating to how an agent should make a probable cause determination of unlawful status and flight risk. There are questions of law and fact common to the class, including:

[23] Migration Policy Institute, *Profile of the Unauthorized Population: Oregon* (2023), https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/OR.

a. Whether DHS has a policy, pattern, or practice of conducting warrantless arrests without proper probable cause that an individual is in violation of civil immigration laws;

b. Whether DHS has a policy, pattern, or practice of conducting warrantless arrests without proper probable cause that an individual is likely to escape before a warrant can be obtained for the arrest;

c. Whether DHS's policy, pattern, or practice of conducting warrantless arrests without proper probable cause violates 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(i)-(ii).

81. The proposed class and subclass meet the typicality requirement of Federal Rule of Civil Procedure 23(a)(3). Individual Plaintiffs' legal claims are typical to all members of the proposed class and subclass. Individual Plaintiffs have no interests separate from those of the classes they seek to represent and seek no relief other than the relief sought on behalf of the class. Petitioner M-J-M-A's relief relating to her illegal arrest and due process violations are particular to her and that she was formerly detained by Respondents-Defendants. Those independent claims arising in habeas jurisdiction are sufficiently aligned with the additional claims brought in this supplemental complaint that there is no impediment to her acting as a class representative. Defendants have acted and intend to act in a manner adverse to the rights of the members of the class, making final injunctive and declaratory relief appropriate regarding the class as a whole.

82. The proposed class and subclass meet the adequacy requirements of Federal Rule of Civil Procedure 23(a)(4). Each putative class representative has committed to fairly and adequately representing the interests of the class.

83. Plaintiffs' counsel are experienced in class action, civil rights, and immigrants' rights litigation. Plaintiffs' counsel have the requisite level of expertise and resources to adequately prosecute this case on behalf of Plaintiffs and the proposed class. Plaintiffs' counsel will fairly and adequately represent the interests of the class.

84. Defendants have acted or refused to act on grounds that apply generally to the class, so that final injunctive or declaratory relief is appropriate respecting the class as a whole. The relief requested – constraining Defendants' practice of effecting warrantless arrests without making the probable cause determinations required by law – will provide relief to the class as a whole.

Supplemental Claims for Relief, On Behalf of Plaintiffs and the Class

COUNT SEVEN
Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)
Violation of 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8(c)(2)(ii)
Violation of Accardi doctrine
Policy and Practice of Warrantless Arrest Without Individualized Assessment of Flight Risk

85. Plaintiffs reallege and incorporate by reference each allegation contained in the preceding paragraphs as if set forth fully herein, including the allegations in the Petition for Habeas Corpus.

86. Defendants have a policy and practice of making warrantless arrests in Oregon without making individualized determinations of flight risk as required by 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(i), (ii).

87. Defendants' policy and practice of making warrantless arrests in Oregon without individualized determinations about a person's flight risk as required by law is a final agency action that is arbitrary, capricious and otherwise not in accordance with law and in excess of statutory jurisdiction, authority, or limitations.

88. Defendants' policy and practice of making warrantless arrests in Oregon without individualized determinations about a person's flight risk as required by law violates the regulations and the administrative law rule that all agencies are required to follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

COUNT EIGHT
Violation of 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8(c)(2)(i), the *Accardi* doctrine, and the Administrative Procedure Act, 5 U.S.C. § 706:
Policy and Practice of Warrantless Arrests Without Individualized Assessment of Immigration Status

89. Plaintiffs reallege and incorporate by reference each allegation contained in the preceding paragraphs as if set forth fully herein, including the allegations in the Petition for Habeas Corpus.

90. Under 8 U.S.C. § 1357(a)(2), an agent may make an immigration arrest without a warrant only if they have "reason to believe" that (1) the individual "is in the United States in violation of any [immigration] law or regulation," and (2) the individual "is likely to escape before a warrant can be obtained for his arrest." *See also* 8 C.F.R. § 287.8(c)(2)(i), (ii) (same). "Reason to believe" is "considered the equivalent of probable cause," *Au Yi Lau v U.S. Immir. & Naturalization Serv.*, 445 F.2d 217, 222 (D.C. Cir. 1971), which "must be particularized with respect to the person to be searched or seized." *Barham v. Ramsey*, 434 F.3d 565, 573 (D.C. Cir. 2006).

91. Defendants have a policy and practice of making warrantless arrests in Oregon without making individualized determinations of immigration status as required by 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(i), (ii).

92. Defendants' policy and practice of making warrantless arrests in Oregon without individualized determinations about a person's immigration status as required by law is a final

agency action that is arbitrary, capricious and otherwise not in accordance with law and in excess of statutory jurisdiction, authority, or limitations.

COUNT NINE
Violation of the *Accardi* doctrine
Policy and Practice of Violating Nava Broadcast Policy on Warrantless ICE Arrests and Vehicle Stops

93. Plaintiffs reallege and incorporate by reference each allegation contained in the preceding paragraphs as if set forth fully herein, including the allegations in the Petition for Habeas Corpus.

94. Respondent ICE is bound by the Nava Broadcast Policy, pursuant to the Castañon Nava settlement agreement, to consider a delineated set of factors before effectuating a warrantless arrest. In particular, before concluding whether or not the person is at risk of fleeing before a warrant is obtained, ICE must consider "the totality of circumstances," including the following factors: "the ICE Officer's ability to determine the individual's identity, knowledge of that individual's prior escapes or evasions of immigration authorities, attempted flight from an ICE Officer, ties to the community (such as a family, home, or employment) or lack thereof, or other specific circumstances that weigh in favor or against a reasonable belief that the subject is likely to abscond." Settlement Agreement, *Castañon Nava et al. v. Dep't of Homeland Sec.*, No. 18-cv-3757 (N.D. Ill.).

95. Defendants have a policy and practice of making warrantless arrests in Oregon in violation of the Nava Broadcast Policy.

96. Defendants' policy and practice of making warrantless arrests in Oregon in violation of the Nava Broadcast Policy is a final agency action that is arbitrary, capricious and otherwise not in accordance with law and in excess of statutory jurisdiction, authority, or limitations.

SUPPLEMENTAL PRAYER FOR RELIEF

WHEREFORE, Plaintiff and Petitioner-Plaintiff set forth additional requests for relief in addition to those previously pled:

(1) Certify this action as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2);

(2) Appoint the undersigned counsel as class pursuant to Federal Rule of Civil Procedure 23(g)

(3) Declare that DHS's actions are unlawful

(4) Vacate and set aside Defendants' policy and practice of making warrantless immigration arrests without individualized determinations required by law;

(5) Order Defendants, their subordinates, agents, employees, and all others acting in concert with them to expunge all records collected and maintained about Plaintiffs and class members from their unlawful arrests, including any derivative information;

(6) Issue a preliminary and permanent injunction enjoining further violations of the Class rights

(7) Award Petitioner attorneys' fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(8) Grant any further relief this Court deems just and proper.

Dated: January 14, 2026.

/s/ Stephen W. Manning

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