

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MUBASHIR KHALIF HUSSEN,
MAHAMED EYDARUS, and JAVIER
DOE, *on behalf of themselves and others
similarly situated,*

Plaintiffs,

v.

KRISTI NOEM, *in her official capacity as
Secretary of the U.S. Department of
Homeland Security*; U.S. DEPARTMENT
OF HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS, *in
his official capacity as Acting Director of
U.S. Immigration and Customs
Enforcement*; DAVID EASTERWOOD, *in
his official capacity as U.S. Immigration
and Customs Enforcement Field Office
Director for St. Paul, Minnesota*; U.S.
CUSTOMS AND BORDER
PROTECTION; RODNEY S. SCOTT, *in
his official capacity as Commissioner of
U.S. Customs and Border Protection*; U.S.
BORDER PATROL; MICHAEL W.
BANKS, *in his official capacity as Chief
of U.S. Border Patrol*; and GREGORY
BOVINO, *in his official capacity as
Commander-at-Large of U.S. Border
Patrol,*

Defendants.

Court File No. 0:26-cv-324-ECT-ECW

**DECLARATION OF ANNA PETOSKY
IN SUPPORT OF MOTION OF
MINNESOTA STATE BAR
ASSOCIATION, HENNEPIN COUNTY
BAR ASSOCIATION, RAMSEY
COUNTY BAR ASSOCIATION,
MINNESOTA HISPANIC BAR
ASSOCIATION, SOMALI AMERICAN
BAR ASSOCIATION, MINNESOTA
ASIAN PACIFIC AMERICAN BAR
ASSOCIATION, MINNESOTA
ASSOCIATION OF BLACK
LAWYERS, MINNESOTA LAVENDER
BAR ASSOCIATION, MINNESOTA
DISABILITY BAR ASSOCIATION,
AND MINNESOTA WOMEN
LAWYERS FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

Lavender Bar Association, Minnesota Disability Bar Association, and Minnesota Women Lawyers in Support of Plaintiffs' Motion for Preliminary Injunction that we request be filed in this above matter.

4. Attached as **Exhibit C** is the Declaration of Cheryl Dalby, MSBA President, in support of Amicus Curiae Brief of the Minnesota State Bar Association, Hennepin County Bar Association, Ramsey County Bar Association, Minnesota Hispanic Bar Association, Somali American Bar Association, Minnesota Asian Pacific American Bar Association, Minnesota Association of Black Lawyers, Minnesota Lavender Bar Association, Minnesota Disability Bar Association, and Minnesota Women Lawyers in Support of Plaintiffs' Motion for Preliminary Injunction that we request be filed in the above matter

5. Attached as **Exhibit D** is the Declaration of Andrea C. Mejia Narvaez, MHBA President, in support of Amicus Curiae Brief of the Minnesota State Bar Association, Hennepin County Bar Association, Ramsey County Bar Association, Minnesota Hispanic Bar Association, Somali American Bar Association, Minnesota Asian Pacific American Bar Association, Minnesota Association of Black Lawyers, Minnesota Lavender Bar Association, Minnesota Disability Bar Association, and Minnesota Women Lawyers in Support of Plaintiffs' Motion for Preliminary Injunction that we request be filed in the above matter.

6. Attached as **Exhibit E** is the Declaration of Caroline H. Brunkow in support of Amicus Curiae Brief of the Minnesota State Bar Association, Hennepin County Bar Association, Ramsey County Bar Association, Minnesota Hispanic Bar Association,

Somali American Bar Association, Minnesota Asian Pacific American Bar Association, Minnesota Association of Black Lawyers, Minnesota Lavender Bar Association, Minnesota Disability Bar Association, and Minnesota Women Lawyers in Support of Plaintiffs' Motion for Preliminary Injunction that we request be filed in the above matter.

7. Attached as **Exhibit F** is the Declaration of Valerie Narcy, MNAPABA President, in support of Amicus Curiae Brief of the Minnesota State Bar Association, Hennepin County Bar Association, Ramsey County Bar Association, Minnesota Hispanic Bar Association, Somali American Bar Association, Minnesota Asian Pacific American Bar Association, Minnesota Association of Black Lawyers, Minnesota Lavender Bar Association, Minnesota Disability Bar Association, and Minnesota Women Lawyers in Support of Plaintiffs' Motion for Preliminary Injunction that we request be filed in the above matter.

8. Attached as **Exhibit G** is the Declaration of Ikraan Abdurahman, SABA President, in support of Amicus Curiae Brief of the Minnesota State Bar Association, Hennepin County Bar Association, Ramsey County Bar Association, Minnesota Hispanic Bar Association, Somali American Bar Association, Minnesota Asian Pacific American Bar Association, Minnesota Association of Black Lawyers, Minnesota Lavender Bar Association, Minnesota Disability Bar Association, and Minnesota Women Lawyers in Support of Plaintiffs' Motion for Preliminary Injunction that we request be filed in the above matter.

I declare under penalty of perjury that everything I have stated in this document is true and correct to the best of my best knowledge, information and belief.

Dated: February 3, 2026

/s/Anna Petosky

Anna Petosky

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Court File No. 0:26-cv-324-ECT-ECW

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ASSOCIATION, HENNEPIN COUNTY
BAR ASSOCIATION, RAMSEY
COUNTY BAR ASSOCIATION,
MINNESOTA HISPANIC BAR
ASSOCIATION, SOMALI AMERICAN
BAR ASSOCIATION, MINNESOTA
ASIAN PACIFIC AMERICAN BAR
ASSOCIATION, MINNESOTA
ASSOCIATION OF BLACK
LAWYERS, MINNESOTA
LAVENDER BAR ASSOCIATION,
MINNESOTA DISABILITY BAR
ASSOCIATION, AND MINNESOTA
WOMEN LAWYERS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

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INTRODUCTION

“ICE is not a law unto itself.”

Juan T.R. v. Noem, No. 26-CV-0107 (PJS/DLM), 2026 WL 232015, at *3
(D. Minn. Jan. 28, 2026).

*“At its best, America serves as a haven of individual liberties in a world too often full of
tyranny and cruelty. We abandon that ideal when we subject our neighbors to
fear and chaos.”*

U.H.A. v. Bondi, No. 26-417 (JRT/DLM), 2026 WL 222226, at *13
(D. Minn. Jan. 28, 2026).

Minnesota has become a proving ground for whether the core American principles of access to justice and respect for the rule of law can survive. The effects of Operation Metro Surge have touched every aspect of life in Minnesota, emptying classrooms, devastating small businesses, and preventing families from getting groceries. Minnesotans have been unlawfully stopped, arrested, and in some cases subjected to horrific abuse, based on nothing more than what they look or sound like.

The legal system has not been immune from these impacts. Terrified people are not reporting crimes. Attorneys cannot access clients. And court orders have been treated as inconveniences, when they have been acknowledged at all. *Juan T.R.*, 2026 WL 232015, at *1 (“ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence.”).

The unprecedented surge of federal immigration enforcement activity challenged in this action continues to run roughshod over the rule of law and has a chilling effect on Minnesotans’ ability to seek protection from the courts, report crimes, and engage in constitutionally protected activity. These harms are not speculative. Amici Bar

Associations¹ here focus on why the equities and the public interests discussed below support a preliminary injunction.

This Court recently recognized that those elements of the *Dataphase* analysis are closely intertwined with irreparable harm where governmental action threatens constitutional rights, the orderly administration of justice, and the rule of law. *See Tincher v. Noem*, No. 0:25-cv-04669 (KMM/DTS), 2026 WL 125375, at *15 (D. Minn. Jan 16, 2026); *U.H.A.*, 2026 WL 222226, at *9–10. Granting the relief requested will advance, not hinder, these public interests. It will preserve access to justice and promote the rule of law—core missions of the Bar Associations—by ensuring that all Minnesotans remain free from unlawful government action based on nothing more than what they look or sound like.

IDENTITY OF AMICI CURIAE AND STATEMENT OF PUBLIC INTEREST

The Bar Associations collectively represent over thirteen thousand Minnesota attorneys and judges from diverse backgrounds and lived experiences. (Declaration of Cheryl Dalby in Support of Amicus Curiae Brief (hereinafter “Dalby Decl.”)² ¶ 2 (Feb 3, 2026).) Upon admission to the Minnesota bar, all lawyers admitted to practice in

¹ Amici include the Minnesota State Bar Association, Hennepin County Bar Association, Ramsey County Bar Association, Minnesota Hispanic Bar Association, Somali American Bar Association, Minnesota Asian Pacific American Bar Association, Minnesota Association of Black Lawyers, Minnesota Lavender Bar Association, Minnesota Disability Bar Association, and Minnesota Women Lawyers (collectively the “Bar Associations”).

² Declarant is Chief Executive Officer of the Minnesota State Bar Association, Hennepin County Bar Association, and Ramsey County Bar Association.

Minnesota, many of whom are now members of the Bar Associations, take an oath to uphold the Constitutions of the United States and the State of Minnesota. *See* Minn. Stat. § 358.07(9). That oath is more than ceremonial. For generations, the Bar Associations have remained committed to improving accessibility, fairness, and trust in Minnesota’s legal system.

Amici members include, and amici regularly work with, judges, prosecutors, criminal defense attorneys, legal aid providers, attorneys in the full range of private practice, and community organizations committed to reducing barriers to justice and to upholding the rule of law. Plaintiffs’ requested relief directly implicates these institutional and professional interests by seeking to require Defendants and their agents to abide by the U.S. and Minnesota Constitutions and applicable statutory law. In short, amici are before this Court seeking unimpeded access to justice and advocating on behalf of the rule of law.

ARGUMENT

I. JUSTICE REQUIRES ISSUING A PRELIMINARY INJUNCTION

In determining whether to issue injunctive relief, the essential question is always “whether the balance of equities so favors the movant that justice requires the court to intervene” to preserve the status quo. *U.H.A.*, 2026 WL 222226, at *4 (quoting *Hubbard Feeds, Inc. v. Animal Feed Supplement, Inc.*, 182 F.3d 598, 601 (8th Cir. 1999)); *see also Dataphase Sys. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981) (en banc) (stating the same).

That standard is amply met in this case. As persuasively set out in Plaintiffs’ memorandum and further addressed below, the racial-profiling and warrantless-arrest policies and practices against which injunctive relief is sought violate black-letter principles of Constitutional law. *See infra* Part III. Plaintiffs thus have a high likelihood of succeeding on the merits of their claims. “[T]he denial of a constitutional right,” moreover, undisputedly constitutes irreparable harm, *Ng v. Bd. of Regents of the Univ. of Minn.*, 64 F.4th 992, 998 (8th Cir. 2023) (citation omitted), as do the loss of liberty and physical violence detailed in the extensive sworn declarations accompanying Plaintiffs’ preliminary-injunction motion. On both of these *Dataphase* factors, the Bar Associations agree with the Plaintiffs.

The Bar Associations offer a unique perspective on the remaining factors: the balance of harms and the public interest. In this case, those factors merge because the federal government is the opposing party. *Missouri v. Trump*, 128 F.4th 979, 996–97 (8th Cir. 2025). But that does not diminish their importance. *See, e.g., Winter v. Nat. Res. Def. Couns.*, 555 U.S. 7, 26 (2008) (stressing “the importance of assessing the balance of equities and the public interest in determining whether to grant a preliminary injunction”). And as explained in this brief, Defendants’ unprecedented policies and practices inflict significant public harms on the Bar Associations’ membership, on Minnesotans who seek legal assistance, and on the rule of law more generally.

These public harms implicate the Bar Associations’ core missions: to promote access to justice, to preserve and advance the rule of law, and to ensure the professional

excellence and wellbeing of those in the legal profession. Amici accordingly urge the Court to grant the requested injunctive relief.

II. INJUNCTIVE RELIEF IS NECESSARY TO ENSURE ACCESS TO JUSTICE, A CORE ASPECT OF THE BAR ASSOCIATIONS' MISSION

Accessing justice means that individuals can safely report crimes, interact with counsel, attend hearings, provide information to investigators, testify in court, and seek legal redress. “At its core, the right to due process reflects a fundamental value in our American constitutional system”: the right of “all individuals [to] a meaningful opportunity to be heard.” *Boddie v. Connecticut*, 401 U.S. 371, 374, 379 (1971). Fear of accessing or utilizing the legal system because the risk that doing so will expose a person to unrelated consequences, including unlawful detention and violence, is incompatible with the orderly administration of justice.

The injunctive relief sought here, including halting unlawful targeted stops and arrests based on racial profiling, promotes access to justice in a number of ways while causing no harm to any governmental interest. That means the equities weigh heavily in favor of granting the requested injunctive relief.

First, Minnesota is experiencing the ubiquitous presence of masked, heavily armed federal immigration officials engaging in a pattern of stopping, detaining, and arresting people based solely on perceived race as part of Operation Metro Surge. These actions erode public trust and inhibit civic participation, magnifying the existing risk that residents will not report crimes, participate as witnesses in prosecutions, or seek legal redress for

harms they have suffered. City leaders have highlighted this problem, noting that the “tactics [ICE is employing] erode hard-earned community trust being rebuilt by Minneapolis police day by day—particularly where the tactics being used by Defendants’ agents are at odds with the carefully developed, trained, and enforced policies designed to increase that trust, like impartial policing and de-escalation.” (Declaration of Jacob Frey (hereinafter “Frey Decl.”)³ ¶ 5 (*Minnesota v. Noem*, No. 26-cv-00190 (KMM/DJF) (ECF No. 9) (D. Minn. Jan 12, 2026)); *see also* Dalby Decl. ¶ 10, Ex. 2 (news article).⁴) Echoing Mayor Frey’s concerns, Minneapolis Police Chief Brian O’Hara recently noted that “[p]ublic safety suffers when people are afraid to leave their homes, attend worship, go grocery shopping, or contact the police when they are victims of crime. Violence goes unreported, victims remain isolated while offenders remain free.” (Dalby Decl. ¶ 11, Ex. 3.⁵)

These concerns of local leaders are borne out by the experiences of Bar Association members and their colleagues. Victims and witnesses “no longer feel safe to testify, due to fear of being detained by ICE at the courthouse” and they “become effectively unreachable for case follow-up, subpoena service, and trial preparation.” (Declaration of Isabella

³ Declarant is the Mayor of Minneapolis.

⁴ Pross, Katrina, *‘It makes us ... less safe’: How federal immigration actions are affecting local prosecutions in Hennepin County*, Sahan Journal (Aug. 18, 2025), <https://sahanjournal.com/public-safety/immigration-arrests-impact-hennepin-county-court-cases/>.

⁵ Minneapolis Police Department Chief Brian O’Hara, *Fear undermines public safety – naming it is not politics*, The Hill (Dec. 30, 2025), <https://thehill.com/opinion/immigration/5665347-fear-undermines-public-safety-naming-it-is-not-politics/>.

Smetana (hereinafter “Smetana Decl.”)⁶ ¶¶ 3(c)–(e) (*Minnesota v. Noem*, No. 0:26-cv-00190 (KMM/DJF) (ECF No. 104) (D. Minn. Jan. 24, 2026)).) And even seeking legal advice brings its own risks: immigration attorney members “report a pattern of intimidation by ICE agents, including circling and/or surrounding their offices and stopping and questioning individuals entering or leaving their law firms” and in one instance, using “a member’s law firm parking lot as a staging area for over a week.” (Declaration of Andrea C. Mejia Narvaez in Support of Amicus Curiae Brief (hereinafter “Mejia Narvaez Decl.”)⁷ ¶ 6 (Jan. 31, 2026).) To minimize personal risk to clients, attorneys are seeing an increase in requests for alternative meeting locations or hearing accommodations. (Smetana Decl. ¶ 3(a) (“Defense attorneys ask if our [prosecutors are] amenable to utilize pleas-by-mail, or attempt to resolve cases administratively, as their client is afraid of being detained by ICE at the courthouse.”); Declaration of Caroline H. Brunkow in Support of Amicus Curiae Brief (hereinafter “Brunkow Decl.”)⁸ ¶¶ 4, 7 (Feb. 2, 2026) (describing clients seeking to appear via Zoom, and requesting meetings in their homes and other areas outside the metro for safety); *see also* Mejia Narvaez Decl. ¶ 6.) Immigration and criminal cases are not the only legal proceedings impacted when vulnerable populations fear retribution for accessing justice—abused people may be deterred from requesting civil orders for protection, forgoing their safety rather than risk detention or deportation. Those with civil claims and

⁶ Declarant is a paralegal at a law firm near Minneapolis that handles criminal prosecutions.

⁷ Declarant is the President of the Minnesota Hispanic Bar Association.

⁸ Declarant is a practicing attorney in Minneapolis.

housing, child custody, family, or public benefits issues, likewise may abandon those claims or resort to self-help.

And beyond those alarming concerns, even the most basic constitutional right—access to an attorney—has become uncertain in this environment. Attorneys “report that ICE agents have improperly met with detained clients without their attorney present to persuade them to accept voluntary departures.” (Mejia Narvaez Decl. ¶ 7.) Reports are also emerging that clients are not being told why they were arrested and detained and are not being provided with bond hearings in a timely manner. (Declaration of Santiago Doe (hereinafter “Santiago Decl.”)⁹ ¶¶ 19–20 (*Hussen v. Noem*, No. 0:26-cv-00324 (ECT/ECW) (ECF No. 46) (D. Minn. Jan. 16, 2026)).) And multiple news outlets have reported that attorneys are being denied access to their clients at the Bishop Henry Whipple Federal Building in Minneapolis, conduct that is now the subject of a lawsuit. (*E.g.*, Dalby Decl. ¶ 7, Ex. 1 (news article).¹⁰)¹¹

Fear of unlawful detention or arrest for reporting crimes or hiring a lawyer undermines the proper functioning of the justice system and subverts the constitution’s promise of equal access to justice under law. There can be no greater impediment to justice

⁹ Santiago Doe is a resident of Minnesota who has been detained by U.S. Immigration and Customs Enforcement Officers.

¹⁰ Matt Rivers, et al., *Lawyers allege Dept. of Homeland Security is denying legal counsel to Minnesota detainees*, ABC News (Jan. 18, 2026), <https://abcnews.go.com/US/lawyers-allege-dept-homeland-security-denying-legal-counsel/story?id=129335914>.

¹¹ For detailed allegations of detainees’ denial of right to counsel and other violations impeding access to justice, please see the complaint and memorandum of law with accompanying declarations in *The Advocates for Human Rights v. DHS* (Case No. 0:26-cv-00749 (NEB/DLM) (*See* ECF Nos. 1, 17, 19–30)).

than to be literally and practically prohibited from accessing attorneys and the courts. The injunctive relief sought by Plaintiffs would address that harm.

Second, and of just as great concern to the Bar Associations, is the chilling effect of the type of conduct alleged in Plaintiffs' complaint which the Bar Associations' members also report experiencing as they perform their work as attorneys. (Mejia Narvaez Decl. ¶ 12 (“A license to practice law does not alter our members’ immutable characteristics. Like the rest of Minnesota’s Hispanic community, our members fear for their freedom, livelihoods, and safety, because of how they look, speak, and the places they frequent.”).) One after another, the Bar Associations’ leaders reveal an environment of terror and intimidation for attorneys, particularly attorneys of color in Minnesota, who report taking additional steps to protect themselves and their families due to the very real concerns that their safety is in jeopardy from doing their jobs. (*See* Mejia Narvaez Decl. ¶¶ 5–13 (describing pervasive atmosphere of intimidation and fear felt by bar association members, including being followed by ICE agents on public roads, having their LinkedIn profiles accessed by government officials, carrying passports to prove status, and feeling afraid to express opinions); Declaration of Valerie Narcy in Support of Amicus Curiae Brief (hereinafter “Narcy Decl.”)¹² ¶¶ 6–10 (Jan. 31, 2026) (describing impacts on members, including lawyers avoiding working in person and forgoing professional opportunities and travel, and relocating out of Minnesota and in some cases the United States); Declaration of Ikraan

¹² Declarant is the President of the Minnesota Asian Pacific American Bar Association.

Abdurahman in Support of Amicus Curiae Brief (hereinafter “Abdurahman Decl.”)¹³ ¶¶ 4–7 (describing mental health impact, fear and anxiety related to legal appearances, and difficulty performing professional duties due to being a member of targeted group); Dalby Decl. ¶¶ 3–6 (describing personal and professional impacts on lawyers as a result of Operation Metro Surge).) Shockingly, at least one attorney reported being attacked while attempting to interact with detainees. (*See generally* Declaration of N.S.¹⁴ (*Minnesota v. Noem*, No. 0:26-cv-00190 (KMM/DJF) (ECF No. 86-6) (D. Minn. Jan. 22, 2026)).)

Defendants’ unconstitutional practices also make it more difficult to represent clients and force attorneys to take personal risks when performing routine legal work. (*See* Nancy Decl. ¶ 7 (noting member attorneys “expressed fear of volunteering for, accepting, or continuing work involving immigration or immigrant clients, out of concern that they themselves may become targets of retaliation or heightened scrutiny by federal agents”); Abdurahman Decl. ¶¶ 4–5 (describing fear of encountering ICE while traveling to the law office, being detained as they appear for hearings and check-ins, and apprehension about entering the Whipple Federal building to represent clients due to visible Somali identity).) Some legal employers have accommodated this reality by offering flexible work arrangements such as working from home. But those accommodations have a cost: today, as a result of Defendant’s actions, lawyers in our Associations are turning down clients, avoiding work-related travel, and hiding in their homes. (Nancy Decl. ¶ 8 (describing

¹³ Declarant is the President of the Somali American Bar Association.

¹⁴ Declarant is an attorney employed by the State of Minnesota who was operating in their personal capacity during the incident.

attorneys' behavior alteration resulting from federal immigration actions and the detrimental impacts).) Attorneys must be free to perform their jobs without fear of harassment, detention, or arrest.

Finally, Defendant's unlawful conduct weakens Minnesota's legal community by discouraging many lawyers—particularly attorneys of color—from public visibility and engagement, goals at the heart of the Bar Associations' missions to foster a more representative and inclusive legal profession. (Mejia Narvaez Decl. ¶ 13 (“Defendant’s conduct . . . discourag[es] full participation in the legal system by the Hispanic community”); Abdurahman Decl. ¶ 7 (“When members are forced to limit their public presence due to safety risks, their ability to practice law is significantly impacted [and] hinders the Association’s broader goal of building a strong, inclusive, and impactful legal community.”).)

When the people making up the legal community themselves are afraid to participate in the system through which they serve as officers of the Court, the strength of Minnesota's bar suffers and access to justice is extinguished. Granting Plaintiffs' requested relief will assist in restoring and preserving that access for Minnesotans.

III. THE PUBLIC INTEREST IN THE RULE OF LAW STRONGLY FAVORS INJUNCTIVE RELIEF

Advocating for the rule of law is a core function of the Bar Associations. While defining the “rule of law” may be difficult, describing its absence is not: the rule of law is absent when a federal agency violates at least 96 court orders in the span of a month. *Juan*

T.R., 2026 WL 232015, at *1 (stating that so many violations of court orders “should give pause to anyone . . . who cares about the rule of law”). The rule of law is absent when there are prolonged unlawful detentions of refugees fleeing persecution who have the legal right to remain, undetained, in the United States while their refugee status is adjudicated. *U.H.A.*, 2026 WL222226, at *7. The rule of law is not being respected when the federal government seeks to bypass a federal judge’s review by filing a sealed mandamus petition that the judge cannot read. Letter from Patrick Schiltz, Chief Judge of U.S. District of Minnesota, to Steven M. Colloton, Chief Judge of U.S. Court of Appeals for the Eighth Circuit (Jan. 23, 2026), <https://clearinghouse.net/doc/167534/>. And the rule of law cannot exist when a local police department is forced to obtain a search warrant for a public sidewalk following a shooting death by federal agents who block state investigators’ access to the scene. (*See Dalby Decl.* ¶ 12, Ex. 4 (news article).¹⁵) As this Court is well aware, these are not hypothetical examples. As court officers and members of the legal profession, Amici Bar Associations bring these examples to the Court’s attention to support Plaintiffs’ request that injunctive relief be granted to restore the rule of law in Minnesota.

Defendants’ policy of detaining and conducting warrantless arrests on the basis of Minnesotans’ apparent race or ethnicity, often accompanied by force, violates settled constitutional norms governing the exercise of Executive power. It is axiomatic that

¹⁵ Krueger, Andrew, *Judge grants order barring feds from altering or destroying evidence in Pretti shooting*, MPR News (Jan. 25, 2026), <https://www.mprnews.org/story/2026/01/25/alex-pretti-shooting-judge-grants-restraining-order-on-altering-evidence>.

probable cause is required for a warrantless arrest. *Dunaway v. New York*, 442 U.S. 200, 212 (1979); *see also United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010) (statute governing warrantless immigration arrests requires probable cause). And officers may conduct “a brief investigatory stop” *only* when they have “a reasonable, articulable suspicion that criminal activity is afoot,” which must be significantly more than an “inchoate and unparticularized suspicion or ‘hunch.’” *Illinois v. Wardlow*, 528 U.S. 119, 123-124 (2000). Plainly, Defendants may not stop ‘suspected’ noncitizens on the basis of their physical appearance alone. *Whren v. United States*, 517 U.S. 806, 813 (1996) (“[T]he Constitution prohibits selective enforcement of the law based on considerations such as race.”). Defendants’ documented policy of escalating interactions with Minnesotans who appear to be Somali or Latino into arrests, even as they offer proof of United States citizenship or legal immigration status, violates these elementary Fourth Amendment principles.¹⁶

Remarkably, Defendants and their superiors have repeatedly confirmed their intent not to follow Federal constitutional requirements. For example, Defendant Border Patrol Commander Gregory Bovino told CNN months ago: “We need [only] reasonable suspicion to make an immigration arrest You notice I did not say probable cause, nor did I say

¹⁶ The Supreme Court’s non-precedential order in *Noem v. Vasquez Perdomo* does not suggest otherwise. *See Noem v. Vasquez Perdomo*, 146 S. Ct. 1 (2025) (Kavanaugh, J., concurring) (explaining that, when “officers learn that the individual they stopped is a U.S. citizen or otherwise lawfully in the United States,” they must “*promptly let the individual go*” and that officers may “arrest” an individual for purposes of enforcing the immigration laws only when the suspect “is illegally in the United States” (emphasis added)).

I need a warrant.” (*See* Compl. ¶ 100 (news article).¹⁷) Similarly, “Border Czar” Tom Homan has asserted that “ICE officers and Border Patrol don’t need probable cause to walk up to somebody, briefly detain them, and question them . . . *based on their physical appearance.*” (*See* Dalby Decl. ¶ 13, Ex. 5 at 3 n.27 (Sept. 9, 2025, Letter of Members of Congress to Kristi Noem) (emphasis in original).)

As Plaintiffs explain, both Commander Bovino and Mr. Homan are wrong. (*See* Mem. of Law in Supp. of Pls.’ Mot. for Prelim. Inj. at 11–25 (ECF 27).) Detention in this context requires reasonable suspicion that the person is removable, a specific, technical designation that cannot be assessed based on someone’s appearance or accent. *Trump v. Illinois*, 607 U.S. ___, 2025 WL 3715211, at *1 n.4 (2025) (Kavanaugh, J., concurring) (“The basic constitutional rules . . . are longstanding and clear [O]fficers must not make interior immigration stops or arrests based on race or ethnicity.”); *Whren*, 517 U.S., at 813; *Lopez-Fernandez v. Holder*, 735 F.3d 1043, 1047 (8th Cir. 2013). Warrantless arrests are held to an even higher standard, requiring an officer to have both “reason to believe” that the individual is in the U.S. in violation of an immigration law or regulation (understood by the 8th Circuit and other courts to be the equivalent of probable cause) *and* that the individual is likely to “escape” before a warrant can be obtained. *Quintana*, 623 F.3d at 1239 (“Because the Fourth Amendment applies to arrests of illegal aliens, the term ‘reason to believe’ in [the immigration arrest statute] means constitutionally required

¹⁷ Hanna Park, et al., *October 7, 2025: National Guard deployments*, CNN (Oct. 8, 2025), <https://www.cnn.com/us/live-news/national-guard-chicago-portland-trump-10-07-25>.

probable cause.”); *United States v. Puebla-Zamora*, 996 F.3d 535, 538 (8th Cir. 2021) (same); *see also Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015) (“Courts have consistently held that the ‘reason to believe’ phrase in [the immigration arrest statute] must be read in light of constitutional standards, so that ‘reason to believe’ must be considered the equivalent of probable cause.” (citation modified)).

The well-documented environment in Minnesota of unlawful detentions and arrests, along with public misstatements of the law by Federal officials, suggest a breakdown in the rule of law. When Federal leaders publicly question the Constitution’s most basic commands—to arrest only upon probable cause and to extend to *all* persons the equal protection of the law—individuals no longer know how to conform their conduct to the law, lawyers cannot reliably advise clients, and courts cannot ensure compliance with their orders. That is why the public has a weighty interest in having “federal agencies comply with their own policies and with federal statutes.” *Eight N. Indian Pueblos Council, Inc. v. Kempthorne*, No. 06-745 WJ/ACT, 2006 WL 8443876, at *5 (D.N.M. Sept. 15, 2006).

More fundamentally, where law enforcement actions depart from settled constitutional norms—particularly those governing the Executive Branch’s use of force and the fundamental public freedoms guaranteed by the Bill of Rights—the resulting harm is systemic. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976) (citing *New York Times Co. v. United States*, 403 U.S. 713 (1971)) (stating that policies that threaten or impede First Amendment freedoms, “for even minimal periods of time, unquestionably [cause] irreparable injury”); *see also Ziliang J. v. Noem*, No. 25-CV-1391 (PJS/DLM), 2025 WL 1358665, at *2 (D. Minn. Apr. 17, 2025) (“[T]here is a substantial public interest in

ensuring that government agencies comply with federal law[,]” and the public interest is not served “by permitting federal officials to flaunt the very laws that they have sworn to enforce.”); *Shaik v. Noem*, 801 F.Supp.3d 825, 837 (D. Minn. 2025) (finding that there is a substantial public interest “in Americans trusting their own government to follow the rule of law” (quoting *Shaik v. Noem*, No. 25-1584 (JRT/DJF), 2025 WL 1170447, at *3 (D. Minn. Apr. 22, 2025))).

Recent events starkly illustrate the need for injunctive relief to restore the rule of law. Following the administrative stay of the preliminary injunction entered in *Tincher*, an unrestrained force of ICE agents caused yet another death on the streets of Minneapolis. *Tincher v. Noem*, No. 26-1105, 2026 WL 160525 (8th Cir. Jan. 21, 2026). (Dalby Decl. ¶ 12, Ex. 4 (news article).¹⁸) After that tragedy, this Court was forced to intervene in numerous cases in which Federal agents failed to abide by the law and relevant policies. *See, e.g., Juan T.R.*, 2026 WL 232015, at *2 (enumerating ICE violations of nearly 100 court orders). And defendants’ conduct in Minnesota is itself a continuation of a long-running pattern of non-compliance with federal court orders. *See, e.g., Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1018 (2025) (noting federal government’s refusal to return noncitizen deported to El Salvador prison due to confessed “administrative error”); *DHS v. D.V.D.*, 145 S. Ct. 2153, 2158 (2025) (Sotomayor, J., dissenting) (“[I]n violation of an

¹⁸ Krueger, Andrew, *Judge grants order barring feds from altering or destroying evidence in Pretti shooting*, MPR News (Jan. 25, 2026), <https://www.mprnews.org/story/2026/01/25/alex-pretti-shooting-judge-grants-restraining-order-on-altering-evidence>.

unambiguous TRO, the Government flew four noncitizens to Guantanamo Bay, and from there deported them to El Salvador. Then, in violation of [a] preliminary injunction . . . the Government removed six class members to South Sudan with less than 16 hours' notice and no opportunity to be heard.”).

Few would dispute that a functioning rule of law includes a fair and just immigration system with a carefully supervised enforcement mechanism. But “ICE is not a law unto itself.” *Juan T.R.*, 2026 WL 232015, at *3. The people of Minnesota have a “right not to be subjected to the terror of being arrested and detained without warrants or cause.” *U.H.A.*, 2026 WL 222226, at *13. Defendants’ actions unambiguously violate that right. Without an injunction requiring Defendants’ compliance with black-letter principles of Constitutional law, Americans’ ability to “trust[] their own government to follow the rule of law” will be irreparably damaged. *Shaik*, 2025 WL 1170447, at *3. To prevent that harm, this Court “should continue to ensure that the Government lives up to its obligations to follow the law.” *Abrego Garcia*, 145 S. Ct. at 1020.

Even if “Operation Metro Surge” had been designed to promote public safety by enforcing immigration laws consistent with established state and federal law—which the public record calls greatly into question—that interest would not outweigh the public’s interest in “bodily integrity, the right to peaceful protest, the right to assemble, the right to a free press, and the right to a peaceful free exercise of religion,” which Defendants’ actions inhibit. *Chicago Headline Club v. Noem*, ___ F.Supp.3d ___, 2025 WL 3240782, at *88 (N.D. Ill. Nov. 20, 2025). In the end, even the Government’s interest “in ensuring that [it] can enforce the law . . . might be outweighed by the countervailing interest of citizens in

some minimum standard of decency, honor, and reliability in their dealings with their Government.” *Heckler v. Cmty. Health Servs. of Crawford Cnty., Inc.*, 467 U.S. 51, 60-61 (1984).

Nor does the requested injunction in any way impede Defendants’ ability to execute the law. To the contrary: an injunction would “simply require[] Defendants to comply with the Constitution and their own stated policies, which Defendants can—and should—do during the implementation and enforcement of immigration laws. This does not constitute irreparable harm.” *Chicago Headline Club*, 2025 WL 3240782, at *88. There is no harm in an injunction “requiring [a party] to comply with the Constitution.” *Exodus Refugee Immigr., Inc. v. Pence*, 165 F. Supp. 3d 718, 739 (S.D. Ind. 2016), *aff’d*, 838 F.3d 902 (7th Cir. 2016). After all, “the Government has ‘no public interest in perpetuating unlawful agency action.’” *U.H.A.*, 2026 WL 222226, at *9 (quoting *Missouri v. Trump*, 128 F.4th at 997). By contrast, “the public has a clear interest in ensuring that Defendants implement and enforce immigration laws in a manner that complies with the Constitution.” *Chicago Headline Club*, 2025 WL 3240782, at *88 (citing *Mehrdad v. Noem*, No. 3:25-CV-337, 2025 WL 2497988, at *4 (N.D. Ind. Apr. 24, 2025)).

For these reasons, the public interest in maintaining a government under laws overwhelmingly favors granting the requested injunction.

CONCLUSION

Injunctive relief is required to protect Minnesotans’ constitutional rights to be free from unlawful detention, arrest, and terror. Injunctive relief will protect access to attorneys

and the courts, prohibit unconstitutional racial profiling, and ensure that existing guardrails on the use of governmental power are preserved.

Dated: February 3, 2026

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MINNESOTA ASSOCIATION OF BLACK**

**LAWYERS, MINNESOTA LAVENDER BAR
ASSOCIATION, MINNESOTA DISABILITY
BAR ASSOCIATION, AND MINNESOTA
WOMEN LAWYERS**

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MUBASHIR KHALIF HUSSEN,
MAHAMED EYDARUS, and JAVIER
DOE, *on behalf of themselves and others
similarly situated,*

Plaintiffs,

v.

KRISTI NOEM, *in her official capacity as
Secretary of the U.S. Department of
Homeland Security*; U.S. DEPARTMENT
OF HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS, *in
his official capacity as Acting Director of
U.S. Immigration and Customs
Enforcement*; DAVID EASTERWOOD, *in
his official capacity as U.S. Immigration
and Customs Enforcement Field Office
Director for St. Paul, Minnesota*; U.S.
CUSTOMS AND BORDER
PROTECTION; RODNEY S. SCOTT, *in
his official capacity as Commissioner of
U.S. Customs and Border Protection*; U.S.
BORDER PATROL; MICHAEL W.
BANKS, *in his official capacity as Chief
of U.S. Border Patrol*; and GREGORY
BOVINO, *in his official capacity as
Commander-at-Large of U.S. Border
Patrol,*

Defendants.

Court File No. 0:26-cv-324-ECT-ECW

**COMPLIANCE CERTIFICATE FOR
AMICUS CURIAE BRIEF OF THE
MINNESOTA STATE BAR
ASSOCIATION, HENNEPIN COUNTY
BAR ASSOCIATION, RAMSEY
COUNTY BAR ASSOCIATION,
MINNESOTA HISPANIC BAR
ASSOCIATION, SOMALI AMERICAN
BAR ASSOCIATION, MINNESOTA
ASIAN PACIFIC AMERICAN BAR
ASSOCIATION, MINNESOTA
ASSOCIATION OF BLACK
LAWYERS, MINNESOTA
LAVENDER BAR ASSOCIATION,
MINNESOTA DISABILITY BAR
ASSOCIATION, AND MINNESOTA
WOMEN LAWYERS**

I hereby certify that the Amicus Curiae Brief of the Minnesota State Bar Association, Hennepin County Bar Association, Ramsey County Bar Association,

Minnesota Hispanic Bar Association, Somali American Bar Association, Minnesota Asian Pacific American Bar Association, Minnesota Association of Black Lawyers, Minnesota Lavender Bar Association, Minnesota Disability Bar Association, and Minnesota Women Lawyers in Support of Plaintiffs' Motion for Preliminary Injunction complies with the word limit imposed by Local Rule 7.1(f), with a total word count of 4,840 words, including headings, footnotes and quotations.

I further certify that the accompanying document was created in Microsoft® Word for Microsoft 365, and that this word processing program has been applied specifically to include all text, including headings, footnotes, and quotations. Any text in images not counted by the word processing program has been counted manually and added in to arrive at the above-stated total word count.

Dated: February 3, 2026

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BAR ASSOCIATION, MINNESOTA
ASSOCIATION OF BLACK LAWYERS,
MINNESOTA LAVENDER BAR
ASSOCIATION, MINNESOTA DISABILITY
BAR ASSOCIATION, AND MINNESOTA
WOMEN LAWYERS**

EXHIBIT C

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and Customs Enforcement Field Office
Director for St. Paul, Minnesota; U.S.
CUSTOMS AND BORDER
PROTECTION; RODNEY S. SCOTT, *in*
his official capacity as Commissioner of
U.S. Customs and Border Protection; U.S.
BORDER PATROL; MICHAEL W.
BANKS, *in his official capacity as Chief of*
U.S. Border Patrol; and GREGORY
BOVINO, *in his official capacity as*
Commander-at-Large of U.S. Border
Patrol,

Defendants.

Court File No. 0:26-cv-324-ECT-ECW

**DECLARATION OF
CHERYL DALBY IN SUPPORT OF
AMICUS CURIAE BRIEF**

I, Cheryl Dalby, declare as follows:

1. I am the Chief Executive Officer of the Minnesota State Bar Association, the Hennepin County Bar Association, and the Ramsey County Bar Association (collectively, the “Bar Associations”). I submit this declaration based on my personal knowledge and in support of the Amicus Curiae Brief filed in support of Plaintiffs.
2. Collectively, the Bar Associations represent approximately 13,000 attorneys who practice throughout Minnesota in a wide range of legal settings, including private practice, government service, nonprofit organizations, and the judiciary, and who come from a wide range of racial, ethnic, religious, cultural, and professional backgrounds.
3. Since the Department of Homeland Security (“DHS”), including Immigration and Customs Enforcement (“ICE”) and Customs and Border Protection (“CBP”) increased their enforcement activities in Minnesota, I have heard directly from numerous attorneys and judges expressing concern for their personal safety and for the safety of their clients.
4. Attorneys of color have reported to me that, despite being United States citizens, recent federal immigration enforcement actions have led them to take additional steps to protect themselves and their families because of fear arising from the current immigration enforcement environment.
5. I have also heard from many attorneys who report experiencing increased mental health challenges associated with living and working under the current conditions. These attorneys have described heightened anxiety, depression, fear, and feelings of hopelessness that are affecting both their professional and personal lives.
6. In addition, attorneys have reported difficulty representing their clients because clients are afraid to come to law offices, attend court proceedings, or leave their homes as a result of the current immigration enforcement environment. Some attorneys, particularly attorneys of color, have expressed fear about leaving their own homes, further limiting their ability to represent their clients. Some legal employers have permitted attorneys and staff to work remotely in response to safety concerns. Many of the affected clients are United States citizens or individuals who are actively engaged in lawful immigration processes.
7. Furthermore, reports are now emerging that attorneys are being denied access to their clients at the Bishop Henry Whipple Federal Building in Minneapolis.

Attached hereto as **Exhibit 1** is a true and correct copy of a news article written by Matt Rivers, Janice McDonald, and Armando Garcia titled “Lawyers allege Dept. of Homeland Security is denying legal counsel to Minnesota detainees,” published by ABC News at 7:22pm on January 18, 2026 at the following website: <https://abcnews.go.com/US/lawyers-allege-dept-homeland-security-denying-legal-counsel/story?id=129335914>.

8. Based on my experience communicating regularly with attorneys across Minnesota, these concerns are widespread and ongoing. In my 25 years of service as an executive director of a bar association, I have not previously encountered this level of fear or disruption affecting attorneys’ ability to practice law and clients’ ability to access legal representation.
9. This declaration is offered to provide the Court with information regarding the effects of the challenged conduct on attorneys, their clients, and the administration of justice in Minnesota, from the perspective of the professional organizations that serve those attorneys.
10. Attached hereto as **Exhibit 2** is a true and correct copy of the news article written by Katrina Pross titled “‘It makes us ...less safe’: How federal immigration actions are affecting local prosecutions in Hennepin County,” published by Sahan Journal on August 18, 2025 at the following website: <https://sahanjournal.com/public-safety/immigration-arrests-impact-hennepin-county-court-cases/>.
11. Attached hereto as **Exhibit 3** is a true and correct copy of the article written by Minneapolis Police Department Chief Brian O’Hara titled “Fear undermines public safety – naming it is not politics,” published by The Hill on December 30, 2025, at the following website: <https://thehill.com/opinion/immigration/5665347-fear-undermines-public-safety-naming-it-is-not-politics/>.
12. Attached hereto as **Exhibit 4** is a true and correct copy of the news article written by Andrew Kruger titled “Judge grants order barring feds from altering or destroying evidence in Pretti shooting,” published by MPR News on January 25, 2026, at the following website: <https://www.mprnews.org/story/2026/01/25/alex-pretti-shooting-judge-grants-restraining-order-on-altering-evidence>.
13. Attached hereto as **Exhibit 5** is a true and correct copy of the September 9, 2025, letter sent by members of Congress to Secretary of Homeland Security Kristi Noem.

14. Attached hereto as **Exhibit 6** is a true and correct copy of the Declaration of Jacob Frey, entered in *Minnesota v. Noem*, No. 26-cv-00190 (KMM/DJF) (ECF No. 9) (D. Minn. Jan 12, 2026).
15. Attached hereto as **Exhibit 7** is a true and correct copy of the Declaration of Isabella Smetana, entered in *Minnesota v. Noem*, No. 0:26-cv-00190 (KMM/DJF) (ECF No. 104) (D. Minn. Jan. 24, 2026).
16. Attached hereto as **Exhibit 8** is a true and correct copy of the Declaration of N.S., entered in *Minnesota v. Noem*, No. 0:26-cv-00190 (KMM/DJF) (ECF No. 86-6) (D. Minn. Jan. 22, 2026).

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

Executed on this 3rd day of February, 2026, in Minneapolis, Minnesota.



Cheryl Dalby
Chief Executive Officer
Minnesota State Bar Association
Hennepin County Bar Association
Ramsey County Bar Association

EXHIBIT 1



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Lawyers allege Dept. of Homeland Security is denying legal counsel to Minnesota detainees

Detainees are being held at the Whipple Federal Building in Minneapolis.

By [Matt Rivers](#), [Janice McDonald](#), and [Armando Garcia](#)

January 18, 2026, 7:22 PM



Unprecedented standoff between state and federal officials in Minnesota ABC News' Chief Washington Correspondent Jonathan Karl discusses the intensifying situation in Minnesota after the fatal ICE shooting of Renee Good.

Yuki Iwamura/AP

Thousands of people have been arrested during ICE operations in Minneapolis over the past two weeks. Multiple attorneys allege that for some of those detained, including at least one U.S. citizen, the Department of Homeland Security is denying their constitutional right to see an attorney.

Four attorneys told ABC News they have been denied access to their clients at the Bishop Henry Whipple Federal Building in Minneapolis, where they are being held, which they say would violate 5th and 6th Amendment rights to due process and the right to consult with counsel.

“ICE agents were physically restricting me from seeing them,” said one immigration attorney, who asked not to be identified. “I stood outside the attorney visitation room for about four hours on Thursday, trying to see one of my clients who had been there for multiple days. I kept saying, you got to let me see my client. And they just kept repeating, we don't do attorney visitation.”



A man is detained by Immigration and Customs Enforcement agents during an immigration raid in Minneapolis on Jan. 18, 2026. REUTERS/Leah Millis

Leah Millis/Reuters

The Department of Homeland Security denied that any constitutional violations are taking place at the Whipple Federal Building.

In a statement, a spokesperson for DHS denied the attorneys' claims, adding that all detainees "have opportunities to communicate with their family members and lawyers."

"The facts are illegal aliens in detention have access to phones they can use to contact their families and lawyers. Additionally, ICE gives all illegal aliens arrested a court-approved list of free or low-cost attorneys. All detainees receive full due process," the spokesperson said in part.

Minneapolis Mayor Frey defends himself amid reports of DOJ probe, says 'of course' he will comply →

The immigration attorney told ABC News they have visited clients held on similar immigration charges at the Whipple building for the last decade without issue. The visitation denials of the past week, they said, are new and unprecedented.

The Whipple building has been a primary facility where people detained during DHS' "Operation Metro Surge" are being temporarily held. Most are eventually processed and sent to detention facilities across the country.

The building has also been the epicenter of clashes between anti-ICE protesters and federal agents since an ICE agent shot and killed 37-year-old Renee Good on Jan. 7.

The attorneys who spoke to ABC News work independently of one another. ABC News is withholding the identity of three of them due to fears that federal agents could retaliate against their clients still in custody.



Federal immigration officers outside Bishop Henry Whipple Federal Building, Jan. 15, 2026, in Minneapolis.
John Locher/AP

Attorneys say they have received a variety of explanations for why they cannot see their clients, including claims that they did not have appointments, that their clients did not ask for them by name, and that the Whipple building cannot accommodate attorney-client visits. None of those reasons is legally valid, according to the attorneys.

“There's nothing in the Constitution that talks about accommodating the government,” said Attorney Robert Sicoli, who told ABC News he was denied access to his client at the building last Wednesday. “It is a violation of constitutional rights.”

Minneapolis ICE shooting live updates: Active-duty soldiers on standby, sources say→

“One ICE agent said if we let you see your clients, we would have to let all the attorneys see their clients, and imagine the chaos,” said another attorney who asked not to be named. “And I said to that person, yeah, you do have to let all the attorneys see their clients. You do have to accommodate that. That’s the Constitution. You chose to put them here. I didn't bring this guy here, you did.”

Another attorney described going to the Whipple building to try to see his client, a U.S. citizen and an Iraq War veteran, who he says was a bystander to an immigration enforcement operation near his home.

“They told me that because my client had not requested me by name, that I could not see him,” the prominent local criminal defense attorney told ABC News. “I’ve been practicing law in Minnesota for almost 20 years, and I have never been denied access to a client.”

The immigration attorney agreed.

“We’ve got blatant constitutional violations and they’re intentional, it’s not accidental, but nobody cares and they’re doubling down.”



People protest against the fatal shooting of Renee Nicole Good by a U.S. Immigration and Customs Enforcement agent, during a rally outside the Whipple Building in Minneapolis, January 8, 2026.

Tim Evans/Reuters

That attorney described another example, trying to see a detained client who has severe medical concerns and needs specific medications.

“His family had been trying to drop off medications, and his family had not confirmed that he had received the medications that he needs for his life,” said the attorney. “So, I

specifically told ICE that I need to talk to this guy to make sure he got his medications. And they wouldn't let me see him.”

2nd federal officer shooting in Minneapolis prompts protests, calls for calm→

All attorneys ABC News spoke to called the DHS denial a blatant lie, citing their own personal experiences as proof.

The immigration attorney also said access to an attorney by phone is different from access to an attorney in person.

“If ICE is trying to say, ‘Oh, it's fine, you can just have your client call you and you can talk and discuss their case over the phone,’ that's absolutely unacceptable from an attorney-client standpoint. [Federal authorities] can and likely are listening in to those phone calls.”



Federal officers stand outside the Bishop Henry Whipple Federal Building during a protest on Saturday, Jan. 17, 2026, in Minneapolis.

Yuki Iwamura/AP

In recent months, other attorneys have raised similar claims in cities also grappling with a surge of immigration enforcement under the Trump administration. In September in New

York City, a federal judge ordered that DHS provide detainees a way to make confidential calls to their lawyers within 24 hours of being detained at a holding facility at 26 Federal Plaza.

In October, detainees at the ICE facility in Broadview, Illinois, filed a lawsuit claiming they were being held in overcrowded and unsanitary conditions as well as being denied confidential and efficient access to counsel.

“It hurts your head the types of legal violations they are engaging in and the games they’re playing,” said the criminal defense attorney. “It’s disgusting. This is not the America I love.”

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EXHIBIT 2

PUBLIC SAFETY

‘It makes us ... less safe’: How federal immigration actions are affecting local prosecutions in Hennepin County

Victims afraid to testify. Defendants deported before a conviction. Immigration arrests are upending local criminal cases, Hennepin County officials say.

by **Katrina Pross**
August 18, 2025



The Hennepin County Government Center, pictured May 29, 2025. Credit: Aaron Nesheim | Sahan Journal

Hennepin County prosecutors say President Donald Trump’s immigration policies are hindering their pursuit of justice, in some cases because defendants are deported before they get their day in court, and in

others because witnesses or defendants may be too fearful to appear.

Since January, when Trump took office for the second time, fear that U.S. Immigration and Customs Enforcement (ICE) agents may detain them if they appear for a court date makes it difficult to ensure justice for undocumented people, be they victims or alleged perpetrators, prosecutors and immigration experts say.

“Our goal is public safety,” said Eder Castillo, a senior assistant Hennepin County attorney. “So when we have these interruptions, interference, that just makes achieving that goal really difficult.”

Some defendants abruptly detained and deported by ICE before case concludes

The attorney’s office pointed to several recent cases in which a defendant was either deported or likely deported before their case was resolved.

In one case, a defendant charged with killing a woman while driving drunk was deported during prosecution.

A victim in a different case told the attorney’s office that they were contacted and threatened by a defendant, who had been deported before the case was finished, despite the attorney’s office filing a legal document for the defendant to appear in court.

In a third case, a defendant accused of sexually abusing his girlfriend’s daughter disappeared during prosecution. The victim’s family told the attorney’s office that the defendant had likely been in ICE custody, and potentially deported.

It can be challenging for local prosecutors to get information from ICE. The Hennepin County Attorney’s Office often does not receive communications from the agency before their actions.

“We are learning sometimes from the news that someone got apprehended,” Castillo said. “That uncertainty and lack of communication makes it difficult for us to maintain public safety in our community.”

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While the Trump administration has said that deporting someone is justice, those in the local legal system disagree.

Victims who report crimes don't get the closure or resolution that a criminal conviction could provide, Castillo said.

"They've been so vulnerable with our office, showing up to hearings, putting in restitution claims, doing all of these things, sometimes grieving the crime that they've been impacted by, and then to suddenly have the case end out of nowhere with no result?" Castillo said. "In terms of justice, it's hard for me to see that as a just outcome."

For Hennepin County Attorney Mary Moriarty, deporting someone before they face accountability for a crime is not consistent with public safety.

"It's a danger," Moriarty said. "It deprives our victims and our community of accountability for what happened here, but also, I think, endangers the people in that community where they're sent."

Mike Berger, the chief public defender in Hennepin County, whose office frequently represents undocumented clients, said that deporting someone before they are found guilty of a crime doesn't allow for evidence to prove that the accused actually committed the crime.

"If you're short-circuiting that system, you're not allowing due process to unfold, and you're deporting people on accusations," he said.

Emanuel Williams, an attorney doing criminal defense work for the Legal Rights Center, a nonprofit law firm, said deporting someone before their case is resolved leaves community members in the dark if the crime actually happened. It also deprives people of the right to have their day in court.

“To me, that’s the worst thing that can happen in our legal system,” Williams said. “I don’t think that’s what this country was founded on.”

Fear about coming to courthouses, testifying in hearings

Victims and witnesses of crimes have expressed fear of attending court proceedings in person at the courthouse over fears that ICE may be present and detain them, and some defendants have missed hearings, according to the Hennepin County Attorney’s Office.

Under the Trump administration, ICE issued guidance that agents can conduct civil immigration enforcement actions in or near courthouses.

Julia Decker, the policy director of the Immigrant Law Center of Minnesota, said that created “immediate concern” for lawyers and community members.

The guidance also says that ICE can detain undocumented witnesses participating in a court proceeding or family members and friends accompanying someone to court.

“Some of our witnesses as well as victims, are immigrants, and they’re afraid to come down to the courthouse, that they might get snatched by ICE,” Moriarty said. “Even though we do not work with ICE or cooperate with them, we can’t guarantee that anybody’s going to be safe if they are helping us.”

ICE has also told agents that they are not required to proactively determine if the person they are detaining might be a victim of a crime.

“This is not something that we’ve ever seen before,” Castillo said. “This isn’t just targeting people who have criminal histories or convictions or are suspects. This is explicitly talking about witnesses and victims that ICE is no longer going to treat the same way they’ve treated before.”



Senior Assistant Hennepin County attorney Eder Castillo, seen on Aug. 5, 2025, at the Hennepin County Government Center in Minneapolis. Credit: Dymanh Chhoun | Sahar Journal

Berger said that several arrests have taken place near Hennepin County courthouses since January. He also said that it appears that ICE's presence near Hennepin County court buildings has decreased since the beginning of the year.

"Now I think we're in a place where they're picking them up at all kinds of places, and not so much at the courthouse," Berger said.

A spokesperson from Hennepin County District Court said that the court is unable to confirm actions taken by another agency like ICE.

A spokesperson for ICE did not respond to a request for comment before publication.

Castillo said crime victims have expressed hesitation to testify in person at the courthouse. Some have asked the attorney's office if they can testify virtually or in writing, but Castillo said that testimony in

criminal cases has to take place in person.

In addition to victims and witnesses expressing fear of coming to the courthouse, the Hennepin County Attorney's Office has 13 cases in which a warrant has been issued in recent months because the defendants, who have immigration concerns, have missed a court appearance.

Berger said his office has not seen an increase in people failing to appear for their hearings so far this year.

But the fear among undocumented people to enter government buildings remains. While the Hennepin County Attorney's Office does not inquire about someone's immigration status, court proceedings take place in public courthouses.

Abigail Wahl, an immigration attorney who represents clients in Minnesota, said she's heard concerns from undocumented people about attending any court proceeding, even for minor cases.

"People are definitely scared to go for even just a family court proceeding, or something to do with custody or child support, or even minor traffic crimes, which normally wouldn't be something people are worried about," Wahl said.

Williams said that he thinks ICE agents should be barred from courthouses to allow cases to move forward without fear or lack of due process.

"Not only does it make it harder for us to do our jobs, harder for clients to be able to exercise their rights and harder for victims to be able to find resolution, I think it wholeheartedly makes us a less safe country," he said.

One solution to help undocumented crime victims

Amid these concerns, the Hennepin County Attorney's Office has been working to make it easier for crime victims who are not U.S. citizens to obtain legal residency.

About a year and a half ago, the office **announced a new policy** that eases the process for people to apply for U and T visas, which were introduced by the federal government about 25 years ago. U visas give legal status to crime victims who have been subjected to mental or physical abuse, and who can help investigators. T visas apply to victims of serious trafficking crimes.

The visas aim to give some protection to those who may fear deportation if they report a crime.

“The whole idea is, you want somebody ... who is an immigrant who’s been a victim, to cooperate with us so that we can hold the person accountable for the harm that they’ve done,” Moriarty said.

To apply for a U or T visa, the applicant needs a certification from a law enforcement agency, such as the Hennepin County Attorney’s Office. Previously, the county attorney’s office would only certify cases that were referred to for prosecution. Now the office certifies all cases for qualifying victims in Hennepin County, regardless of whether the crime results in a criminal case.

This summer, the office surpassed 500 U or T visa certifications since January 2024. From 2008 to 2023, the office issued just over 400 certifications, according to the attorney’s office.

“It’s been incredible to work with them. And I would say what they’ve done at Hennepin County is revolutionary and very helpful to the community overall,” Wahl said.

While getting a certification is an essential part of the application process, it can take years to actually get a U visa. The federal government has a cap of issuing 10,000 a year, and a significant backlog leaves new applicants with an estimated wait time of about 15 to 20 years to get a visa, said Lenore Millibergity, an attorney who recently retired from the Immigrant Law Center of Minnesota.

While applicants wait for their visa, an immigration officer can review their case and issue a work card if they meet criteria. Millibergity said that she’s heard of recent cases nationally in which applicants who have old removal orders have been detained by ICE, even if they have documentation that they might be issued a U visa in the future.

“It’s a few cases, but it’s definitely a cause for concern,” she said.

In addition to certifying U or T visas, the attorney’s office has been working to do more community engagement and build trust with immigrants who may be victims of crimes.

“We try to emphasize as much as we can, we care about you, you matter to this community, and we’re doing what we can do to help,” Moriarty said.

EXHIBIT 3



THE HILL

OPINION > OPINIONS - IMMIGRATION

THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

Fear undermines public safety — naming it is not politics

BY BRIAN O'HARA, OPINION CONTRIBUTOR - 12/30/25 11:00 AM ET



AP Photo/Bruce Kluckhohn

Minneapolis Police Chief Brian O'Hara



THE HILL

 Instaread

Recently, some of [my public comments](#) have been mischaracterized — particularly my reference to Mary and Joseph and my acknowledgment that many people in immigrant communities are living in fear. Those distortions risk obscuring what I was addressing: the real and measurable impact that fear has on public safety.

I was not offering a political position on immigration policy. I did not invoke religion to argue theology or law. And I did not suggest that the Minneapolis Police Department should enforce laws selectively or inconsistently.

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Rather, I was speaking plainly about important issues I hear about daily as police chief. That includes fear that keeps people from calling 911 during real emergencies and cooperating with investigations. It includes fear that prevents people from helping solve crime, hold criminals accountable, report victimization and trust that the system will protect them.

×

THE HILL

safe.

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Ignoring that reality would be a failure of leadership. Professional policing is as much about how enforcement is conducted as it is about what laws are being enforced.

This is why I have raised concerns about the current environment, in how immigration enforcement is being conducted in Minneapolis. My focus is not based on whether laws are enforced, but rather in how that enforcement is carried out. Tactics that generate widespread fear, confusion, or withdrawal from civic life can have consequences far beyond their immediate objectives. Law abiding, hardworking people in our communities should not have to live in fear of their government.

That distinction is critical. Public safety is not undermined by the existence of law. It is undermined when fear eclipses trust.



THE HILL

The reference I made to Mary and Joseph was a human illustration rooted in my own faith, not a policy argument. The point was about vulnerability and fear, something many residents have described to me directly. Acknowledging that does not diminish the rule of law; it reinforces the moral obligation to uphold human dignity.

The Minneapolis Police Department operates under clear policy and law. Our officers do not enforce federal immigration law. They are sworn to protect life, uphold the Constitution, and respond to legitimate public safety threats — not to target people based on race or ethnicity. I have personally reinforced this guidance department wide, precisely because clarity protects officers and the public alike.

Talking about fear is not divisive. Pretending that fear does not exist creates division. Effective policing requires trust, and trust requires honesty.

CONTENT CONTINUES BELOW SURVEY

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Public safety is not strengthened by silence. It is strengthened by clear expectations, lawf...
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time.

The Minneapolis Police Department works day and night to personify our motto, “To Protect with Courage and To Serve with Compassion.” Upholding the law and recognizing fear are not competing ideas. They are complementary responsibilities.



THE HILL Opinion
How to submit an op-ed.

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Communities are safer when people trust that calling the police will bring help, not increased fear or harm. My duty as chief of police is to preserve and enhance that trust, protect constitutional rights, and ensure public safety for everyone in this city.

Anything less would be unacceptable.

Brian O’Hara is Minneapolis’s police chief.



EXHIBIT 4

THE LATEST ON ICE IN MINNESOTA

CBP agents identified in Pretti shooting, 5-year-old detained by ICE returns home

Immigration enforcement in Minnesota

Andrew Krueger · January 25, 2026 10:10 AM

Judge grants order barring feds from altering or destroying evidence in Pretti shooting



People gather at the intersection of 27th Street and Nicollet Avenue in Minneapolis after a federal officer shot and killed 37-year-old Alex Pretti on Saturday. Ben Hovland | MPR News file



ON AIR
ON POINT WITH MEGHNA CHAKRABARTI

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A federal judge has granted a temporary restraining order barring federal officials from destroying or altering evidence related to Saturday's [fatal shooting of Alex Pretti](#) by a federal agent in Minneapolis.

That's in response to a lawsuit filed Saturday night by the Hennepin County Attorney's Office and the Minnesota Bureau of Criminal Apprehension.

Judge Eric Tostrud's order bars the federal government from "destroying or altering evidence related to the fatal shooting involving federal officers that took place in or around 26th Street and Nicollet Avenue in Minneapolis on Jan. 24, 2026, including but not limited to evidence that defendants and those working on their behalf removed from the scene and/or evidence that defendants have taken into their exclusive custody."

The lawsuit was filed after the BCA [said it was blocked](#) from accessing the shooting scene on Saturday to collect evidence, despite having a search warrant giving them authority to do so.

▼ **The latest** [Follow along here for live updates on ICE in Minnesota](#)

The Minnesota Attorney General's Office is representing the BCA in the lawsuit. Attorney General Keith Ellison issued a statement after Tostrud granted the temporary restraining order.

"Alex Pretti was killed by DHS agents in broad daylight in front of all of our eyes. Both the rule of law and the sense of justice we all carry within us demand a full, fair and transparent investigation into his death. We will not settle for less," Ellison said.

He added that the ruling "protects that investigation by barring federal agents from altering or destroying any evidence they captured involving the fatal shooting of Alex. Justice will be done."

A hearing on that lawsuit is set for Monday afternoon in federal court. It's one of several ongoing court cases surrounding the federal operation underway in Minnesota.

This story is part of our live coverage. [Go to live updates.](#)

- ▶ [France's Capgemini to sell subsidiary working with ICE during anger at U.S. immigration crackdown](#)
- ▶ [How federal immigration activity is affecting Minnesota schools](#)
- ▶ [2 CBP agents identified in Alex Pretti shooting](#)
- ▶ [Minnesotans react to second fatal shooting by a federal agent](#)

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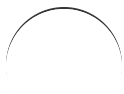
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ON AIR
ON POINT WITH MEGHNA CHAKRABARTI

EXHIBIT 5

Congress of the United States

Washington, DC 20515

September 9, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
Department of Homeland Security
200 Independence Avenue, S.W.
Washington, D.C. 20001

Secretary Noem:

We write in response to recent incidents that have raised questions about the Department of Homeland Security (DHS)'s use of race in immigration enforcement. Recent statements and actions undertaken by Department officials have called into question whether stop and arrest decisions are being made based not on legitimate law enforcement reasons but on unconstitutional racial bias.

The Fourteenth Amendment guarantees equal protection under the law.¹ This guarantee generally prevents the government from treating people differently based on their race without a compelling reason that is "narrowly tailored."² The Fourth Amendment similarly prevents the government from conducting unreasonable searches and seizures, including searches without a warrant or probable cause.³ It is well established that these limitations extend to the conduct of immigration law enforcement officers.⁴ Away from the border, immigration agents can only make a stop when they have identified "specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion" that the person is violating immigration law.⁵

Given these well-established limitations, we have been concerned by recent statements and actions undertaken by DHS that seem to indicate that the Department is unlawfully using race as a basis for conducting immigration enforcement operations.

In July, Border Czar Tom Homan stated in an interview that "people need to understand ICE officers and Border Patrol don't need probable cause to walk up to somebody, briefly detain them, and question them . . . based on their physical appearance."⁶ As you know, to conduct a warrantless arrest, an immigration agent needs to establish probable cause that the person targeted is not only violating an immigration law or regulation, but also that they pose a flight risk.⁷ And even for a brief detention, immigration agents need reasonable suspicion.⁸ Mr. Homan's statement seems to indicate that it is the policy of this administration that immigration agents can satisfy those requirements based solely on someone's physical features and what they may mean

¹ U.S. Const. amend. XIV § 2.

² See, e.g., *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995); *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007); see also *The Constitution and Race-Conscious Government Action: Narrow Tailoring Requirements*, Congressional Research Service (May 14, 2023), available at <https://www.congress.gov/crs-product/R47471>.

³ See U.S. Const. amend. IV.

⁴ See, e.g., *Immigration and Naturalization Service v. Delgado*, 466 U.S. 210 (1984); *Orhorhaghe v. Immigration and Naturalization Service*, 38 F.3d 488, 497 (9th Cir. 1994); see also U.S. Dep't of Justice, Fourth Amendment, available at <https://www.justice.gov/sites/default/files/eoir/legacy/2014/08/15/4th-amendment.pdf>.

⁵ *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975).

⁶ Aaron Rupar, AR [@atrupar]. (2025, July). Homan: "People need to understand ICE officers and Border Patrol don't need probable cause to walk up to somebody, briefly detain them, and question them ... based on their physical appearance." [Tweet]. Twitter. <https://x.com/atrupar/status/1943671875961287024>

⁷ *Tejeda-Mata v. Immigration and Naturalization Service*, 626 F.2d 721, 725 (9th Cir. 1980).

⁸ *Supra* note 5.

about their racial identity.⁹ ICE data shows that between January 20 and July 28, 2025, ICE made more than 16,000 street arrests of immigrants with no criminal convictions, charges, or removal orders.¹⁰ Over half of these arrests were made between June and July alone, with Latinos accounting for 90% of arrests.¹¹ This means that nearly one in five arrests made by ICE is a Latino with no criminal history.¹²

Similar concerns prompted the U.S. District Court for the Central District of California to order the Trump Administration to halt its practice of racial profiling in immigration enforcement.¹³ This summer, Judge Frimpong found that the Administration has engaged in a pattern of stops and arrests based on four impermissible factors, including a person's "apparent race or identity." The judge made this finding after the Administration was unable to provide details that supported their claim that the stops and arrests—including the arrest of U.S. Citizens—were based on actual "intelligence" or an "investigation" that indicated they were breaking the law.¹⁴ Without additional information, Judge Frimpong explained that it was improper to base arrests on these factors, including racial identity, because they were "no more indicative of illegal presence in the country than of legal presence."¹⁵ On September 8, 2025, the Supreme Court temporarily lifted this order as the case is appealed, allowing immigration enforcement officers to continue to make indiscriminate stops based on racial factors for the time being.¹⁶ In a dissenting opinion, Justice Sonia Sotomayor argued that through its use of indiscriminate stops "[t]he Government... has all but declared that all Latinos, U.S. citizens or not, who work low wage jobs are fair game to be seized at any time."¹⁷

These kinds of indiscriminate, race-based detentions cause real harm. In June, DHS conducted a worksite raid in at a farm in Ventura County, California, where militarized agents violently detained hundreds of people, allegedly including U.S. citizens and those with work visas.¹⁸ As a result of the raid, Jaime Alanis, a farmworker at the farm, fell from a greenhouse and later died due to his injuries.¹⁹ In Los Angeles, ICE snatched Andrea Velez, a U.S. citizen, off the street, and detained her for two days, giving her nothing to drink for 24 hours.²⁰ A U.S. citizen in Pico Rivera was assaulted and detained by agents in a Walmart parking lot.²¹ Two U.S. citizens

⁹ Other senior administration officials have echoed these sentiments. Reportedly, White House Deputy Chief of Staff Stephen Miller asked ICE officials who were attempting to meet the administration's immigration quota "[w]hy aren't you at Home Depot? Why aren't you at 7-Eleven?"—common locations where Latino workers are known to see work. Findell, E. et al. (2025, June 9). *The White House Marching Orders That Sparked the L.A. Migrant Crackdown*. The Wall Street Journal. https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877?gaa_at=eafs&gaa_n=ASWzDAgL5r2JjqgCw3LuZM67sl7oxnBhfPFdVSZdvUZqXG1pSIOImNUfHcaPdUFFgEM%3D&gaa_ts=685c14bd&gaa_sig=DmBdcjuW2xZtyVxwfmJgsXMtFCjoZQgYuLWPluGC1XqklgBubEkF_1BhI9JJKkHdUl_vsHjj3s5pP12ivpoAMg%3D%3D

¹⁰ Immigration and Customs Enforcement Data. *Deportation Data Project*. <https://deportationdata.org/data/ice.html>

¹¹ Bier, D. (2025, August 5). *One in Five ICE Arrests Are Latinos on the Streets with No Criminal Past or Removal Order*. Cato Institute. <https://www.cato.org/blog/1/5-ice-arrests-are-latinos-streets-no-criminal-past-or-removal-order>

¹² Id.

¹³ *Pedro Vasquez Perdomo v. Kristi Noem*, 2:25-cv-056005, (C.D.Cal. 2025).

¹⁴ Id.

¹⁵ Id.

¹⁶ *Kristi Noem, Secretary, Department of Homeland Security, et al. v. Pedro Vasquez Perdomo, et al.* 606 U.S. ____ (2025).

¹⁷ Id.

¹⁸ Lozano, A. (2025, July 11). *Cannabis farmworker in California is on life support after chaotic federal immigration raid, Family says*. NBCNews.com. <https://www.nbcnews.com/news/us-news/cannabis-farm-california-immigration-raid-rcna218305>

¹⁹ Jordan, M. (2025, July 14). *Farmworker dies fleeing an immigration raid in Southern California - The New York Times*. The New York Times. <https://www.nytimes.com/2025/07/11/us/immigration-raids-farmworker-death.html>

²⁰ Rand, J. (2025, June 26). *Woman seen on video being detained during DTLA Immigration Raid is a US citizen, family says*. ABC7 Los Angeles. <https://abc7.com/post/woman-detained-during-immigration-raid-downtown-los-angeles-is-us-citizen-family-says/16852834/>; Burke, M. (2025, Aug. 12). *U.S. citizen detained by ICE in L.A. says she wasn't given water for 24 hours*. NBC News. <https://www.nbcnews.com/news/us-news/us-citizen-detained-ice-l-says-wasnt-water-24-hours-rcna224493>

²¹ Rendon, K., & 52, T. (2025, June 18). *Video captures immigration agents detaining man in parking lot of Pico Rivera Walmart*. NBC Los Angeles. <https://www.nbclosangeles.com/news/local/video-pico-rivera-walmart-ice-immigration/3726766/>

in Montebello were forcefully interrogated by Border Patrol agents on the street about their citizenship, one was later taken to a detention center.²² Juan Carlos Lopez-Gomez, a U.S. citizen, was detained by Florida authorities and charged with entering the country as an “unauthorized alien,” and was detained in county jail for more than 24 hours.²³ In Arizona, Jose Hermosillo, a 19-year-old U.S. citizen, was wrongfully detained for 10 days.²⁴

Such a pattern of apparent discrimination is even more concerning given that the Department gutted the Office of Civil Rights and Civil Liberties (CRCL), which would normally investigate complaints regarding the violations of civil rights.²⁵ According to whistleblowers, when the Department initially moved to shutter the office, it halted over 500 civil rights investigations.²⁶ Without a robust CRCL, it will be difficult for those whose rights have been violated by ICE to obtain relief through any avenue other than the court system.

A strategy of immigration enforcement that singles out law-abiding people solely because of their race is at odds with our constitution’s commitment to both equality and freedom from unreasonable searches. Accordingly, we ask for the following information by September 30th, 2025:

1. Does the Department have a policy on how immigration officers can use race in making determinations about when to stop or arrest someone? If so, what is the policy?
2. Does the Department agree with Border Czar Homan’s statement that “ICE officers and Border Patrol don’t need probable cause to walk up to somebody, briefly detain them, and question them . . . based on their physical appearance”?²⁷
3. Mr. Sean Skedzielewski, an attorney for the government, has been quoted as saying that the “Department of Homeland Security has policy and training to ensure compliance with the Fourth Amendment.”²⁸ Please provide copies of all related training materials and any training materials that address racial profiling, discrimination or bias.
4. What steps has the Department taken to ensure that agents are upholding protections against racial profiling provided by the U.S. Constitution, including the Fourteenth Amendment’s Due Process Clause?
5. Since January 20, 2025, how many complaints have been filed with the Department alleging that an arrest or stop was based on race?

²² Medina, J. (2025, June 15). *‘I’m an American, bro!’: Latinos report raids in which U.S. citizenship is questioned* - *The New York Times*. The New York Times. <https://www.nytimes.com/2025/06/15/us/hispanic-americans-raids-citizenship.html>

²³ Ho, V. (2025, April 18). *U.S. citizen detained under an immigration hold in Florida, lawyer says* - *The Washington Post*. Man detained in Florida on immigration hold despite being citizen, lawyers. <https://www.washingtonpost.com/immigration/2025/04/18/florida-immigration-hold-lopez-gomez/>

²⁴ Khmara, D. (2025, April 21). *U.S. citizen in Arizona detained by immigration officials for 10 days*. AZPM. <https://news.azpm.org/p/azpmnews/2025/4/18/224512-us-citizen-in-arizona-detained-by-immigration-officials-for-10-days/>

²⁵ Doubleday, J. (2025, May 26). *DHS plans for skinny staffs at civil liberties, oversight offices*. Federal News Network. <https://federalnewsnetwork.com/workforce/2025/05/dhs-plans-for-skinny-staffs-at-civil-liberties-oversight-offices/>

²⁶ (2025 May 15). *DHS Halted 500+ Civil Rights Investigations When It Shut Down Oversight Office, Whistleblowers Say*. Government Accountability Project. <https://whistleblower.org/press-release/dhs-halted-500-civil-rights-investigations-when-it-shut-down-oversight-office-whistleblowers-say/>

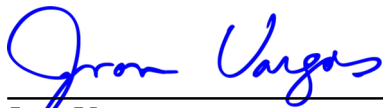
²⁷ Aaron Rupa, AR [@atrupar]. (2025, July). Homan: "People need to understand ICE officers and Border Patrol don't need probable cause to walk up to somebody, briefly detain them, and question them ... based on their physical appearance." [Tweet]. Twitter. <https://x.com/atrupar/status/1943671875961287024>

²⁸ Press, A. (2025, July 12). *Judge temporarily halts immigration stops, arrests without “reasonable suspicion.”* Times of San Diego. <https://timesofsandiego.com/politics/2025/07/11/judge-order-immigration-stops-arrests-without-reasonable-suspicion/>

6. During that same time frame, what actions has the Department taken to respond to complaints that an immigration enforcement action was unlawfully motivated by race?
 - a. How has the Department's gutting of the Office of Civil Rights and Civil Liberties affected its ability to respond to such complaints?
7. What is the Department's policy regarding how it responds to an allegation that a stop or arrest was unlawfully undertaken based on race?
8. When the agency determines that a stop or arrest was improperly motivated by race, what steps does the Department take in response? How does the Department ensure that there is accountability?

We look forward to receiving your prompt response.

Sincerely,



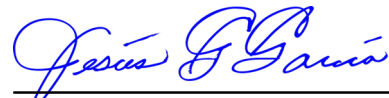
Juan Vargas
Member of Congress



Darren Soto
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Jesús G. "Chuy" García
Member of Congress



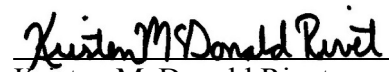
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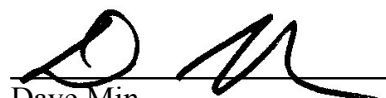
Kristen McDonald Rivet
Member of Congress



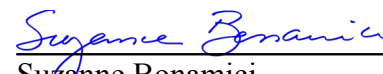
Eleanor Holmes Norton
Member of Congress



Raja Krishnamoorthi
Member of Congress



Dave Min
Member of Congress



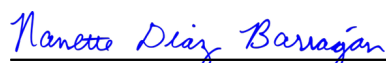
Suzanne Bonamici
Member of Congress



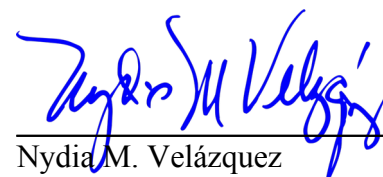
Danny K. Davis
Member of Congress



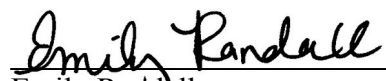
Veronica Escobar
Member of Congress



Nanette Diaz Barragán
Member of Congress



Nydia M. Velázquez
Member of Congress



Emily Randall
Member of Congress



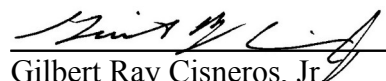
Rashida Tlaib
Member of Congress



Frederica S. Wilson
Member of Congress



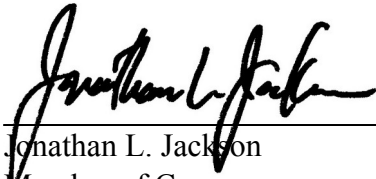
Dan Goldman
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



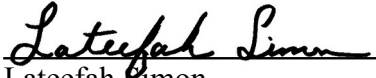
Adriano Espaillat
Chair
Congressional Hispanic Caucus



Jonathan L. Jackson
Member of Congress



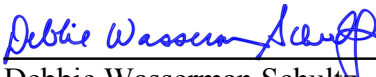
Shri Thanedar
Member of Congress



Lateefah Simon
Member of Congress



Paul D. Tonko
Member of Congress



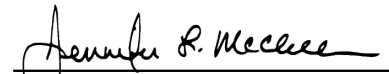
Debbie Wasserman Schultz
Member of Congress



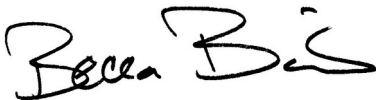
Yassamin Ansari
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Jennifer L. McClellan
Member of Congress



Becca Balint
Member of Congress



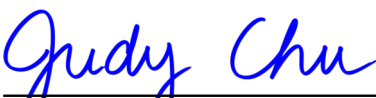
Andrea Salinas
Member of Congress



James P. McGovern
Member of Congress



Delia C. Ramirez
Member of Congress



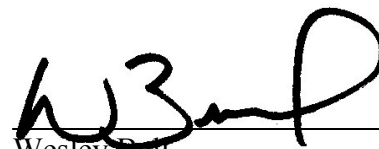
Judy Chu
Member of Congress



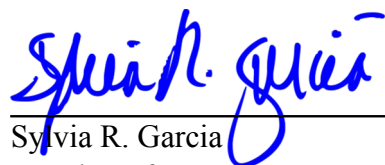
Madeleine Dean
Member of Congress



Yvette D. Clarke
Member of Congress



Wesley Bell
Member of Congress



Sylvia R. Garcia
Member of Congress



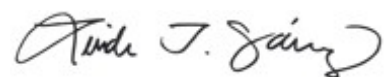
Melanie Stansbury
Member of Congress



Maxine Dexter
Member of Congress



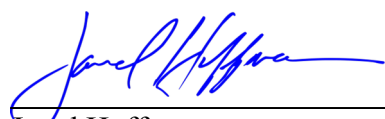
Kathy Castor
Member of Congress



Linda T. Sánchez
Member of Congress



Cleo Fields
Member of Congress



Jared Huffman
Member of Congress



Diana DeGette
Member of Congress



Steve Cohen
Member of Congress



Joaquin Castro
Member of Congress



Greg Casar
Member of Congress



Derek T. Tran
Member of Congress

Bill Foster

Bill Foster
Member of Congress

John B. Larson

John B. Larson
Member of Congress

Brittany Petersen

Brittany Petersen
Member of Congress

Lori Trahan

Lori Trahan
Member of Congress

Robert J. Menendez

Robert J. Menendez
Member of Congress

Al Green

Al Green
Member of Congress

William R. Keating

William R. Keating
Member of Congress

Robin L. Kelly

Robin L. Kelly
Member of Congress

Ritchie Torres

Ritchie Torres
Member of Congress

Salud Carbajal

Salud Carbajal
Member of Congress

Norma J. Torres

Norma J. Torres
Member of Congress

John Garamendi

John Garamendi
Member of Congress

Donald Norcross

Donald Norcross
Member of Congress

Donald S. Beyer Jr.

Donald S. Beyer Jr.
Member of Congress



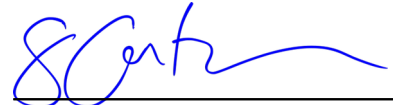
Sarah McBride
Member of Congress



Dwight Evans
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



Sean Casten
Member of Congress

EXHIBIT 6

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

State of Minnesota,
by and through its Attorney General Keith
Ellison, City of Minneapolis, and City of Saint
Paul,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as
Secretary of the U.S. Department of Homeland
Security; JOHN CONDON, in his official
capacity as Acting Executive Associate Director
of Homeland Security Investigations; U.S.
Department of Homeland Security; TODD
LYONS, in his official capacity as Acting
Director of U.S. Immigration and Customs
Enforcement; MARCOS
CHARLES, in his official capacity as Acting
Executive Associate
Director, Enforcement and Removal
Operations; U.S. Immigration and Customs
Enforcement; RODNEY SCOTT, in his official
capacity as Commissioner of U.S. Customs and
Border Protection; U.S. Customs and Border
Protection; GREGORY BOVINO, in his official
capacity as Commander of the U.S. Border
Patrol; U.S. Border Patrol; DAVID
EASTERWOOD, in his official capacity as
Acting Director, Saint Paul Field Office, U.S.
Immigration and Customs Enforcement,

Defendants.

Case No.

**DECLARATION OF JACOB
FREY**

I, Jacob Frey, declare as follows based on my personal knowledge, review of City

records, and/or communications with appropriately knowledgeable persons:

1. I have served as the Mayor of the City of Minneapolis since 2018.

2. Minneapolis is the largest city in Minnesota and one of its most diverse. And Minneapolis's immigrant neighbors are a vibrant and important part of the community we call home. As a Welcoming City, Minneapolis makes it clear that everyone — regardless of immigration status — deserves to feel safe, respected, and included.

3. Public trust in local law enforcement is paramount to effective community policing and the City, including the Minneapolis Police Department, is dedicated to community policing as a means of reducing crime while building community trust. If Minneapolis personnel were to enforce federal immigration laws for the federal government, it would squander limited municipal resources, have deleterious effects on public safety, and have a chilling effect on immigrant populations' willingness to report crime and cooperate with the City's public safety efforts. For that reason, the City has a formal Separation Ordinance that clarifies that the City's finite resources are to be used to advance the health and safety of all of the Minneapolis community, and not to enforce federal immigration law.

4. Since it commenced in December 2025, Defendants' so-called "Operation Metro Surge" has had a colossal negative impact on the City of Minneapolis and its resources, and the communities the City serves.

5. Defendants' tactics erode hard-earned community trust being rebuilt by Minneapolis police day by day-- particularly where the tactics being used by Defendants' agents are at odds with the carefully developed, trained, and enforced policies designed to increase that

trust, like impartial policing and de-escalation.

6. Since Operation Metro Surge began, we have been worried that the worst would happen -- that someone would be killed in Minneapolis during an encounter between the community and Defendants' agents. On January 7, 2026, that fear came true with the tragic fatal shooting of Renee Nicole Good.

7. I also fear for the safety of our police officers who are being called too often to respond to situations related to Defendants' immigration enforcement activities, where tensions are high between community members and federal immigration agents, and people on the scene, including federal agents, are armed.

8. Following Ms. Good's death, Minneapolis's communities are experiencing pain and anger toward the Trump Administration's immigration enforcement agenda, exacerbated by the continuing escalating, militarized and reckless actions of Defendants' agents in Minneapolis. This pain and anger have motivated community members to exercise their First Amendment rights of assembly and protest, including through several marches and vigils on and since January 7, 2026. The City is expending significant resources so that gatherings of community members exercising their First Amendment rights are safe and peaceful. The City's substantial efforts providing for public safety are having the effect of preventing Defendants from achieving their goal of creating chaos and engineering a pretext to deploy the military in Minneapolis.

9. Due to the need to be available to keep the peace at protests and to respond to the aftermath of Defendants' immigration enforcement incidents to protect public safety and

deescalate community tensions around those activities, Minneapolis Police Department (“MPD”) informed all sworn staff on January 7, 2026, that any scheduled days off would be cancelled through at least January 11, 2026. Approximately 983 scheduled days off were cancelled due in some way to Defendants’ immigration enforcement activities in Minneapolis. In addition, for the same reasons, officers are working longer shifts, extending past their 8- or 10-hour shifts. These changes have impacted MPD’s officers’ personal lives and leave them exhausted.

10. Another burden is the sheer cost of overtime for MPD officers in connection with Operation Metro Surge in Minneapolis. On January 7, 2026, the Minneapolis Police Department created a new overtime code for officers working overtime to provide public safety in response to Defendants’ immigration enforcement activities in Minneapolis. According to a report run early on January 9, 2026, since the code was created, more than 3000 hours of officer overtime was entered, at time-and-a-half. As of January 9, 2026, the estimated overtime amount MPD will pay for the date range of January 8 through January 11, 2026, was approximately \$2,477,859, but the final cost will depend on what response is required to handle the impact of how Defendants are carrying out immigration enforcement activities in Minneapolis.

11. MPD recently created a full-time position specifically dedicated to monitoring public safety needs due to Defendants’ immigration enforcement activities during the daytime hours. This has been in operation since December 18, 2025. This position is staffed by police lieutenants and is often augmented by one or two additional sergeants per day. Since the fatal

shooting on January 7, 2026, an additional lieutenant has been assigned during nighttime hours.

12. Minneapolis SWAT personnel and Strike Team personnel have been on paid on-call status since December 19, 2025, prepared to respond to public safety needs due to Defendants' immigration enforcement activities. The Unmanned Aerial Vehicle Team was also placed on paid on-call status on January 7, 2026.

13. Since January 7, 2026, MPD has observed a marked increase in the utilization of health and wellness resources, with MPD officers accessing contracted therapeutic services at rates significantly above baseline. Commonly reported responses include heightened hypervigilance and fear. For MPD officers who were present during the 2020 unrest, the January 7 incident has triggered re-traumatization as they resume operational duties amid concerns of potential instability. Officers who joined the department after 2020 have reported similar emotional impacts, having experienced prior unrest as community members. While comprehensive data is not yet available, there is a legitimate concern that the cumulative psychological impact of responding to Operation Metro Surge may contribute to increased attrition, as officers confront the destabilizing effects of actions by external actors on the community they are sworn to protect.

14. MPD has at least six officers who have been injured during responses to Defendants' immigration enforcement activity.

15. Another impact of Operation Metro Surge in Minneapolis is that MPD officers responding to public safety needs caused by Defendants' immigration enforcement activities prevents those officers from responding to other 911 calls from the communities MPD serves.

On January 7, shortly after 10:00 am, all priority-2 and priority-3 911 calls were put into “pending” status because MPD officers were responding to activities following the ICE fatal shooting of Ms. Good. Ultimately, close to 95 officers responded to the scene on January 7 to deal with the aftermath, and while they were doing so, they were not responding to 911 calls, investigating reports of crimes, or fulfilling other law enforcement duties for the communities MPD serves. Similarly, MPD administration has devoted considerable time to planning around the impacts of the manner in which Defendants are conducting immigration enforcement in Minneapolis, and that is time and attention that would otherwise be spent on making Minneapolis a safer place for people to live, work and visit.

16. Since the tragic January 7, 2026, ICE fatal shooting of Ms. Good, and due to Defendants’ continuing inflammatory tactics, the City has initiated and continues its emergency preparedness protocols, which means significant additional work for numerous City departments, from the Emergency Management Department, to Police and Fire, Public Works, Finance, Communications, my Cabinet, my staff and me, and many more, taking us all away from pressing City priorities.

17. President Trump and his messengers such as Defendant Noem and Defendant Department of Homeland Security have taken actions against Minneapolis, including through Operation Metro Surge, to punish it for its expressions of its values, its voters’ choices, its Separation Ordinance, and the First Amendment-protected activity of its elected officials.

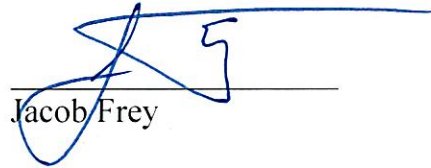
18. Minneapolis is widely considered a Democratic city. Although the position of Minneapolis Mayor is nonpartisan, I identify as a Democrat as do the vast majority of the

City's elected officials (the ballot for City elections is permitted to include a political party designation; mine has always included designation of my party affiliation, which is the Democratic Farmer Labor Party—Minnesota's Democratic party).

19. I have long been a vocal critic of the Trump Administration's agenda, as have many if not all of the other Minneapolis elected officials. I have vocally criticized the Trump Administration in the wake of the horrific fatal shooting of Ms. Good by an ICE agent, and my criticism has gotten national media attention. On the heels of that national attention, Defendant Noem announced an even larger deployment of DHS agents into Operation Metro Surge.

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

EXECUTED this 12th day of January, 2026 in Minneapolis, Minnesota



Jacob Frey

EXHIBIT 7

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Court File No.: 0:26-cv-00190-KMM-DJF

STATE OF MINNESOTA, by and through
its Attorney General Keith Ellison,

CITY OF MINNEAPOLIS, and CITY OF
SAINT PAUL,

Plaintiff

vs.

KRISTI NOEM, in her official capacity as
Secretary of the U.S. Department of
Homeland Security; JOHN CONDON, in
his official capacity as Acting Executive
Associate Director of Homeland Security
Investigations; U.S. DEPARTMENT OF
HOMELAND SECURITY; TODD
LYONS, in his official capacity as Acting
Director of U.S. Immigration and Customs
Enforcement; MARCOS CHARLES, in his
official capacity as Acting Executive
Associate Director, Enforcement and
Removal Operations; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
RODNEY SCOTT, in his official capacity
as Commissioner of U.S. Customs and
Border Protection; U.S. CUSTOMS AND
BORDER PROTECTION; GREGORY
BOVINO, in his official capacity as
Commander of the U.S. Border PATROL;
U.S. BORDER PATROL; DAVID
EASTERWOOD, in his official capacity as
Acting Director, Saint Paul Field Office,
U.S. Immigration and Customs
Enforcement,

Defendant

DECLARATION OF ISABELLA SMETANA

I, Isabella Smetana, declares as follows:

1. I am employed as a paralegal for BBG Law, working in criminal municipal prosecution. As a paralegal in this capacity, my duties include investigating and processing prosecution cases, working with victims, defendants, and defense attorneys, as well as appearing in court to assist the Prosecutors.

2. In my time as a paralegal, I have done my job both with, and without the looming presence of the Department of Homeland Security, and more specifically, Immigration and Customs Enforcement (ICE) in our communities.

3. Since December of 2025, when thousands of federal agents were deployed to Minnesota under Operation Metro Surge, in my professional capacity I have experienced a marked increase in the following scenarios:

(a). Defense attorneys ask if our office is amenable to utilize pleas-by-mail, or attempt to resolve cases administratively, as their client is afraid of being detained by ICE at the courthouse.

(b). Defense attorneys state that they are afraid of their client(s) being detained by ICE, solely based on the client(s)' physical appearance.

(c). Victims no longer feel safe to testify, due to fear of being detained by ICE at the courthouse.

(d). Witnesses no longer feel safe to testify, due to fear of being detained by ICE at the courthouse.

(e). Victims and Witnesses become effectively unreachable for case follow-up, subpoena service, and trial preparation.

(f). Defendants wanting to take accountability by showing up to court no longer feel like that is a viable option, due to fear of being detained by ICE at the courthouse.

(g). Defendants fail to appear for their scheduled court date, as ICE has detained them.

4. While each of these scenarios is unique in its context, they all share the same underlying theme, fear.

5. The following are three examples of cases under prosecution by our office where ICE detained a defendant before the conclusion of the municipal matter:

(a). *State of Minnesota V. Abdullahi Mohamed Abdi* (27-CR-25-27858) Abdi was charged with:

- Violating Domestic Abuse No Contact Order 629.75.2(b) Misdemeanor
- Giving a Peace Officer a False Name 609.506.1 Misdemeanor

Mr. Abdi was in local custody before being removed from the Hennepin County Jail by ICE. The case above remains open.

(b). *State of Minnesota V. Wilson Nduri Tindi* (27-CR-25-14474) Tindi was charged with:

- Third Degree Refusal to Submit a Breath Test 169A.26.1(b) Gross Misdemeanor
- Fourth Degree Driving While Impaired 169A.27.1 Misdemeanor
- Failure to Maintain a Single Lane 169.18.7(1) Petty Misdemeanor

Mr. Tindi has since been detained by ICE, and his case remains open.

(c). *State of Minnesota V. Edwin Omar Marin-Espana* (27-CR-23-4627) Marin Espana was charged with:

- Fifth Degree Drug Possession 152.025.2(1) Gross Misdemeanor
- Driving After Revocation 171.24.2 Misdemeanor

Mr. Marin-Espana has since been detained by ICE, and his case remains open.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed on January 24, 2026, in Hennepin County, Minnesota.

s/ Isabella Smetana

Isabella Smetana

EXHIBIT 8

DECLARATION OF N [REDACTED] S [REDACTED]

I, N [REDACTED] S [REDACTED], declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am over the age of 18 years old, and I am a resident of the State of Minnesota. Because I am concerned about retaliation against myself or my family, I ask that this declaration be submitted with my name redacted, but, if necessary, I would be available to testify to the facts described below.

2. I am an attorney employed by the State of Minnesota, although I submit this declaration in my personal capacity rather than my professional capacity.

3. On Wednesday morning, January 7, 2026, a short time before an ICE agent shot and killed Renee Good, I was nearby in Powderhorn Park for an activity with my children.

4. As I was about to get into my vehicle, I heard a whistle and looked towards where the sound was coming from. I observed what I recognized as ICE vehicles staged across the parking lot from where I was parked. I loaded my children in the car and asked one other adult with us to stay with them.

5. I slowly walked across the parking lot to get closer, but also maintained a safe distance. I was able to observe an ICE vehicle with the windows rolled down and multiple detained individuals in the back seat.

6. I have become increasingly aware of concerns raised from within Minnesota, and other parts of the United States, involving ICE “disappearing” people (namely, arresting and detaining them without any notice being provided to families or attorneys until after they are flown to other locations for deportation proceedings.) I have also seen and heard stories of excessive force, racial profiling, and other unconstitutional actions by ICE agents. My purpose in

approaching was not to obstruct or impede their activities, but to observe and be available as a witness, and, if possible, get the people in the back of the car to provide their names and phone numbers so I could notify family members they had been taken.

7. As I approached the scene, I notified the ICE agents that I am an attorney familiar with civil rights, and that I was just there to observe and wanted to know what was going on.

8. I called out to the young people in the car (who appeared to me to be teenagers or young adults) attempting to get their contact information.

9. At this point, other neighbors and community members were gathering, and were protesting ICE's presence in the park in a non-violent manner.

10. The ICE vehicles began to leave the parking area, but very slowly. Some ICE agents remained on foot, walking along the path the vehicles were taking. I could see one observer who had been standing in front of an ICE vehicle backing slowly away from the advancing ICE vehicle, which was certainly slowing the pace but was not fully obstructing its path.

11. For my part, I backed away to the side of the vehicles, walking slowly in parallel to the vehicles and continuing to try to get occupants of the ICE vehicle to provide their names. I believe I was at least 10 feet away from the nearest ICE vehicle, and I was maintaining a consistent distance.

12. Without any verbal warning or direction to clear, an ICE agent suddenly ran towards me at rapid speed. I do not know whether he leapt out of one of the vehicles, or if he was already on foot, but he sprinted towards me with a weapon drawn and pointed at my face. He did not give me any verbal commands whatsoever.

13. He closed the distance between us quickly and the muzzle of his weapon was approximately one foot from my face when he fired twice directly at my face, dispersing chemical

irritants. The force of the shots hitting my glasses was so great it caused my head to whip back and caused my body to buckle over.

14. I was immediately overcome with extreme pain and burning in my ears, nose, throat, mouth, lungs, and skin. I could not see, I could not breathe, and I was in agony. I was choking, gasping, vomiting, and struggling to draw breath and my nostrils, ear canals, eyes, and throat were on fire. It was the worst pain I have ever experienced in my life.

15. I was so covered in chemical irritants, and in such agony, that I blindly stripped my layers off to try to minimize ongoing exposure. I stripped off my outer layers (parka and snowpants) and my clothing layers, down to my underwear and sports bra despite being in freezing temperatures and in a public place.

16. One of the people in the vicinity was a community medic, and he and others attempted to provide aid, dousing me with water and ushering me to the nearby rec center to allow me to continue rinsing in a bathroom.

17. I was not able to report to work that day due to the severity of my ongoing symptoms, and for the days that followed, I continued to experience an ongoing, severe headache, dizziness, difficulty looking at screens, and significant inflammation and irritation in my eyes, nose, throat, and ears. I also had an allergic reaction to the irritating powder, and experienced hives all over my body.

18. This incident occurred on a Monday, and by that Friday, the thunderclap headache and dizziness had not abated. I sought additional medical care and was diagnosed with a concussion and whiplash. Even now, two weeks after the incident, I continue to have a hard time looking at and focusing on screens, and it has been recommended to me that I seek further care at

a concussion center. I have also experienced panic attacks following this event, and heightened stress and fear regarding potential encounters with ICE.

19. Everything about this incident was upsetting to me, but it was particularly upsetting that, despite my being an attorney—accompanied by my children and taking care to maintain appropriate distance and not obstruct or impede operations—I was shot at point blank range with chemical irritants with no verbal warning whatsoever. Based on the force of the shots, I believe that if I had not had glasses on, I may have had permanent damage to one or both of my eyes.

Dated: January 21, 2026

N S

EXHIBIT D

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MUBASHIR KHALIF HUSSEN,
MAHAMED EYDARUS, and JAVIER DOE

Case No. 0:26-cv-324-ECT-ECW

*on behalf of themselves and others similarly
situated,*

Plaintiffs,

v.

KRISTI NOEM, *in her official capacity as
Secretary of the U.S. Department of
Homeland Security*; U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS, *in his
official capacity as Acting Director of U.S.
Immigration and Customs Enforcement*;
DAVID EASTERWOOD, *in his official
capacity as U.S. Immigration and Customs
Enforcement Field Office Director for St.
Paul, Minnesota*; U.S. CUSTOMS AND
BORDER PROTECTION; RODNEY S.
SCOTT, *in his official capacity as
Commissioner of U.S. Customs and Border
Protection*; U.S. BORDER PATROL;
MICHAEL W. BANKS, *in his official
capacity as Chief of U.S. Border Patrol*; and
GREGORY BOVINO, *in his official capacity
as Commander-at-Large of U.S. Border
Patrol,*

Defendants.

**DECLARATION OF ANDREA C. MEJIA NARVAEZ IN SUPPORT OF AMICUS
CURIAE BRIEF**

I, Andrea C. Mejia Narvaez, declare as follows:

1. I am the President of the Minnesota Hispanic Bar Association (“MHBA”). I submit this declaration based on my personal knowledge and in support of the Amicus Curiae Brief filed in support of Plaintiffs.
2. The MHBA was founded in 1991 to serve as a voice for Hispanic attorneys, judges, and law students in Minnesota, and as an advocate for the broader Hispanic community. The MHBA represents attorneys who practice throughout Minnesota in a wide range of legal settings, including private practice, government service, non-profit organizations, and the judiciary, and who come from a wide range of racial, ethnic, religious, cultural, and professional backgrounds.
3. As President, I am responsible for advancing the MHBA’s mission to unify and organize all members of the Hispanic legal community and to serve as an advocate for the Hispanic community in Minnesota. The MHBA also strives to promote professional growth and opportunity for Latino law students and attorneys, to provide community service and to ensure access to justice for all.
4. In my role as President, I act as the public representative of the organization, preside as chairperson over all MHBA and Board of Directors meetings, and evaluate and supervise the management of all affairs and responsibilities of the MHBA. Through these frequent interactions with members, who are deeply engaged in Minnesota’s legal and civil life, I have gained direct knowledge of the widespread impact of Defendants’ conduct on our members and the community.
5. Since the U.S. Department of Homeland Security (“DHS”) increased its enforcement activities in Minnesota, including through the deployments of agents from the U.S. Border Patrol and U.S. Immigration and Customs Enforcement (collectively “ICE agents”), I have heard directly from numerous MHBA members about the profound impact of the increased presence and aggressive tactics of ICE agents in Minnesota. Our members have reported feeling emotionally exhausted, overwhelmed, and even personally targeted.
6. Our immigration attorney members report a pattern of intimidation by ICE agents, including circling and/or surrounding their offices and stopping and questioning individuals entering or leaving their law firms. In one instance, ICE agents, along with six to ten ICE vehicles, used a member’s law firm parking lot as a staging area for over a week. Such actions deter clients and community members from seeking legal assistance.
7. Our immigration attorney members also report that ICE agents have improperly met with detained clients without their attorney present to persuade them to accept voluntary

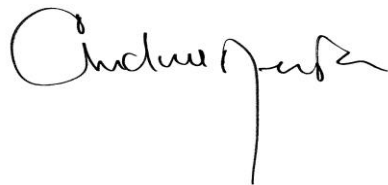
departures. Clients have also reported being detained by ICE based solely on their appearance or the places they frequent, pushed to the ground from behind, and removed from their cars at gunpoint.

8. Furthermore, members report being followed by ICE agents on public roads and having their professional LinkedIn profiles viewed by government officials. These actions create a perception of intimidation and surveillance, causing alarm among attorneys for simply doing what the state of Minnesota licensed them to do.
9. ICE operations have disproportionately targeted Hispanic-owned businesses, neighborhoods, and places of worship—the same places our members live, work, and frequent. The fear of racially motivated stops and arrests has caused many members to curtail their daily activities and avoid public spaces to reduce the likelihood of an encounter with ICE agents.
10. Members have also expressed concern over the long-term effects of ICE's increased enforcement on our communities, particularly on the mental well-being of children. The current tactics employed by ICE agents have created a climate of fear that has reached a level never seen before. For example, one member reported that ICE's conduct manifests the very fears she held as a child, which she had not too long ago considered irrational. Witnessing these childhood fears materialize has been profoundly disheartening, raising serious concerns for the present and future well-being of all children.
11. This climate of fear is so severe and pervasive that several of our members, including U.S. citizens, now carry their passports to prove their status in a likely stop by ICE agents. Many attorneys, particularly naturalized citizens, are afraid to express their opinions for fear of retaliation, and some have reportedly left Minnesota as a result.
12. A license to practice law does not alter our members' immutable characteristics. Like the rest of Minnesota's Hispanic community, our members fear for their freedom, livelihoods, and safety because of how they look, speak, and the places they frequent. Indeed, most of our members are immigrants themselves. Outside of a suit and the courtroom, they are subject to the same targeting by Defendants as the rest of the Hispanic community.
13. This reality, and the consequences of such, present a profound problem extending beyond our membership into the broader mission of the MHBA and the principles of the legal profession. Defendants' conduct erodes the very foundation of access to justice and the rule of law, discouraging full participation in the legal system by the Hispanic community, and deterring talented individuals from entering or remaining in the profession in Minnesota.

14. We took an oath to support the Constitution of the United States and that of the State of Minnesota, and thus are compelled to protect and defend the most vulnerable among us by seeking improvement of the law, ensuring access to the legal system, and upholding the administration of justice.
15. These unprecedented times call for an unwavering commitment to this oath and to the rule of law.
16. This declaration is offered to provide the Court with information regarding the effects of the challenged conduct on attorneys, their clients, and the administration of justice in Minnesota, from the perspective of the MHBA that serves those attorneys.

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

Executed on this 31st day of January, 2026, in Bogota, Colombia.



Andrea C. Mejia Narvaez
President
Minnesota Hispanic Bar Association

EXHIBIT E

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MUBASHIR KHALIF HUSSEN,
MAHAMED EYDARUS, and JAVIER DOE
*on behalf of themselves and others similarly
situated,*

Case No. 0:26-cv-324-ECT-ECW

Plaintiffs,

v.

KRISTI NOEM, *in her official capacity as
Secretary of the U.S. Department of
Homeland Security*; U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS, *in his
official capacity as Acting Director of U.S.
Immigration and Customs Enforcement*;
DAVID EASTERWOOD, *in his official
capacity as U.S. Immigration and Customs
Enforcement Field Office Director for St.
Paul, Minnesota*; U.S. CUSTOMS AND
BORDER PROTECTION; RODNEY S.
SCOTT, *in his official capacity as
Commissioner of U.S. Customs and Border
Protection*; U.S. BORDER PATROL;
MICHAEL W. BANKS, *in his official
capacity as Chief of U.S. Border Patrol*; and
GREGORY BOVINO, *in his official capacity
as Commander-at-Large of U.S. Border
Patrol,*

Defendants.

**DECLARATION OF CAROLINE H. BRUNKOW
IN SUPPORT OF AMICUS CURIAE BRIEF**

I, Caroline H. Brunkow, declare as follows:

1. I am an attorney in Minneapolis, Minnesota. I am a solo-practitioner focused on civil rights and criminal defense work. The name of my law firm is Lotus Legal PLLC. I

submit this declaration based on my personal knowledge and in support of the Amicus Curiae Brief filed in support of Plaintiffs.

2. I am a member of the Minnesota State Bar Association and the Hennepin County Bar Association. I am a member of the Criminal Law Council within the Minnesota State Bar Association.
3. As an attorney, I represent clients from a wide range of racial, ethnic, religious, socioeconomic and cultural backgrounds. I have a part-time contract with the Minnesota Board of Public Defense for the Second District through which I represent indigent criminal defendants. I also represent indigent criminal defendants in the U.S. District of Minnesota through appointments pursuant to the Criminal Justice Act. In addition, I represent private clients in civil matters who have experienced violations of their constitutional rights by law enforcement. The majority of my clients are people of color and are indigent.
4. Since the U.S. Department of Homeland Security (“DHS”) increased its enforcement activities in Minnesota, including through the deployments of agents from the U.S. Border Patrol, and U.S. Immigration and Customs Enforcement, I have observed:
 - (a) Clients failing to appear for important court dates, often resulting in both a warrant and a monetary fine;
 - (b) Clients seeking to appear for important court dates via Zoom out of fear of leaving their homes;
 - (c) Clients requesting that our meetings be held in their respective homes to ensure their safety.

This includes clients who are in the United States lawfully or are U.S. Citizens but are fearful of being detained on the basis of their perceived ethnicity or accent.

5. In at least one instance, I am representing a Hispanic client who was physically assaulted and detained by ICE even though he is a United States citizen.
6. I have been contacted at least three times since January 7, 2026, by individuals seeking to “put me on retainer” because they are fearful “that something might happen” based on their perceived ethnicity even though these individuals are in the United States lawfully or are U.S. Citizens.

7. I have had to adapt the way I practice. I am now spending significantly more time driving around the Twin Cities Metro Area and Outstate Minnesota to meet with clients in their homes because they are too afraid to leave their homes to meet me at my office or a different neutral location.
8. I have been contacted by people asking me to give “know your rights” presentations to church and community groups. In accepting these invitations, I advise individuals that I cannot guarantee nor do I have faith, that their constitutional rights will be respected by federal law enforcement. This has resulted in an ethical quandary, as an attorney, because I could be putting individuals in danger by educating these individuals on the lawful exercise of their constitutional rights.
9. On a personal level, I am experiencing heightened levels of stress and exhaustion in meeting my clients’ needs as a result of the increased presence of federal law enforcement. I represent individuals who have both experienced abhorrent treatment firsthand and those that live in fear of experiencing such treatment themselves, by federal law enforcement. It is only human to internalize the terror that the communities I represent are experiencing.
10. This declaration is offered to provide the Court with information regarding the effects of the challenged conduct on attorneys, their clients, and the administration of justice in Minnesota, from the perspective of a Minnesota attorney.

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

Executed on this 27 day of FEBRUARY, 2026, in HENNEPIN COUNTY.

Caroline H. Brunkow

EXHIBIT F

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MUBASHIR KHALIF HUSSEN,
MAHAMED EYDARUS, and JAVIER DOE Case No. 0:26-cv-324-ECT-ECW
*on behalf of themselves and others similarly
situated,*

Plaintiffs,

v.

KRISTI NOEM, *in her official capacity as
Secretary of the U.S. Department of
Homeland Security*; U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS, *in his
official capacity as Acting Director of U.S.
Immigration and Customs Enforcement*;
DAVID EASTERWOOD, *in his official
capacity as U.S. Immigration and Customs
Enforcement Field Office Director for St.
Paul, Minnesota*; U.S. CUSTOMS AND
BORDER PROTECTION; RODNEY S.
SCOTT, *in his official capacity as
Commissioner of U.S. Customs and Border
Protection*; U.S. BORDER PATROL;
MICHAEL W. BANKS, *in his official
capacity as Chief of U.S. Border Patrol*; and
GREGORY BOVINO, *in his official capacity
as Commander-at-Large of U.S. Border
Patrol,*

Defendants.

DECLARATION OF VALERIE NARCY IN SUPPORT OF AMICUS CURIAE BRIEF

I, Valerie Narcy, declare as follows:

1. I am the President of the Minnesota Asian Pacific American Bar Association (“MNAPABA”). I submit this declaration based on my personal knowledge and in support of the Amicus Curiae Brief filed in support of Plaintiffs.

2. MNAPABA is a non-profit, nonpartisan organization dedicated to promoting and supporting the personal and professional development of Asian American and Pacific American (“APA”) attorneys, judges, and law students in Minnesota. MNAPABA serves as an advocate for the rights of the APA legal community, promotes equal access to justice, and works to advance growth, mentorship, retention, promotion, and recognition of APA attorneys across all sectors of the legal profession.
3. MNAPABA represents approximately 260 attorneys who practice throughout Minnesota in a wide range of legal settings, including private practice, government service, nonprofit organizations, and the judiciary. Our membership reflects a broad range of racial, ethnic, religious, cultural, immigration, and professional backgrounds, including U.S. citizens, naturalized citizens, lawful permanent residents, and individuals from mixed-status families.
4. As President of MNAPABA, I am responsible for overseeing the organization’s mission-driven programs, setting strategic priorities, leading board meetings, and ensuring that MNAPABA’s activities align with its values of professional excellence, equity, and access to justice. I regularly attend MNAPABA events, which occur approximately one to three times per month, and I frequently communicate directly with members through meetings, correspondence, and informal conversations to listen to their concerns, understand their experiences, and advocate for the interests that our organization represents.
5. Since the U.S. Department of Homeland Security (“DHS”) significantly increased federal immigration enforcement activities in Minnesota, including through the deployment of agents from the U.S. Border Patrol and U.S. Immigration and Customs Enforcement, I have heard directly from numerous MNAPABA members expressing troubling experiences and heightened fear consistent with racial profiling and intimidation.
6. Members have reported incidents including, but not limited to, the following:
 - a. Federal agents knocking door-to-door in residential neighborhoods and asking broadly whether there were any “Asians” living in the area.
 - b. ICE or Border Patrol vehicles closely following members’ cars for extended periods of time, ranging from approximately five to twenty minutes, without any apparent lawful justification.
 - c. Increased hostility and intimidation toward MNAPABA members of color in public spaces, particularly outside the Twin Cities metropolitan area, emboldened by the federal government’s recent activities. In one instance, a member traveling in northern Minnesota was approached aggressively by a man in a restaurant in a manner that appeared intended to threaten or intimidate. In another instance, a darker-skinned MNAPABA member was subjected to racial slurs and told by

another patron that they “hated Native Americans.” Members have also reported a noticeable increase in hostile stares and unwelcoming treatment in public settings.

7. Further, members expressed fear of volunteering for, accepting, or continuing work involving immigration or immigrant clients, out of concern that they themselves may become targets of retaliation or heightened scrutiny by federal agents. Some members expressed fear that they could be detained, questioned, or harmed regardless of citizenship status, and that such encounters could escalate into injury, arrest, or unfounded criminal charges.
8. As a result of these fears, many MNAPABA members have altered their professional and personal behavior in significant ways. Members have reported:
 - a. Reducing or eliminating attendance at in-person work, court, networking, or professional development events,
 - b. Reduced ability to focus on work due to persisting fear for self, children, and family members,
 - c. Avoiding leaving their homes except when absolutely necessary and relying on friends or family members—often white-presenting spouses, neighbors, or colleagues—to complete essential tasks such as grocery shopping or errands,
 - d. Carrying passports, naturalization certificates, or other proof of citizenship at all times when leaving their homes,
 - e. Avoiding air travel or long-distance driving for the purpose of work, vacation, or other personal reasons,
 - f. Relocating out of Minnesota, and in some cases out of the United States entirely, due to fear for their safety,
 - g. Law students, particularly international students, expressing fear of attending classes in person,
 - h. Being diagnosed with anxiety or beginning anxiety medication as a direct result of the stress and fear caused by these conditions.
9. These impacts have directly interfered with MNAPABA members’ ability to practice law and serve clients. For example, one MNAPABA member represents a pro bono client who is a lawful permanent resident seeking naturalization. Despite having held a green card for decades and having no criminal history other than minor traffic violations, the client has expressed being “frightened every single day” and experiencing severe anxiety since the increased enforcement activities began. The member has reported that the client’s fear has made it significantly more difficult to effectively pursue the naturalization process. That

same member, among others, has expressed personal fear that continuing to represent immigration clients could expose them to retaliation or targeting by federal agents.

10. Another member reported canceling planned business travel that would have involved visiting and defending their employer, the type of opportunity that is important for professional advancement and relationship-building, due to fear of being unlawfully detained or injured if traveling alone as a person of color, despite being a U.S. citizen.
11. The effects described above undermine MNAPABA's mission and harm the administration of justice in both the short and long term. In the short term, MNAPABA members and the wider APA community lose opportunities for professional visibility, mentorship, leadership, and advancement. Reduced in-person engagement harms relationships with employers, colleagues, clients, and the broader legal community. It also creates a chilling effect on members' willingness to speak out, advocate, or engage in constitutionally protected activity.
12. In the long term, these conditions contribute to a loss of diversity in the legal profession and broader community. Members have reported advising their children to pursue education abroad rather than at U.S. institutions, which would result in long-term losses to the country's educational system, workforce, and economy. The absence of diverse role models in legal professional and educational spaces further diminishes opportunity and reverses decades of progress toward equal representation.
13. Many MNAPABA members come from communities with histories of government-sponsored violence, persecution, or forced displacement, including Hmong and Vietnamese refugee communities. For many of these members, even as attorneys, reports of widespread racial profiling, unchecked enforcement, and fear of detention—even for U.S. citizens and lawful residents—reopen old wounds and deepen a sense of vulnerability. As a result, members' fear is intensified, and their confidence that their constitutional rights, due process, and other legal safeguards have diminished.
14. This declaration is offered to provide the Court with information regarding the effects of the challenged conduct on attorneys, their clients, and the administration of justice in Minnesota, from the perspective of MNAPABA that serves those attorneys.

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

Executed on this 31st day of January, 2026, in Ramsey County, Minnesota.

Valerie Narcy
Valerie Narcy

President

Minnesota Asian Pacific American Bar Association

EXHIBIT G

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

—
MUBASHIR KHALIF HUSSEN,
MAHAMED EYDARUS, and JAVIER DOE
*on behalf of themselves and others similarly
situated,*

Case No. 0:26-cv-324-ECT-ECW

Plaintiffs,

v.

KRISTI NOEM, *in her official capacity as
Secretary of the U.S. Department of
Homeland Security*; U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS, *in his
official capacity as Acting Director of U.S.
Immigration and Customs Enforcement*;
DAVID EASTERWOOD, *in his official
capacity as U.S. Immigration and Customs
Enforcement Field Office Director for St.
Paul, Minnesota*; U.S. CUSTOMS AND
BORDER PROTECTION; RODNEY S.
SCOTT, *in his official capacity as
Commissioner of U.S. Customs and Border
Protection*; U.S. BORDER PATROL;
MICHAEL W. BANKS, *in his official
capacity as Chief of U.S. Border Patrol*; and
GREGORY BOVINO, *in his official capacity
as Commander-at-Large of U.S. Border
Patrol,*

Defendants.

**DECLARATION OF IKRAAN ABDURAHMAN IN SUPPORT OF AMICUS CURIAE
BRIEF**

I, Ikraan Abdurahman, declare as follows:

1. I am the President of the Somali American Bar Association. I submit this declaration based on my personal knowledge and in support of the Amicus Curiae Brief filed in support of Plaintiffs.
2. The Somali American Bar Association represents approximately 50 law students and attorneys who practice throughout Minnesota in a wide range of legal settings, including private practice, government service, nonprofit organizations, and the judiciary, and who come from a wide range of racial, ethnic, religious, cultural, and professional backgrounds.
3. In my role as President, I frequently interact with Somali American Bar Association members to understand their experiences and advocate for the interests that our organization represents. The President is responsible for overseeing all of SABA's activities, presiding at general and Board meetings, and addressing and responding to the needs of the organization.
4. Since the U.S. Department of Homeland Security ("DHS") increased its enforcement activities in Minnesota, including through the deployments of agents from the U.S. Border Patrol, and U.S. Immigration and Customs Enforcement, I have heard directly from numerous Somali American Bar Association members expressing the difficulty in representing or preparing their clients adequately. This is in part due to many client's fear and anxiety of encountering ICE while traveling to the law office or being detained as they appear for hearings and check-ins. Some members have shared how the practice of law has become significantly more burdensome as clients request frequent availability of counsel due to unpredictable outcomes and urgent developments occurring in their cases.
5. Members of the Somali American Bar Association have reported apprehension about entering the Bishop Henry Whipple Federal building to represent clients due to their visible Somali identity and the current targeting of members of the Somali community, which has adversely affected their ability to safely and effectively perform their professional duties. Some members have raised safety concerns regarding commuting, travel, and participation in routine activities as a result of the targeting of Somali individuals.
6. I have also heard from association members and community members at large that the ongoing threats and targeting of the Somali community have had a profound effect on their mental health. They have described experiencing persistent anxiety, stress, and fear and many have reported feeling a pervasive sense of dread and hyper-vigilance, constantly assessing risks to their personal safety and the safety of their families.
7. These concerns directly undermine the mission of the Somali American Bar Association. When members are forced to limit their public presence due to safety risks, their ability to practice law is significantly impacted. This climate of fear not only impacts individual

members' personal well-being and professional effectiveness, but also hinders the Association's broader goal of building a strong, inclusive, and impactful legal community.

8. This declaration is offered to provide the Court with information regarding the effects of the challenged conduct on attorneys, their clients, and the administration of justice in Minnesota, from the perspective of the Somali American Bar Association that serves those attorneys.

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

Executed on this 2nd day of February, 2026, in Minneapolis, Minnesota.



Ikraan Abdurahman
President
Somali American Bar Association