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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MARIA ARGUETA; WALTER CHAVEZ; ANA  
GALINDO; W.C. by and through his parents Walter  
Chavez and Ana Galindo; ARTURO FLORES;  
BYBYANA ARIAS; JUAN ONTANEDA;  
VERONICA COVIAS; CARLA ROE 1; CARLA  
ROE 2; CARLOS ROE 2; CARLA ROE 3; and  
CARLOS ROE 4,

Plaintiffs,

-vs-

UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT ("ICE"); JULIE L.  
MYERS, Assistant Secretary for Immigration and  
Customs Enforcement; JOHN P. TORRES, Deputy  
Assistant Director for Operations, Immigration and  
Customs Enforcement; SCOTT WEBER, Director,  
Office of Detention and Removal Operations, Newark  
Field Office; BARTOLOME RODRIGUEZ, Former  
Director, Office of Detention and Removal Operations,  
Newark Field Office; JOHN DOE ICE AGENTS 1-60;  
JOHN SOE ICE SUPERVISORS 1-30; and JOHN  
LOE PENNS GROVE OFFICERS 1-10,

Defendants.

**DOCUMENT FILED  
ELECTRONICALLY**

Honorable Peter G. Sheridan, U.S.D.J.  
Honorable Esther Salas, U.S.M.J.

Civil Action No: 2:08-cv-1652

**MEMORANDUM OF LAW  
IN SUPPORT OF  
ORDER TO SHOW CAUSE**

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Plaintiffs Walter Chavez and Ana Galindo, both individually and on behalf of their minor child, W.C. (collectively “plaintiffs” or the “Chavez Family”), by and through their undersigned counsel, respectfully submit this memorandum of law in support of their Order to Show Cause for a Preliminary Injunction enjoining defendants United States Immigration and Customs Enforcement (“ICE”), Julie Myers, Scott Weber, John Doe ICE Agents 1-60, and John Soe ICE Supervisors 1-30 (collectively, “defendants”), from conducting warrantless, nonconsensual searches of the Chavez Family’s home and otherwise violating plaintiffs’ substantive due process rights under the Fifth Amendment to the United States Constitution.

### **PRELIMINARY STATEMENT**

On April 2, 2008, ICE agents conducted a lawless, armed raid of the Chavez family house. Each member of the Chavez Family is lawfully present in the United States, and defendants had no reasonable basis for believing differently. Nevertheless, a number of ICE agents forcibly entered the Chavez home, without warrant or voluntary consent, in a purported search for undocumented aliens. As part of their search, agents berated the family, displayed their firearms and pointed a gun at the Chavezes’ terrified nine-year-old son, and even threatened to take him away from his parents.

Moreover, despite having no lawful basis for entering and searching the home, and despite undertaking terrifying, conscience-shocking conduct toward the family’s young child, defendants actually specifically promised to repeat their actions. Upon leaving the home, ICE agents warned unconditionally: “We’re going to come back. And next time it will be worse.” This is more than an idle threat, given the demonstrated pattern of warrantless, nonconsensual raids of immigrant homes that—as detailed in the First Amended Complaint—ICE has conducted in New Jersey and throughout the country.

The Chavez Family thus seeks modest, but necessary relief. Specifically, they seek an order enjoining defendants from acting on their stated intention to repeat their

warrantless, nonconsensual raid of plaintiffs' home and from engaging in conscience-shocking conduct inside the home, even "worse" than the first time. Such an injunction, which merely preserves the status quo, is necessary to protect the family from being subject again to terrifying government conduct. This injunction is necessarily in the public interest and would not visit a hardship on defendants since it would only require that they act within the bounds of the Constitution should they deem it appropriate to return to plaintiffs' home.

### **PROCEDURAL HISTORY**

On April 3, 2008, ten plaintiffs—not including the Chavez Family—filed a complaint in this Court against ICE supervisory officials and enforcement agents and several John Doe police officers employed by the town of Penns Grove, New Jersey. That complaint sought money damages for defendants' conduct relative to raids of plaintiffs' homes undertaken in derogation of plaintiffs' rights under the Fourth and Fifth Amendments to the United States Constitution and the New Jersey State Constitution. Shortly thereafter, defendants were served with summonses and copies of the complaint, which has not yet been answered.

Plaintiffs' First Amended Complaint is identical to the original complaint except for the addition of claims on behalf of the Chavez Family, whose home was raided by ICE agents just one day before the original complaint was filed. Because the Chavez Family seeks injunctive relief (not just money damages), ICE has been added as defendant and—for those injunctive claims only—the individual federal defendants have been sued in their official capacities. In sum, the First Amended Complaint adds the claims of yet another family swept up in ICE's ongoing pattern and practice of warrantless, nonconsensual raids and seeks to prevent the government from fulfilling its promise to return and engage in an even "worse" raid of that family's home.

### **STATEMENT OF FACTS**

Walter Chavez and Ana Galindo have lived in the United States for approximately 28 years and are lawful permanent residents. Their nine-year-old son, W.C., is a United States citizen. Walter and Ana own a home in Paterson, New Jersey, where they lived at all times relevant to this action.

On the morning of April 2, 2008, at approximately 7:15 am, Walter was returning to his home to pick up something for work when six or more unmarked vehicles converged on his house. Two defendant John Doe ICE Agents emerged from one of the vehicles and ran up to Walter's vehicle. One of them grabbed Walter by the shirt collar and pulled him out. Without identifying themselves, they demanded his name. Walter told them his name.

The officers asked to see Ana Galindo. They then physically pushed Walter with their hands toward the front door of his home. Walter asked them why they wanted his wife. One of the John Doe ICE Agents replied, "We'll tell you when you're inside. Don't make things harder. Just tell me where she is."

As the agents pushed Walter up to his front door, one of the John Doe ICE Agents said to Walter, "If you don't open the door, we're going to make things worse." The officers made Walter open the door and shoved him into the house. At least seven defendant John Doe ICE Agents ran inside the house. Three of the agents prevented anyone from leaving by blocking the front door. More John Doe ICE Agents remained outside. At no point did the agents identify themselves.

Upon information and belief, the agents did not possess a valid judicial warrant that would justify the entry and subsequent search of the home.

As he got into his house, Walter called out to his wife who was in the shower, "Ana – the police are looking for you!" Ana ran out of the bathroom and threw a shirt on but did not have time to properly dress. One John Doe ICE Agent ran over to Ana and kept yelling at her, "Where are the illegal people?" Another agent was asking Walter the same question at the

same time. One of the agents said, "It's illegal to be hiding illegals. If you don't tell me where they are, things will get worse. If you don't tell me where they are, we'll arrest you."

A female agent asked Ana where her sisters were, what their names were, and what Ana's last name was. Ana replied that she had two sisters in Guatemala, and gave their names and her own. An agent said, "This is not the person we're looking for."

Having heard the agents shouting at his parents, W.C. came out of his bedroom and ran to his mother, crying. As he did, several of the John Doe ICE Agents opened their jackets and displayed their guns. Some of the agents wore two guns (one on each hip), along with bulletproof vests and clothing imprinted with the acronym "ICE." Upon seeing the child emerge, at least four agents placed their hands on their guns.

One of the agents grabbed his gun and pointed it directly at Ana and W.C. W.C. saw the guns and continued to cry. As Ana held her terrified son and tried to calm him, an agent came over and screamed in her face again, "Where are the illegal people?"

In front of W.C., an agent said to Ana, "If you're hiding illegal people here, we're going to take your son and your residency away." One of the ICE agents guarding the front door was repeatedly pounding one of his fists into an open hand while glaring menacingly at Ana and W.C. Ana told her son to go to his room.

The agents demanded that Ana produce identification. When she went to the bedroom to get it, she found her son hiding under the pillows. When she came back to the living area, she showed the agents her New Jersey driver's license, as well as her and Walter's green cards, and her son's United States passport.

An agent again accused Ana of hiding illegal immigrants; Ana replied that only she, Walter, and their son lived in the house.

Throughout the raid, the agents remained in the living room and the hallway to the bedrooms. One of the agents looked through Walter and Ana's family pictures. Several of the agents' cars had driven up onto Walter's lawn, which he had spent much time and effort fixing. At no point did the agents produce a warrant or ask for or obtain permission for anything



the agents did, including entering the home. Before leaving, one of the agents directly announced, “We’re going to come back. And next time it will be worse.”

W.C. was and remains severely traumatized by the raid. He is so afraid the agents will return and may kill him and his parents, that to this day he refuses to sleep alone in his bedroom and insists on sleeping with his mother. Since the raid, W.C. has been shaking and crying in his sleep at night. Once he woke up in the night and told Ana he was too afraid to go back to sleep.

Before the raid, W.C. would often play after school, but for days following the raid he just came home, ate, and went to bed. To this day, he cries often. He often asks Walter and Ana to turn off all the lights and close the shades to prevent the agents from coming back. W.C. is scared when the lights are on in the house. He used to be excited when the doorbell to his house rang; since the raid, he becomes scared every time he hears it. He has asked his father why the agent that was in the doorway, who was pounding his fist into his hand, was looking at him during the raid. Walter, Ana, and W.C. all continue to be afraid that the agents will return to the house, just as they said they would.

As detailed at length in the Amended Complaint, defendants’ raid of the Chavez Family’s home is consistent with a pattern and practice throughout New Jersey and elsewhere. (Amended Complaint at ¶¶ 34-199) More particularly, as in the case of the Chavez Family, ICE officers have repeatedly engaged in warrantless, nonconsensual raids of the homes of suspected illegal immigrants. (*Id.* at ¶¶ 39-48, 187-90) This conduct has occurred—and appears to be continuing unabated—notwithstanding widespread public reports of the abuses of ICE officers. (*Id.* at ¶¶ 47, 187-90, 192-95) For this reason, plaintiffs fear that defendants are certain to make good on their threat to return to their home and engage in further abusive, unconstitutional conduct.

## ARGUMENT

### **I. THE CHAVEZ FAMILY IS ENTITLED TO AN INJUNCTION PREVENTING DEFENDANTS FROM CARRYING OUT THEIR STATED INTENTION OF REPEATING A WARRANTLESS, NONCONSENSUAL AND CONSCIENCE-SHOCKING SEARCH OF THE CHAVEZ FAMILY HOME.**

Following their warrantless entry and search of the Chavez home, the defendant John Doe ICE Agents unconditionally warned the Chavez family that: “We’re going to come back. And next time it will be worse.” The Chavez Family thus seeks a court order preventing defendants from carrying out their stated intention of violating plaintiffs’ constitutional rights a second time.

It is well settled in the Third Circuit that parties seeking injunctive relief must demonstrate: (1) a reasonable probability of likelihood of success on the merits; (2) that they will suffer irreparable harm absent the injunction; (3) granting the injunction will not result in irreparable harm to defendants (*i.e.*, the balance of harms favors plaintiffs); and (4) that the public interest favors such relief. KOS Pharm., Inc. v. Andrx Corp., 369 F.3d 700, 708 (3d Cir. 2004); Am. Tel. and Tel. Co. v. Winback and Conserve Program, Inc., 42 F.3d 1421, 1427 (3d Cir. 1994). In determining whether to issue an injunction, the Court is required to balance these four factors to determine whether a preliminary injunction is appropriate. BP Chemicals Ltd. v. Formosa Chemical & Fibre Corp., 229 F.3d 254, 263 (3d Cir. 2000). Moreover, the purpose of a preliminary injunction is to preserve the status quo during the pendency of the litigation. Opticians Ass’n of Am. v. Indep. Opticians of Am., 920 F.2d 187, 197 (3d Cir. 1990) (citation and quotation omitted). Applying these four factors to the facts presented by the Chavez Family’s claims, a preliminary injunction is necessary to preserve the status quo by preventing defendants from engaging in another warrantless, nonconsensual raid of the Chavez Family’s home—something defendants have specifically threatened to do.

A. *High Likelihood the Chavez Family will Prevail on the Merits at the Final Hearing*

To establish a likelihood of success on the merits in connection with a preliminary injunction, the moving party is required to demonstrate only a “reasonable probability” of prevailing. Frank Russell Co. v. Wellington Mgmt. Co., LLP, 154 F.3d 97, 101 (3d Cir. 1998). Thus, at this stage of the litigation, the Chavez Family need not prove its case with absolute certainty. The relevant inquiry is only whether the Chavez Family has made out a *prima facie* case in support of its constitutional claims. Scholastic Funding Group, LLC v. Kimble, No. 07-557, 2007 WL 1231795 at \*4 (D.N.J. Apr. 24, 2007) (citing Oburn v. Shapp, 521 F.2d 142, 148 (3d Cir. 1975)). The facts pled here demonstrate that the Chavez Family has made out a *prima facie* case that defendants violated, and explicitly threatened to continue violating, their rights under the Fourth and Fifth Amendments.

1. The Chavez Family is likely to succeed on its Fourth Amendment Unreasonable Search & Seizure Claim

The Fourth Amendment guarantees “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Whren v. United States, 517 U.S. 806, 809 (1996) (quoting U.S. Const. Amend. IV). Because the “physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed,” United States v. United States Dist. Ct. (Keith), 407 U.S. 297, 313 (1972), the home receives heightened Fourth Amendment protections, and “searches and seizures inside a home without a warrant are presumptively unreasonable,” Payton v. New York, 445 U.S. 573, 586 (1980). Thus, absent consent or exigent circumstances, it is unreasonable for government agents to enter a home to conduct a search or to execute an arrest without a valid warrant. See Steagald v. United States, 451 U.S. 204, 211 (1981); Schneckloth v. Bustamonte, 412 U.S. 218, 219 (1973); Good v. Dauphin Cty. Social Serv. for Children & Youth, 891 F.2d 1087, 1092-93 (3d Cir. 1989). To meet the consent exception to the warrant requirement the government has the burden of establishing that any alleged consent was freely and voluntarily given. Schneckloth, 412 U.S. at 222; Bumper v. North Carolina, 391 U.S. 543, 549 (1968). The Supreme Court has

held that the voluntariness of the consent given to search is a question of fact to be determined from the totality of the circumstances:

[T]he question whether a consent to a search was in fact ‘voluntary’ or was the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of the circumstances.

Schneckloth, 412 U.S. at 227. Each inquiry is fact sensitive and no one factor is determinative. Nevertheless, courts have deemed consent invalid when the government obtained such consent through misrepresentations, coercive tactics, and improper assertions of authority. Florida v. Royer, 460 U.S. 491, 507-08 (1983) (holding illegal seizure invalidates individual’s subsequent consent); Schneckloth, 412 U.S. at 227, 233 (holding coercive tactics alone can invalidate consent); Bumper, 391 U.S. at 548-49 (holding individual’s mere acquiescence to assertion of police authority generally does not amount to voluntary consent); United States v. Molt, Jr., 589 F.2d 1247, 1251-52 (3d Cir. 1978) (“When evidence exists to show that a defendant believed he must consent such evidence weighs heavily against a finding that consent was voluntarily given. And when that belief stems directly from misrepresentations by government agents, however innocently made, we deem the consent even more questionable.”). In sum, consent is only voluntary “when it is unequivocal, specific, and intelligently given, uncontaminated by any duress or coercion.” United States v. Santos, 340 F.Supp.2d 527, 538 (D.N.J. 2004) (citing Schneckloth, 412 U.S. at 227).

Here, the John Doe ICE Agent defendants did not present a warrant and did not obtain voluntary, informed consent to enter.<sup>1</sup> Moreover, the officers gained entry to the home only after physically pushing Walter and threatening him, threatening that “if you don’t open the door [to the house], we’re going to make things worse.” The officers then physically pushed

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<sup>1</sup> Moreover, there are no facts surrounding the raid of the Chavez home that would support the application of the exigent circumstances exception to the warrant requirement. See United States v. Coles, 437 F.3d 361, 366 (3d Cir. 2006) (noting that the exigent circumstances exception applies where there is (1) hot pursuit, (2) imminent threat to persons or property, or (3) a threat of destruction of evidence).

Walter into the house. Under such circumstances, Walter's act of opening the door can hardly be construed as voluntary, informed consent to entry and search of his home.<sup>2</sup>

2. The Chavez Family is likely to succeed on its Fifth Amendment Substantive Due Process Claim

A plaintiff establishes a violation of his Fifth Amendment right to substantive due process where he shows that government "officials have been deliberately indifferent to a liberty interest and deprived [him] of that interest in such a way that the 'behavior of the governmental officer is so egregious, so outrageous that it may fairly be said to shock the contemporary conscience.'" Leamer v. Fauver, 288 F.3d 532, 547 (3d Cir. 2002) (quoting County of Sacramento v. Lewis, 523 U.S. 833, 847 n. 8 (1998)). In the instant case, the behavior of the ICE agents who raided the Chavez Family home is, in fact, shocking. To be specific, the John Doe Defendant ICE Agents physically forced Walter Chavez to open the door to his home, confronted Ana Galindo in a state of semi-undress, pointed a gun at a nine-year-old child, and threatened to have that child taken away in the child's presence. Moreover, the threat to take away Ana's son was made after the ICE officers concluded that Ana was not the person ICE was looking for and after the officers received proof that all of the home's residents were lawfully present in the United States. In short, the John Doe ICE Agents engaged in appalling conduct that demonstrated complete indifference to the Chavez Family's protected liberty interest, *i.e.*, their right to be free from unreasonable searches and seizures. The Fifth Amendment right to substantive due process is designed to protect against exactly the kind of outrageous government conduct experienced by the Chavez Family.

In sum, the unconstitutional conduct of the John Doe ICE Agents during their raid of the Chavez Family's home and the explicit threat to return and engage in "worse" behavior are more than sufficient to establish a reasonable probability that plaintiffs will succeed on both their Fourth and Fifth Amendment claims for injunctive relief.

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<sup>2</sup> To the extent that defendants dispute the absence of voluntary, informed consent, plaintiffs respectfully request that the Court allow expedited discovery and a hearing on that issue.

*B. The Chavez Family will Suffer Irreparable Harm if the Injunction is Denied*

“The irreparable harm requirement is met if a plaintiff demonstrates a significant risk that he or she will experience harm that cannot adequately be compensated after the fact by monetary damages.” Adams v. Freedom Forge Corp., 204 F.3d 475, 484-85 (3d Cir. 2000). To establish this element, the harm which will result must not be remote or speculative, but actual and imminent. City of Los Angeles v. Lyons, 461 U.S. 95, 101-02. “Abstract injury is not enough. The plaintiff must show that he [or she] ‘has sustained or is immediately in danger of sustaining some direct injury’ as a result of the challenged official conduct and the injury or threat of injury must be both ‘real and immediate,’ not ‘conjectural’ or ‘hypothetical.’” Id. 101-02 (citations omitted). Plaintiffs amply meet that burden.

First, far from mere conjecture or hypothesis by plaintiffs, defendants have actually threatened the repetition of unconstitutional activity. After conducting warrantless entry and search of plaintiffs’ home and engaging in terrorizing conduct toward the Chavezes’ young son, defendants themselves assured the Chavez family that “We’re going to come back” and that the next time their conduct would be “worse.”

Second, the actions of the ICE agents in the Chavez family home raid are consistent with the pattern and practice of warrantless, nonconsensual and frequently-abusive immigrant home raids undertaken by ICE agents pursuant to a national program denominated “Operation Return to Sender.” Pursuant to that program, ICE agents have been regularly engaging in dragnet searches and raids – typically in the pre-dawn hours and without judicial warrant, probable cause or other lawful basis under the Fourth Amendment – of the homes of immigrant families, in an attempt to locate immigrant “fugitives” who have outstanding deportation orders or arrest warrants. (Amended Complaint at ¶¶ 39-54) The aggressive and unlawful raids practices are a predictable consequence of dramatically increased “fugitive” apprehension quotas set at the highest levels of the Department of Homeland Security. (Id. at ¶¶

1, 5, 36-38, 191) The raid on the Chavez family home falls squarely within this pattern of unconstitutional conduct.

This pattern and practice, combined with defendants' stated intentions, demonstrate that when the government returns to the Chavez family home they have no intention of complying with the strictures of the Fourth and Fifth Amendments.

Other courts faced with similar facts—*i.e.*, a pattern of warrantless, nonconsensual raids and a specific threat of return—did not hesitate to grant an injunction. See, e.g., Cmty. for Creative Non-Violence v. Unknown Agents of U.S. Marshals Serv., 797 F. Supp. 7, 16-19 (D.D.C. 1992) (issuing injunction prohibiting warrantless, nonconsensual dragnet raids of homeless shelter where government officials had engaged in pattern of such raids and had a specific threat to return to a particular shelter); see also Roe v. Operation Rescue, 919 F.2d 857, 864-65 (3d Cir. 1990) (issuing injunction against blockades of abortion clinics where there was showing that clinics faced a risk of being blockaded in future in light of Operation Rescue's previously-stated plans, widely reported in the media, to launch "rescue missions," and the defendants' secretive *modus operandi* that avoided identification of target clinics in advance). Plaintiffs respectfully submit that the same result is appropriate here.

Finally, defendants' conduct caused severe trauma to the Chavez Family in general, and nine-year-old W.C. in particular. (Affidavit of Walter Chavez dated May 20, 2008 ("Chavez Affidavit") at ¶¶ 27-30; Affidavit of Ana Galindo dated May 20, 2008 ("Galindo Affidavit") at ¶¶ 19-22) Specifically, when W.C. entered the family's living room, multiple ICE agents displayed their weapons at him, and one agent drew his gun and pointed it at Ana and W.C. (Galindo Affidavit at ¶¶ 9-10) This was understandably terrifying to the young boy and to Ms. Galindo, who feared for W.C.'s life. (*Id.* at ¶ 10) Soon after, an ICE agent said, in the presence of W.C., "If you're hiding illegal people here, we're going to take your son and your residency away." (*Id.* at ¶ 11) The raid has traumatized the Chavez family, and particularly W.C. W.C. cries frequently when he thinks of the event and remains terrified that the agents will return and hurt him or his family. (Chavez Affidavit at ¶¶ 27-28; Galindo Affidavit at ¶¶ 19-20)

All members of the Chavez family are terrified that the agents will in fact return and terrorize them once again. No amount of monetary damages can compensate plaintiffs should defendants repeat their outrageous conduct. In fact, the potential psychic damage to W.C. and his parents from a return visit by defendants is not only irreparable—it is incalculable. An injunction against future ICE unlawful behavior is thus necessary to prevent this future harm from occurring to the Chavez family.

*C. Granting the Preliminary Injunction will not Result in Irreparable Harm to Defendants and is in the Public Interest*

A preliminary injunction is appropriate so long as “granting [such] relief will [not] result in even greater harm to the nonmoving party.” Am. Civil Liberties Union of N. J. v. Black Horse Pike Reg'l Bd. of Educ., 84 F.3d 1471, 1477 n.2 (3d Cir. 1996). The court balances the hardships of each party, focusing on whether and to what extent each party is harmed. KOS Pharm., Inc., 369 F.3d at 727 (citation omitted). A nonmoving party does not suffer irreparable harm when an injunction enjoins that party from partaking in specific conduct proscribed by law. TKR Cable Co. v. Cable City Corp., 1996 WL 465508, at \*11 (D.N.J. 1996) (citing Storer Communications v. Mogel, 625 F.Supp. 1194, 1203 (S.D. Fla. 1985) (“The alleged illegal activities of the defendant are not worthy of any protection. . . . Defendant will suffer no harm if an injunction is issued which simply requires them to obey the law”))). Defendants here cannot establish that they will suffer even greater harm than plaintiffs because the injunction sought—if granted—would require only that defendants take care to act within the bounds of the Constitution should ICE agents return to plaintiffs’ home, *i.e.*, it only prohibits them from engaging in warrantless, nonconsensual entry, searches, and conscience-shocking conduct should they again visit the Chavez Family’s home. Put another way, defendants will not suffer a greater harm than plaintiffs simply by being forced to respect plaintiffs’ rights. Accordingly, this factor also weighs in plaintiffs’ favor.

As to the fourth factor, the Third Circuit has indicated that “if a plaintiff demonstrates both a likelihood of success on the merits and irreparable injury, it almost always



will be the case that the public interest will favor the plaintiff.” Am. Tel. and Tel. Co., 42 F.3d at 1427 n.8. For the reasons stated above, the facts alleged by plaintiffs establish a likelihood of success on the merits and irreparable harm. There is an indisputable public interest in restraining the government from continuing to violate the constitutional rights of legal residents and United States citizens like Walter, Ana and W.C. Accordingly, as predicted by the Third Circuit in Winback, this factor—like each of the other three—weighs in plaintiffs’ favor.

### **CONCLUSION**

For the foregoing reasons, plaintiffs respectfully request that the Court enter an order enjoining defendants from conducting warrantless, nonconsensual raids of the Chavez Family’s home and engaging in conduct violative of plaintiffs’ Fifth Amendment right to substantive due process.

Roseland, New Jersey  
Dated: May 22, 2008

By: /s/ R. Scott Thompson

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