

BREE BERNWANGER - # 331731  
bbernwanger@aclunc.org  
MICHELLE (MINJU) Y. CHO - # 321939  
mcho@aclunc.org  
LAUREN DAVIS - # 357292  
ldavis@aclunc.org  
SHILPI AGARWAL - # 270749  
sagarwal@aclunc.org  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
CALIFORNIA  
39 Drumm Street  
San Francisco, CA 94111  
Telephone: (415) 621-2493  
MAYRA JOACHIN - # 306065  
mjoachin@aclusocal.org  
EVA BITRAN - # 302081  
ebitrان@aclusocal.org  
OLIVER MA - # 354266  
oma@aclusocal.org  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF SOUTHERN  
CALIFORNIA  
1313 West 8th Street  
Los Angeles, CA 90017  
Telephone: (213) 977-5000

BRISA VELAZQUEZ OATIS - # 339132  
bvoatis@aclu-sdic.org  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF SAN DIEGO &  
IMPERIAL COUNTIES  
P.O. Box 87131  
San Diego, CA 92138-7131  
Telephone: (619) 398-4199

*Attorneys for Plaintiffs*

AJAY S. KRISHNAN - # 222476  
akrishnan@keker.com  
FRANCO MUZZIO - # 310618  
fmuzzio@keker.com  
ZAINAB O. RAMAHI - # 332139  
zramahi@keker.com  
JULIA GREENBERG - # 333864  
jgreenberg@keker.com  
Keker, Van Nest & Peters LLP  
633 Battery Street  
San Francisco, CA 94111-1809  
Telephone: 415 391 5400  
Facsimile: 415 397 7188

*Attorneys for Plaintiff Oscar Morales Cisneros*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

KRISTI NOEM, IN HER OFFICIAL  
CAPACITY AS SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY; et al.,

Defendants.

Case No. 1:25-cv-00246-JLT-BAM

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION**

Date: April 11, 2025  
Time: 9:00 a.m.  
Dept.: Courtroom 4, 7th Floor  
Judge: Hon. Jennifer L. Thurston

Date Filed: February 26, 2025

Trial Date: None set

**NOTICE OF MOTION AND MOTION**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on April 11, 2025, at 9:00 a.m., or as soon as this matter may be heard, in the Courtroom of the Honorable Jennifer L. Thurston at Robert E. Coyle United States Courthouse, 2500 Tulare Street, Fresno, California 93721, Plaintiffs United Farm Workers, Oscar Morales Cisneros, Wilder Munguia Esquivel, and Yolanda Aguilera Martinez (collectively, “Plaintiffs”) will, and hereby do, respectfully move this Court for entry of an order preliminarily enjoining Defendants from continuing their practices of (1) detentive stops without regard to reasonable suspicion that the person stopped is in the country unlawfully, and (2) warrantless arrests without regard to probable cause that the person arrested is likely to escape before a warrant can be obtained.

Plaintiffs seek an injunction that, while this litigation remains pending:

- Border Patrol is enjoined from conducting detentive stops in this district unless there is reasonable suspicion that the person stopped is a noncitizen present within the United States in violation of U.S. immigration law, as required by the Fourth Amendment of the United States Constitution.
- Border Patrol is enjoined from effecting warrantless arrests in this district unless there is probable cause that the noncitizen being arrested is likely to escape before a warrant can be obtained, as required by 8 U.S.C. § 1357(a)(2).
- Any Border Patrol agent who conducts a detentive stop in this District must, as soon as practicable, document the facts and circumstances surrounding the stop in narrative form. This documentation shall include the specific, particularized facts that supported the agent’s reasonable suspicion that: (i) for vehicle stops, the vehicle contained a noncitizen present within the United States in violation of U.S. immigration law; and (ii) for stops on foot, the person stopped was a noncitizen within the United States in violation of U.S. immigration law. The documentation shall also include the date and time that the agent completed it.
- Any Border Patrol agent who conducts a warrantless arrest in this District must comply

with all requirements set forth in DHS's "Broadcast Statement of Policy" on compliance with 8 U.S.C. § 1357(a)(2), including but not limited to the requirement that as soon as practicable after an arrest, agents document in writing "the facts and circumstances surrounding the warrantless arrest" and the "specific, particularized facts supporting the conclusion that the [individual] was likely to escape before a warrant could be obtained."

- Every 60 days until this litigation is terminated or the Court rules otherwise, Border Patrol shall release to Plaintiffs' counsel the above-described documentation describing Border Patrol's detentive stops and warrantless arrests within this District, or if requested by Plaintiffs' counsel concerning specific individual detentive stops or warrantless arrests, no later than seven days after the request.
- Within 60 days of this order, Defendants will submit to the Court and Plaintiffs' counsel a directive setting forth guidance to Border Patrol agents concerning how they should determine whether "reasonable suspicion" exists when conducting detentive stops, including vehicle stops, in this District. This guidance will include, among other things, that refusal to answer questions does not, without more, constitute a basis for reasonable suspicion to justify a detentive stop.
- Within 90 days of this order, Defendants will submit to the Court and Plaintiffs' counsel documentation showing that they have trained Border Patrol agents who have performed or will perform Border Patrol operations in this District on the requirements articulated in the bullets above.

This motion is brought pursuant to Federal Rule of Civil Procedure 65(a) and Local Rule 231, and is based upon this Notice of Motion; the accompanying Memorandum of Points and Authorities; the supporting declarations of Elizabeth Strater, Oscar Morales Cisneros, Wilder Munguia Esquivel, Yolanda Aguilera Martinez, Juan Vargas Mendez, Maria Hernandez Espinoza, Ernesto Campos Gutierrez, Luis Perez Cruz, Jesus Ramirez, and Reagan Braun, with the exhibits attached thereto; the Proposed Order; the pleadings and papers on file in the above-captioned matter; any subsequent briefing; and any evidence or oral argument that may be requested by the Court.

1 In accord with Local Rule 231(d)(3), Plaintiffs hereby inform the Court that they  
 2 respectfully request the opportunity to present oral argument at a hearing on this Motion.  
 3 Plaintiffs anticipate that one hour will be required for oral argument at this hearing. Plaintiffs do  
 4 not intend to present live testimony at a hearing or believe such testimony is necessary for the  
 5 resolution of this Motion, but they are prepared to provide any testimonial evidence deemed  
 6 helpful as ordered by the Court.

7 Pursuant to this Court's Standing Order, counsel for Plaintiffs and Defendants met and  
 8 conferred on March 6, 2025, in advance of filing this motion. During the meet and confer,  
 9 Plaintiffs' counsel informed Defendants' counsel that they would be moving for a preliminary  
 10 injunction and to certify a provisional class, and the bases for those motions. Plaintiffs' counsel  
 11 offered to answer any questions Defendants had concerning the motion, and after the parties  
 12 discussed the motions and their bases, they agreed they would be unable to resolve the dispute  
 13 before the filing of the motion. Plaintiffs thus certify that meet and confer efforts have been  
 14 exhausted in advance of filing the motion. Plaintiffs respectfully now move for a preliminary  
 15 injunction and provisional class certification.

16  
 17 Dated: March 7, 2025

AMERICAN CIVIL LIBERTIES UNION  
 FOUNDATION OF NORTHERN  
 CALIFORNIA

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 20 By: /s/ Bree Bernwanger

BREE BERNWANGER  
 MICHELLE (MINJU) Y. CHO  
 LAUREN DAVIS  
 SHILPI AGARWAL

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 24 Dated: March 7, 2025

By: AMERICAN CIVIL LIBERTIES UNION  
 FOUNDATION OF SOUTHERN  
 CALIFORNIA

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 26 /s/ Mayra Joachin (as authorized March 7,  
 2025)

MAYRA JOACHIN  
 EVA BITRAN  
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Dated: March 7, 2025

By: AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF SAN DIEGO &  
IMPERIAL COUNTIES

*/s/ Brisa Velazquez Oatis* (as authorized  
March 7, 2025)  
BRISA VELAZQUEZ OATIS

*Attorneys for Plaintiffs*

Dated: March 7, 2025

KEKER, VAN NEST & PETERS LLP

*/s/ Ajay S. Krishnan* (as authorized March  
7, 2025)  
AJAY S. KRISHNAN  
FRANCO MUZZIO  
ZAINAB O. RAMAHI  
JULIA GREENBERG  
  
*Attorneys for Plaintiff Oscar Morales  
Cisneros*