

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION**

**New England Synod, Evangelical
Lutheran Church in America, *et al.*,**

Plaintiffs,

v.

Department of Homeland Security, *et al.*,

Defendants.

Case No. 4:25-cv-40102-FDS

ORAL ARGUMENT REQUESTED

**MOTION FOR STAY UNDER 5 U.S.C. § 705
OR, IN THE ALTERNATIVE, PRELIMINARY INJUNCTION**

Plaintiffs New England Synod, Evangelical Lutheran Church in America (ELCA); Greater Milwaukee Synod, ELCA; Southwest California Synod, ELCA; Southwestern Texas Synod, ELCA; Sierra Pacific Synod, ELCA; San Francisco Friends Meeting of the Religious Society of Friends; Pacific Yearly Meeting of the Religious Society of Friends; North Pacific Yearly Meeting of the Religious Society of Friends; American Baptist Churches USA; Alliance of Baptists; and Metropolitan Community Churches (together, “Plaintiffs”) move under 5 U.S.C. § 705 and Federal Rule of Civil Procedure Rule 65 for an order staying or, in the alternative, preliminarily enjoining the implementation of action by Defendants Department of Homeland Security and DHS Secretary Kristi Noem to rescind their prior policy governing immigration enforcement at houses of worship and other sensitive locations.

As explained in the accompanying memorandum, Defendants have rescinded longstanding restrictions on carrying out immigration-enforcement operations such as arrests, searches, and surveillance at houses of worship and other areas of religious practice, leaving it to their agents

and employees' uncabined discretion to determine when such operations are appropriate. Since that change in policy, DHS agents have executed an increasing number of operations at or near houses of worship, sowing fear among worshippers and others who come to receive vital social services and substantially burdening the fundamental rights of free exercise and expressive association of Plaintiffs, their members, and countless others. For that reason and others, Defendants' actions violate the Religious Freedom Restoration Act, First Amendment, and Administrative Procedure Act.

Plaintiffs therefore seek a stay under 5 U.S.C. § 705 preliminarily setting aside Defendants' rescission of the former policy on houses of worship and other sensitive locations until the Court has resolved the merits of this case. In the alternative, they seek a preliminary injunction barring Defendants from implementing or otherwise giving effect to their new policy. Such relief is warranted because Plaintiffs are likely to prevail on the merits of all of their claims; they will continue to suffer significant irreparable injuries absent the Court's prompt intervention; and the public interest strongly favors preliminary relief.

For these reasons and those in the supporting memorandum and accompanying materials, hereby incorporated by reference, Plaintiffs respectfully request that the Court enter preliminary relief as set forth in the attached proposed order.

Dated: July 29, 2025

Respectfully submitted,

Ryan Downer*
 Madeleine Gates*
 Melissa Colon*
 WASHINGTON LAWYERS' COMMITTEE FOR
 CIVIL RIGHTS AND URBAN AFFAIRS
 700 14th St. NW, Suite 400
 Washington, DC 20005
 ryan_downer@washlaw.org
 madeleine_gates@washlaw.org

/s/ Kevin E. Friedl
 Kevin E. Friedl*
 Sarah Goetz*
 Andrew Bookbinder*
 J. Sterling Moore*
 Mark B. Samburg
 Audrey Wiggins*
 DEMOCRACY FORWARD FOUNDATION
 P.O. Box 34553
 Washington, DC 20043

melissa_colon@washlaw.org

Richard J. Leveridge*

Sonia W. Murphy*

Sarah Sraders*

Brandon A. Levey*

Samone Ijoma*

GILBERT LLP

700 Pennsylvania Ave. SE #400

Washington, DC 20003

Leveridger@gilbertlegal.com

Murphys@gilbertlegal.com

Sraderss@gilbertlegal.com

Leveyb@gilbertlegal.com

Ijomas@gilbertlegal.com

Phone: (202) 448-9090

Fax: (202) 796-4426

kfriedl@democracyforward.org

sgoetz@democracyforward.org

abookbinder@democracyforward.org

smoore@democracyforward.org

msamburg@democracyforward.org

awiggins@democracyforward.org

CERTIFICATE OF COMPLIANCE WITH L.R. 7.1

On July 29, 2025, I provided a copy of the foregoing to the following individuals at the U.S. Department of Justice by electronic mail to provide notice of this motion:

Alex Haas
Co-Director, Federal Programs Branch
alex.haas@usdoj.gov

Diane Kelleher
Co-Director, Federal Programs Branch
diane.kelleher@usdoj.gov

John Griffiths
Co-Director, Federal Programs Branch
john.griffiths@usdoj.gov

Rayford Farquhar
Chief, Defensive Litigation, Civil Division
U.S. Attorney's Office for the District of Massachusetts
rayford.farquhar@usdoj.gov

On July 28, I emailed the above-listed recipients at 9:58 AM and 4:01 PM to request that they identify the appropriate attorneys with whom Plaintiffs' counsel should confer on this motion, but received no response. Plaintiffs are proceeding with this filing given the need for prompt relief, as detailed in the accompanying memorandum of law.

/s/ Kevin E. Friedl

Kevin E. Friedl

CERTIFICATE OF SERVICE

On July 29, 2025, I caused the foregoing to be served by certified mail on Defendants, the Attorney General, and the U.S. Attorney's Office for the District of Massachusetts at the below addresses. I further caused the foregoing to be served via email on Alex Haas, Diane Kelleher, and John Griffiths, co-directors of the Federal Programs Branch, Department of Justice, and Rayford Farquhar, Chief of Defensive Litigation, Civil Division, U.S. Attorney's Office for the District of Massachusetts.

Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525

Secretary Kristi Noem
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525

Attorney General Pam Bondi
Department of Justice
950 Pennsylvania Avenue NW,
Washington, DC 20530

Leah B. Foley
U.S. Attorney
District of Massachusetts
1 Courthouse Way, Suite 9200
Boston, MA 02210

/s/ Kevin E. Friedl

Kevin E. Friedl