

**IN THE UNITED STATES DISTRICT COURT FOR THE
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. 0:26-cv-00190-KMM-DJF

**BRIEF OF *AMICI CURIAE* LOCAL
GOVERNMENTS AND LOCAL
GOVERNMENT LEADERS IN
SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER**

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STATEMENT OF INTEREST

Amici are local governments and local government leaders from across the Nation.¹ Their municipalities and counties differ in size, demographics, and policy priorities, but share a common interest in keeping communities safe and protecting the rights of their residents. For decades, *amici* have successfully balanced public safety, resource expenditure, and residents' civil liberties.

In early December 2025, the Trump Administration launched "Operation Metro Surge," an ongoing enforcement effort that has deployed thousands of masked and armed federal law enforcement officers in Minnesota, specifically in the Minneapolis-St. Paul metro area (the Twin Cities). It is the latest in a series of deployments across the country which have perilously increased the presence of militarized federal immigration officers and which have caused mounting fear, tensions, and violence in the cities and localities *amici* represent.

Operation Metro Surge is by far the most extensive, aggressive, reckless, and chaotic deployment yet. In effect, it has led to a military occupation of the Twin Cities. In so doing, the Federal Government has attempted to coerce Plaintiffs to take actions that they highly disfavor, and fundamentally interfered with their state and city functions. If the Federal Government continues to use federal immigration enforcement agencies to invade American cities, causing increased pressure and disruption, local government *amici* will

¹ No party or party's counsel authored this brief in whole or in part and no party or party's counsel contributed money intended to fund preparation or submission of this brief. A list of all *amici* is provided at Appendix A.

face irreparable harm to their residents, public safety, and city services. *Amici* respectfully submit this brief in support of Plaintiffs’ request for injunctive relief.

ARGUMENT

I. THE FEDERAL GOVERNMENT’S RECENT SURGE OF FEDERAL IMMIGRATION ENFORCEMENT AGENTS IN THE TWIN CITIES VIOLATES THE ANTI-COMMANDEERING DOCTRINE

The Trump Administration’s deployment of thousands of federal agents² to the Twin Cities is the latest in a series of tactics designed to commandeer state and local governments for federal purposes in violation of the Tenth Amendment. “‘The Federal Government’ may not ‘command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.’” *Murphy v. Nat’l Collegiate Athletic Ass’n*, 584 U.S. 453, 473 (2018) (quoting *Printz v. United States*, 521 U.S. 898, 935 (1997)). The anti-commandeering doctrine is a crucial principle for preserving “a healthy balance of power between the States and the Federal Government [to] reduce the risk of tyranny and abuse from either front.” *New York v. United States*, 505 U.S. 144, 181–82 (1992) (quoting *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991)).

ICE is not in the Twin Cities because of an urgent need for significantly enhanced and aggressive immigration enforcement—it is in the Twin Cities because the Federal

² Federal agents deployed to occupy the Twin Cities include U.S. Immigration and Customs Enforcement (ICE) officers, U.S. Customs and Border Protection (CPB) officers, and others. Throughout this brief, the federal agents on the ground in the Twin Cities are collectively referred to as “ICE.”

Government does not agree with Minnesota’s state and local policies.³ Through lawsuits and federal funding freezes—including additional threats as recently as last week, after this case was initiated⁴—the Trump Administration has repeatedly sought to coerce state and local governments to assist with federal immigration enforcement, attempting to transform local law enforcement nationwide into levers for the Administration’s mass deportation agenda. Numerous courts have held that state and local governments cannot be compelled to redirect local law enforcement resources to undertake immigration enforcement, a federal responsibility. *See City of Chicago v. Barr*, 961 F.3d 882, 892 (7th Cir. 2020); *United States v. California*, 921 F.3d 865, 888 (9th Cir. 2019).⁵ Despite court orders and longstanding constitutional precedent barring the Federal Government from

³ See Compl. Dkt. No. 1, ¶¶ 28-51; *see also* DHS (@DHSgov), X (Jan. 8, 2026 9:28 AM CT), <https://perma.cc/84T8-B5VZ> (Statement from the Department of Homeland Security that ICE “will continue to surge into sanctuary jurisdictions nationwide.”)

⁴ Joel Rose, *Trump is threatening to cut funding from sanctuary cities. Here’s what to know*, NPR (Jan. 17, 2026), <https://perma.cc/X8S3-2QVZ>.

⁵ *See also McHenry Cnty. v. Raoul*, 44 F.4th 581, 590 (7th Cir. 2022); *id.* at 590 n.4, 591-92; *City of El Cenizo v. Texas*, 890 F.3d 164, 178 (5th Cir. 2018); *Galarza v. Szalczyk*, 745 F.3d 634, 644 (3d Cir. 2014); *Colorado v. U.S. Dep’t of Justice*, 455 F. Supp. 3d 1034, 1059-60 (D. Colo. 2020); *Cnty. of Ocean v. Grewal*, 475 F. Supp. 3d 355, 376–79 (D.N.J. 2020); *Oregon v. Trump*, 406 F. Supp. 3d 940, 971–73 (D. Or. 2019), *aff’d in part and vacated as moot in part sub nom. City & Cnty. of San Francisco v. Garland*, 42 F.4th 1078 (9th Cir. 2022); *City & Cnty. of San Francisco v. Sessions*, 349 F. Supp. 3d 924, 949-53 (N.D. Cal. 2018), *aff’d in part, vacated in part on other grounds*, 965 F.3d 753 (9th Cir. 2020); *City of Philadelphia v. Sessions*, 309 F. Supp. 3d 289, 325-31 (E.D. Pa. 2018), *aff’d in part & vacated in part on other grounds*, *City of Philadelphia v. Att’y Gen. of U.S.*, 916 F.3d 276 (3d Cir. 2019); *City of Chicago v. Sessions*, 321 F. Supp. 3d 855, 866–73 (N.D. Ill. 2018), *aff’d on other grounds*, 961 F.3d 882; *United States v. California*, 314 F. Supp. 3d 1077, 1101 (E.D. Cal. 2018); *Cnty. of Santa Clara v. Trump*, 250 F. Supp. 3d 497, 534 (N.D. Cal. 2017); *United States v. Illinois*, 2025 WL 2098688, at *23–25 (N.D. Ill. July 25, 2025).

commandeering state and local governments, President Trump and the Department of Homeland Security (DHS) continue their efforts to coerce states and localities to undertake federal immigration policy. Instead of deploying DHS agents to conduct *targeted* immigration enforcement consistent with legal restrictions—which neither Plaintiffs nor *amici* question is within the administration’s authority—President Trump and DHS have, instead, recklessly deployed ICE to the Twin Cities to cause chaos as punishment for state and local policy choices.⁶

The impacts of these efforts have been startling. To address the fallout from Operation Metro Surge, Plaintiffs have diverted their already scarce time and resources away from the day-to-day work of running their respective governments. *See* Compl., Dkt. No. 1, ¶¶ 107–45.⁷ The Federal Government’s intrusions have forced Plaintiffs to use resources to clean up the mess left by their agents’ conduct. Minnesota and the Twin Cities have spent time and money on emergency preparedness, responding to public concerns, deescalation efforts by local police officers, and addressing the federal takeover of Plaintiffs’ lands and properties—all as a result of the Federal Government’s actions. *See generally* Pls. Memo. of Law in Support of Motion for Temporary Restraining Order, Dkt.

⁶ *See* Compl., Dkt. No. 1, ¶¶ 70-97; *see also* Lydia Polgreen, *In Minneapolis, I Glimpsed a Civil War*, N.Y. Times (Jan. 19, 2026) <https://perma.cc/SS5B-5A5P> (citing multiple driving factors for President Trump’s animus toward Minnesota).

⁷ *See also* Decl. of Kaohly Her ISO Motion for Temporary Restraining Order, Dkt. No. 16, ¶¶ 19, 36–40; Decl. of Bryan Dodds ISO Motion for Temporary Restraining Order, Dkt. No. 15, ¶¶ 16-28; Decl. of Bob Jacobson ISO Motion for Temporary Restraining Order, Dkt. No. 14, ¶¶ 6–7; Decl. of Heather Robertson ISO Motion for Temporary Restraining Order, Dkt. No. 11, ¶¶ 2–15; Decl. of Jacob Frey ISO Motion for Temporary Restraining Order, Dkt. No. 9, ¶ 15.

No. 8, at pp. 33–37. This blatantly and impermissibly disregards Plaintiffs’ sovereignty. *See Printz*, 521 U.S. at 935.

Since litigation was filed on January 12 Minnesota has been met with only more threats, unlawful coercion, and abuse of federal authority. On Tuesday, January 13, President Trump threatened Minnesota on Truth Social with a “DAY OF RECKONING & RETRIBUTION.”⁸ On Thursday, January 15, President Trump threatened to invoke the Insurrection Act to stop the “corrupt politicians of Minnesota” and “professional agitators and insurrectionists.”⁹ The Department of Justice has now retaliated with a federal criminal investigation of Minnesota Governor Tim Walz and Minneapolis Mayor Jacob Frey for allegedly obstructing federal law enforcement.¹⁰ And just this week, federal prosecutors broadened their investigation and issued subpoenas to Governor Walz, Mayor Frey, St. Paul Mayor Kaohly Her, Minnesota Attorney General Keith Ellison, and Hennepin County Attorney Mary Moriarty.¹¹

⁸ Gregory Svirnovskiy, *Trump warns Minnesota Dems: ‘THE DAY OF RECKONING & RETRIBUTION IS COMING,’* Politico (Jan. 13, 2026), <https://perma.cc/ZVT9-939M>.

⁹ Associated Press, *Trump threatens to use Insurrection Act to deploy troops to Minnesota*, CBS News (Jan. 15, 2026), <https://perma.cc/2MQV-YCAL>.

¹⁰ Jonah Kaplan & Joe Walsh, *DOJ investigating Gov. Walz and Mayor Frey over alleged conspiracy to impede immigration agents*, CBS News (Jan. 16, 2026), <https://perma.cc/YF35-BYQA>.

¹¹ Alan Feuer, Glenn Thrush & Devlin Barrett, *Prosecutors Subpoena Minnesota Democrats as Part of Federal Inquiry*, N.Y. Times (Jan. 20, 2026), <https://perma.cc/U4D9-8MFA>.

In addition, following a surge of 3,000 federal agents—a larger deployment than the entire Minneapolis police department by roughly five to one¹²—reporting now indicates that about 1,500 active duty military are on alert for deployment to the Twin Cities.¹³ These recent developments further underscore and exacerbate the clear anti-commandeering violation of this federal operation.

II. THE RECENT SURGE OF ICE AGENTS HAS HARMED COMMUNITIES IN MINNESOTA, JUST AS PRIOR INVASIONS HAVE HARMED OTHER *AMICI* COMMUNITIES

Operation Metro Surge is unique in its scale and scope, but the harms it is causing to Plaintiffs and their residents are not without precedent. Over the past year, cities across the country have witnessed surges of lawless enforcement actions by DHS, resulting in myriad harms to local governments and their residents, including impacts on public safety, local law enforcement, and communities writ large.

A. Impacts on Public Safety

ICE's quasi military occupation of the Twin Cities has caused widespread chaos and harm. In Minneapolis, as of January 22, 2026, at least two residents have been shot by ICE since federal agents were deployed to the city en masse in December 2025.¹⁴ As in other

¹² Natasha Koreki, *'It feels like an invasion': Minnesotans stunned as federal officers flood their state*, NBC News (Jan. 15, 2026), <https://perma.cc/K4A3-V75T>.

¹³ Dan Lamothe & Praveena Somasundaram, *Pentagon readies 1,500 soldiers to possibly deploy to Minnesota, officials say*, Wash. Post (Jan. 18, 2026), <https://perma.cc/92GL-H4JT>.

¹⁴ Michael Dorgan, *Renee Good was shot 4 times, including in the head, fire report shows*, Fox News (Jan. 16, 2026), <https://perma.cc/FK7S-4MMK>; Alyssa Chen & Max Nesterak, *Videos add new detail to 2nd Minneapolis ICE shooting in a week*, Minn. Reformer (Jan. 16, 2026), <https://perma.cc/R6TK-EMGR>.

cities, Twin Cities residents have been tear-gassed, assaulted, dragged from their vehicles, and snatched from their workplaces and homes.¹⁵

Communities across the country from Charlotte, to Columbus, to New Orleans, to Los Angeles have experienced ICE surges resulting in significant direct harm to community members. Residents, including U.S. citizens and people lawfully present in the U.S., live in significant fear of violent encounters with ICE. Aggressive enforcement tactics encouraged by ICE's arbitrary arrest quotas¹⁶ have led U.S. citizens to carry passports when they leave their homes.¹⁷ Immigrant families are reporting living in "a constant state of fear"¹⁸ and "terrified" of the "cruel and unusual" tactics utilized by ICE.¹⁹ These fears are not unfounded; during immigration raids and pursuits, masked and unidentified federal officers have thrown unarmed, cooperative residents to the ground, choked them, beaten

¹⁵ Thomas Fuller & Jazmine Ulloa, *"Like a Military Occupation": Clashes Rise with Federal Agents in Minneapolis*, N.Y. Times (Jan. 13, 2026), <https://perma.cc/T3C6-7SMH>; Jack Brook, *US citizen says ICE took him at gunpoint in only underwear despite frigid cold and no warrant*, AP News (Jan. 20, 2026), <https://shorturl.at/c842W>

¹⁶ Chelsea Brasted, *New Orleans immigration crackdown following city-by-city playbook*, AXIOS (Dec. 8, 2025), <https://perma.cc/69NF-VH7M>.

¹⁷ Billy Witz & Kevin Williams, *ICE Sweeps Into Ohio, Stirring Fear Among Somalis and Other Immigrants*, N.Y. Times (Dec. 24, 2025), <https://perma.cc/PJ3N-EXMA>.

¹⁸ Anabel Munoz & Michelle Fisher, *Ongoing SoCal immigration raids sparking fear in communities*, ABC 7 (Jan. 19, 2026), <https://perma.cc/D46B-57N7>.

¹⁹ Bobbi-Jeanne Misick, *'Many people are terrified to come out': Catahoula Crunch closes out its first week*, WWNO (Dec. 10, 2025), <https://perma.cc/T54T-9JMM>.

them, used tear gas and pepper spray, and then refused to administer medical care to treat officer-caused injuries.²⁰

By treating residents like enemy combatants and our neighborhoods like warzones, ICE is hurting the children and families who live in the cities targeted by these violent and coercive surge operations. In particular, ICE's surge tactics cause acute harm to children, especially the frequent use of tear gas. Children are more vulnerable to the effects of tear gas because of their smaller size and because they take more breaths per minute than adults do.²¹ In Minnesota, a family driving home from a child's basketball game was trapped by ICE agents who were firing tear gas canisters. The parents had to flee their chemical-filled car with their six children, including two who suffer from severe asthma and a six-month-old who had to be pulled from his car seat because the tear gas had caused him to stop breathing and lose consciousness, necessitating CPR.²² Emergency services transported the couple and three of their children to a nearby hospital.²³ Likewise, during ICE raids in Chicago, ICE threw tear gas canisters across the street from a school without warning.²⁴

²⁰ U.S. Senate, Permanent Subcommittee on Investigations, *Unchecked Authority: Examining the Trump Administration's Extrajudicial Immigration Detentions* at pp. 5, 17, 19, 30, 32-33, 35-36, 47-48, 53-57 (Dec. 9, 2025), <https://perma.cc/LTT9-S2DC>.

²¹ Robert Glatter, M.D., *Tear Gas is Especially Harmful to Children—Here's Why*, *Forbes* (Nov. 27, 2018), <https://perma.cc/H7QK-JBPC>.

²² Chris Hippensteel, *Couple says ICE agents gassed them as they drove with six children*, *N.Y. Times* (Jan. 15, 2026), <https://perma.cc/P6NP-W79Y>.

²³ *Id.*

²⁴ Claire Galofaro, *Chicago's Children Are Getting Caught in the Chaos of Immigration Crackdowns*, *AP News* (Oct. 28, 2025), <https://perma.cc/R45R-Z92U>.

ICE's reckless immigration detentions and unconstitutional racial profiling have amounted to an assault on public safety. Under the Fourth Amendment, immigration enforcement officers "*must not* make interior immigration stops or arrests based on race or ethnicity." *See Trump v. Illinois*, 607 U.S. ____ at 7, n.4 (2025) (Kavanaugh, J., concurring) (emphasis added). Yet, White House border czar Tom Homan has stated that ICE agents "don't need probable cause" and may use a person's "physical appearance" as a factor to detain and question them.²⁵ Plaintiffs' complaint details numerous recent ICE stops in the Twin Cities made on the basis of ethnicity. *See* Compl., Dkt. No. 1, ¶¶ 70-79. And these instances of profiling based on race and ethnicity are not limited to ICE's recent deployment in Minnesota. Across the country, news reports consistently document ICE taking race into consideration during immigration sweeps, detaining U.S. citizens and non-citizens alike based on perceived ethnicity.²⁶ New data obtained from ICE demonstrates how frequently race and ethnicity drives ICE arrests, including agents' deliberate targeting of workers in heavily Latino jobs and neighborhoods.²⁷ After growing concern over a

²⁵ Internal ICE guidance also advises agents that they may enter homes without a judicial warrant, in violation of the Fourth Amendment. *See* Rebecca Santana, *Immigration officers assert sweeping power to enter homes without a judge's warrant, memo says*, Associated Press (Jan. 21, 2026), <https://perma.cc/49CF-L9UP>.

²⁶ Nicole Foy, *We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They've Been Kicked, Dragged and Detained for Days.*, ProPublica (Oct. 16, 2025), <https://perma.cc/4QVF-UW2G>.

²⁷ David J. Bier, *One in Five ICE Arrests Are Latinos on the Streets With No Criminal Past or Removal Order*, Cato Inst. (Aug. 5, 2025), <https://perma.cc/D3QS-DS9J> (demonstrating that in June and July 2025, ICE made nearly 9,000 street arrests of immigrants who had no criminal convictions, charges, or removal orders, and about 90 percent of them were immigrants from Latin America).

recent spate of unlawful detentions of Native Americans based on racial profiling by ICE, Native American tribal leaders and nations have issued warnings and know your rights advisories to their communities.²⁸ The routine violation of constitutional rights under color of law directly harms our residents, erodes trust in institutions, and undermines the sense of safety of all of our communities.

B. Impacts on Local Law Enforcement

In addition to the immediate impacts of ICE violence, ICE's tactics produce long-term harms to *amici's* ability to protect public safety in their communities. ICE's campaign of chaos and fear harms *amici's* ability to prevent crime, enforce the law, and build trust in the criminal justice system. ICE agents often do not wear a uniform; other times, they chose to wear vests that simply identify themselves as "POLICE"²⁹—blurring the line between federal and local law enforcement. For the first time in federal immigration enforcement history, federal agents are also wearing masks or other facial coverings and do not display clear identification or badges when conducting enforcement raids or interacting with the public.³⁰ In combination with their arbitrary and aggressive tactics, ICE's ambiguous

²⁸ Marc Schollett, *Native American tribes issue warnings over ICE racial profiling claims*, 13 WGME (Jan. 18, 2026), <https://perma.cc/4XCZ-7F6U>.

²⁹ Bora Eden, *How to Make Sense of the Federal Agents on the Streets*, N.Y. Times (Jan. 15, 2026), <https://perma.cc/9EDC-HRU9>.

³⁰ Ray Sanchez & Alisha Ebrahimji, *Masked ICE officers: The new calling card of the Trump administration's immigration crackdown*, CNN (June 21, 2025), <https://perma.cc/QF86-2U4R> (former acting director of ICE, John Sandweg, recalling that he had never seen anyone wearing masks during his tenure and that he believes the practice began in March 2025).

appearance further sows confusion in *amici*'s communities regarding whether law enforcement can be trusted.³¹

ICE's conduct makes it harder for *amici* to conduct effective law enforcement and threatens to erode hard earned trust in local police departments. In cities facing ICE surges, police are pulled away from their work by calls from concerned residents because ICE's tactics resemble kidnappings, hit-and-run accidents, or other crimes.³² For example, in Pasadena, California, a witness called 911 after masked ICE agents detained a mother walking with her children.³³ The witness reported that she thought the incident may have been a kidnapping or a hate crime, and hesitated before calling the police because she could not tell whether the masked men were in law enforcement.³⁴ In San Francisco, the threat of unidentified, masked federal agents engaged in immigration enforcement has generated significant concern for the city and the community. To avoid community confusion and distrust when federal agents are mistaken for local law enforcement, the San Francisco

³¹ In addition to the practical impacts of such confusion, public uncertainty as to which law enforcement entity is conducting an operation undercuts political accountability, a principle at the heart of the Tenth Amendment and the anti-commandeering doctrine. *See Murphy*, 584 U.S. at 473–74.

³² *See* Decl. of Heather Robertson ISO Motion for Temporary Restraining Order, Dkt. No. 11, ¶¶ 2-15 (describing recent Minneapolis 911 calls related to ICE conduct); *see also*, Alex Stone, *Los Angeles police responded to a kidnapping call. But instead found an ICE operation*, ABC News (June 25, 2025), <https://perma.cc/J2C5-ME2Q>; Nic Garcia & KJ Hiramoto, *ICE Agent Shoots at Car in California Standoff: Driver, CPB Agents Share Conflicting Accounts to Police*, FOX11 LA (Aug. 16, 2025), <https://perma.cc/5XAQ-ZXZA>.

³³ Angelique Brenes, *ICE agents detain mother in Pasadena in front of children without showing a warrant*, KTLA (June 28, 2025), <https://perma.cc/LD2L-7434>.

³⁴ *Id.*

Police Department (“SFPD”) issued a Department Notice clarifying that SFPD officers may not wear facial coverings for the purpose of concealing their identities, except during authorized undercover assignments.

The Boston Police Department’s policy of prioritizing criminal law enforcement without regard to immigration status is one of the reasons Boston recorded fewer homicides in 2024 than in any other year since 1957.³⁵ ICE has already eroded the trust between residents and Boston police by making fifty-four arrests at Boston Municipal Courthouses in 2025—including arrests of people who were visiting court for civil matters.³⁶ Philadelphia leaders have similarly emphasized the increasing breakdown of law enforcement accountability and community trust when courts are used as the site of ICE arrests.³⁷ In Washtenaw County, Michigan, prosecuting attorneys supported a rule that would ban ICE from courthouse arrests because of the chilling effect on testimony and

³⁵ Molly Farrar, ‘*The city has never been safer*’: Boston records lowest murder rate since 1957, *officials announce*, Boston.com (Dec. 29, 2024), <https://perma.cc/J8QM-6ZEB>. 2024 was not an anomaly: in 2025, Boston had its second-lowest murder rates in the last 20 years, after 2024. See Molly Farrar, *Boston’s homicide rate increases 30% from 2024, from 24 killings to 31*, Boston.com (Jan. 12, 2026), <https://perma.cc/88L3-TJGK>.

³⁶ Sarah Betancourt, *Data offers glimpse into ICE agents’ presence in Boston district courts*, WGBH (Jan. 13, 2026), <https://perma.cc/L9AU-JFX9>.

³⁷ Sherry Stone, *Philadelphia leaders condemn, again, ICE arrests at courthouses*, Philadelphia Tribune (Jan. 14, 2026), <https://perma.cc/9DQ7-3VPQ>.

legal participation.³⁸ And last week, ICE agents caused panic when they breached courthouse security with masks on and guns in hand in Rhode Island.³⁹

ICE tactics that lead residents to conflate federal law enforcement with local law enforcement discourage victims of crime from contacting the police and deter witnesses from cooperating with prosecutors. For example, during immigration raids in Los Angeles in the summer of 2025, the Los Angeles Police Department (“LAPD”) received approximately 1,200 fewer calls for service each day—a 28 percent decrease from the previous year’s call volume.⁴⁰ In California’s inland region, hotline which operators set up to handle calls regarding immigration enforcement noticed that callers were instead reporting crime—particularly domestic violence—because they did not feel safe calling police.⁴¹ In a 2025 survey of attorneys and advocates for survivors of domestic abuse, sexual violence, and human trafficking, 75 percent reported that immigrant survivors are afraid to report abuse to the police.⁴² Half of the survivors ultimately decided not to contact police or attend court proceedings.⁴³

³⁸ Isabelle Tavares, *Michigan Supreme Court considers ban on ICE courthouse arrests*, Planet Detroit (Jan. 15, 2026), <https://perma.cc/Y4R8-GVBG>.

³⁹ Nicole Moeder, *Rhode Islanders react to ICE agents attempting to detain person at courthouse*, WJAR (Jan. 16, 2026), <https://perma.cc/Q6LS-DM8G>.

⁴⁰ Libor Jany & Hailey Wang, *As ICE raids surged this summer, emergency calls to LAPD plummeted*, LA Times (Sept. 20, 2025), <https://perma.cc/K4CW-KJ5L>.

⁴¹ *Hearing on S.B. 627 Before the Senate Standing Committee on Public Safety, 2025-2026 Reg. Sess. (Cal. 2025)* (statement of Hector Pereira, Inland Coalition for Immigrant Justice).

⁴² *Fear and Silence: 2025 Insights from Advocates for Immigrant Survivors*, All. for Immigrant Survivors (2025), <https://perma.cc/G7VS-GWZT>.

⁴³ *Id.*

When ICE invades the provenance of local law enforcement and the court system, it creates confusion, deters participation in the legal process, makes the public less safe, and diminishes justice. ICE's surge tactics will make it harder for police in *amici* cities to do their jobs, long after the occupations have ended.

C. Impacts on the Community

Unnecessary federal surge operations damage *amici*'s communities, both psychologically and economically. Residents report that federal occupation of their cities causes anxiety, disrupts community harmony, and damages the local economy.⁴⁴

Fear stoked by a quasi-military occupation forces people into their homes to avoid detention or violent interactions with officers. As residents put their lives on hold to avoid ICE, local businesses have suffered significantly.⁴⁵ This has happened in communities throughout the country where federal invasions have occurred over the past twelve months.

In the Twin Cities, many residents are sheltering in place.⁴⁶ The threat of apprehension or harassment by heavily armed and unidentifiable agents is enough to keep residents from going to work, patronizing local businesses, and sending children to school. Residents are retreating from normal life because of fear of ICE. This retreat will leave

⁴⁴ Joshua Chapin, *Downtown DC Businesses Hope for Increased Foot Traffic After End To Federal Takeover*, ABC 7 News (Sept. 11, 2025), <https://perma.cc/HGX5-G7RQ> (noting drop in foot traffic in downtown Washington, D.C. after deployment of troops).

⁴⁵ Kristi Marohn, *Minnesota business owners feeling the effects of ICE enforcement actions*, MPR News (Jan. 15, 2026), <https://perma.cc/GP48-ZSL7>; *see also* Compl., Dkt. No. 1, ¶¶ 164-81.

⁴⁶ Trevor Mitchell, *'If I can do it, I'm going to': How Twin Citians are helping immigrant neighbors*, MinnPost (Jan. 8, 2026), <https://perma.cc/BZ92-DH2W>.

long-term impacts not only on the people whose lives are disrupted, but also on the Twin Cities' public institutions.

For example, school districts in the Twin Cities and beyond report that students feel unsafe with ICE presence, leading to a decrease in school attendance and enrollment.⁴⁷ Some districts are now offering remote learning.⁴⁸ On Friday, January 9, half of Spanish-speaking students and a quarter of Somali-speaking students were absent from St. Paul schools.⁴⁹ In Fridley, a suburb fifteen minutes north of Minneapolis, a third of students were absent the week of January 12.⁵⁰ Fridley's school superintendent reported, "Students are terrified to come to school."⁵¹ A decrease in school enrollment results in a decrease in funds available for education, leading to community-wide social and economic impacts.

Amici have experienced similar impacts during federal invasions of their own communities, and cities targeted with future enforcement will undoubtedly face similar challenges. After the federal troop deployment to Los Angeles, fewer families enrolled their children in LA public schools for the 2025-2026 school year, with educators reporting widespread fear and distress among both students and staff.⁵² In Portland, Oregon,

⁴⁷ Sarah Mervosh, *Minneapolis schools will allow students to learn online amid fears of ICE*, N.Y. Times (Jan. 15, 2026), <https://perma.cc/76A4-GZA5>

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Iris Kwok & Howard Blume, *High school bullying is up, attendance down as ICE raids sow 'climate of distress,' study says*, LA Times (Dec. 9, 2025), <https://perma.cc/CE33-J34V>; ABC News, *LA school enrollment drops amid ICE raids* (YouTube, Nov. 30, 2025), <https://perma.cc/34NA-7AXV>.

approximately 10% of Latino students no longer attend school, with a significant drop in attendance after the recent holiday break.⁵³

Likewise, patients have avoided hospitals, clinics, and pharmacies, afraid that seeking care will put them at risk of violence.⁵⁴ Public hospitals, operated by *amici*, will suffer because patients are scared to seek care, and providers are scared to come to work.⁵⁵ In a recent survey of nearly 700 healthcare workers who work with immigrant populations, 84 percent reported significant or moderate decreases in patient visits since President Trump issued executive orders on immigration.⁵⁶ Avoiding preventive care and delaying treatment means that medical conditions will worsen and future costs borne by public hospitals will rise. There is also a significant risk to public health, as cases of contagious disease go undiagnosed, untreated, and unreported.⁵⁷ Rates of measles, COVID-19, tuberculosis, whooping cough, and flu are all rising in Minnesota.⁵⁸

⁵³ Dianne Lugo, *Lawmakers propose requiring notification about ICE at Oregon schools*, Salem Statesman Journal (Jan.13, 2026), <https://perma.cc/N4A8-YAEJ>. Staff members report that students who do come to school experience panic attacks.

⁵⁴ Enrique Chiabra, *Healthcare Clinic Reports Appointment Cancellations and No-Shows Amid Fear of ICE Raids*, Ctr. for Health Journalism (July 19, 2025), <https://perma.cc/D99R-M7HA>; LAist, *No-shows and cancellations are up at some L.A. hospitals since federal immigration action began*, Boyle Heights Beat (July 9, 2025), <https://perma.cc/GM8T-X6ZX>.

⁵⁵ Steven Miles, *Hospitals are no place for ICE enforcement*, Minn. Star Trib. (Jan. 16, 2026), <https://perma.cc/CMV9-ZADK>.

⁵⁶ *ICE Tactics and Deportation Fears Limit Access to Healthcare for Children of Immigrants: Survey*, Physicians for Hum. Rts. (Nov. 19, 2025), <https://perma.cc/9YVE-3LWZ>.

⁵⁷ Miles, *supra*, at note 55.

⁵⁸ *Id.*

Violent immigration enforcement tactics harm healthcare workers, as well as patients. One community health network had to provide mental health support for its employees after masked immigration agents wearing military-style tactical gear pointed a gun at medical providers tending to homeless patients in MacArthur Park in Los Angeles.⁵⁹ Nurses at HCMC, a hospital in Minneapolis, reported that armed federal agents stoked fears among patients and staff, making patient care challenging.⁶⁰ Two days after hospital staff peacefully protested ICE's presence within HCMC, DHS subpoenaed employee records from its parent company, Hennepin Healthcare.⁶¹ Avoidance of healthcare settings and intimidation of healthcare providers bring immediate and long-term quantitative and qualitative impacts to *amici*.

The occupation of the Twin Cities will result in lasting harm to Twin Cities' institutions, as well as their residents. Operation Metro Surge has damaged public safety, public health, city operations, and residents' sense of safety.

III. ENJOINING OPERATION METRO SURGE IS AN APPROPRIATE CONSTITUTIONAL REMEDY TO RESTORE THE *STATUS QUO ANTE*

This Court has authority to—and should—impose a temporary restraining order to restore the status quo prior to the initiation of Operation Metro Surge. While the Federal

⁵⁹ Claudia Boyd-Barrett, *California Faces Limits as It Directs Health Facilities To Push Back on Immigration Raids*, Kaiser Fam. Found. Health News (Oct. 30, 2025), <https://perma.cc/MRZ4-3Z37>.

⁶⁰ Erica Zurek, *ICE agents appear at Twin Cities hospitals, alarming health care workers*, MPR News (Jan. 14, 2025), <https://perma.cc/4LDV-NP74>.

⁶¹ Jeremy Olson, *ICE subpoenas worker documents from Hennepin County's public hospital*, Minn. Star Trib. (Jan. 16, 2026), <https://perma.cc/8WMG-RQAJ>.

Government contends that such order is overreach or tantamount to superintendence of a federal agency, *see* Defs’ Memo. of Law in Opp’n to Motion for Temporary Restraining Order / Preliminary Injunction, Dkt. No. 33, at p. 21 (“Minnesota wants a veto over federal law enforcement”), traditional principles of constitutional analysis and equity demonstrate the relief sought by Plaintiffs is warranted and permissible. Below, *amici* briefly offer a pathway for this Court’s consideration, given the grave circumstances in the Twin Cities and the urgent need for judicial intervention.

As an initial matter, Plaintiffs are properly considered targets of this enforcement initiative and thus the subjects of the application of federal statutes *against them*. The State and the Twin Cities have been singled out by President Trump and Secretary Noem. *See* Part I, *supra*. This is not simply action against individuals that happen to reside in some geographic area. This is a concerted campaign against specific state and local governments and their leaders to coerce compliance and capitulation.

Because there is no mistaking the Federal Government’s intent, Plaintiffs are proper parties to challenge the surge of enforcement activities—effectively, the policy of aggressive and coercive assault—in the region. *Cf. Linda R. S. v. Richard D.*, 410 U.S. 614, 619 (1973) (“a citizen lacks standing to contest the policies of the prosecuting authority when he himself is neither prosecuted nor threatened with prosecution”). State and local governments have similarly been understood as the targets of enforcement with the deployment of the National Guard to California, Illinois, and Oregon in 2025. *See, e.g., Illinois v. Trump*, 155 F.4th 929, 940 (7th Cir. 2025) (“[T]he administration’s likely violation of Illinois’s Tenth Amendment rights by deploying Guard troops in the state over

the state’s objection constitutes proof of an irreparable harm.”) (internal quotation omitted) *stay denied*, *Trump v. Illinois*, 607 U.S. ---, 2025 WL 3715211 (Dec. 23, 2025)).

Next, this Court has the institutional competence to evaluate the claims. Plaintiffs assert what can be understood as an as-applied Tenth Amendment challenge to the exercise of the Federal Government’s immigration enforcement authority. In other words, Plaintiffs do not challenge the authority of Defendants to remove individuals who do not have lawful status. Instead, they challenge the application of that specific authority in the circumstances of this particular case, which includes indiscriminate stops, mass deployment, and excessive use of force against individuals, particularly those who are observing operations.⁶² It involves the Court’s consideration of the totality of the facts and circumstances surrounding Operation Metro Surge. *See, e.g., United States v. Hall*, 44 F.4th 799, 805 n.5 (8th Cir. 2022) (“An as-applied challenge consists of a challenge to the statute’s application only as-applied to the party before the court.”) (quoting *Turtle Island Foods, SPC v. Thompson*, 992 F.3d 694, 700 n.5 (8th Cir. 2021)).

The Court need not analyze the federal government’s immigration enforcement authority, only the specifics of the application in this instance. *See Gonzalez v. Raich*, 545 U.S. 1, 9 (2005) (analyzing the application of the federal Controlled Substances Act to the specific defendants’ conduct); *see also Ayotte v. Planned Parenthood of N. New England*,

⁶² This case does not present the same types of separation of powers concerns raised in cases such as *United States v. Texas*, 599 U.S. 670, 674 (2023) (“courts generally lack meaningful standards for assessing the propriety of enforcement choices in this area”). Because, here, Plaintiffs do not challenge any particular enforcement choice against any particular person or the failure to enforce based on limited resources. Instead, the case challenges the action in its totality and its overall impact on city and state operations.

546 U.S. 320, 329 (2006) (“It is axiomatic that a ‘statute may be invalid as applied to one state of facts and yet valid as applied to another.’”) (quoting *Dahnke–Walker Milling Co. v. Bondurant*, 257 U.S. 282, 289 (1921)). This Court can, and should, evaluate whether, based on all of the facts and circumstances of this particular case, the Federal Government’s current operations under Operation Metro Surge amount to a violation of the Tenth Amendment’s anti-commandeering limitation. See *Phelps-Roper v. Ricketts*, 867 F.3d 883, 896 (8th Cir. 2017) (quoting *United States v. Salerno*, 481 U.S. 739, 745 n.3, (1987)).⁶³

Finally, the most appropriate remedy in the present case is to reinstitute the status quo ante. What is required is a restoration to the state of affairs before the institution of Operation Metro Surge. See *Aggarao v. MOL Ship Mgmt. Co.*, 675 F.3d 355, 378 (4th Cir. 2012) (“[I]t is sometimes necessary to require a party who has recently disturbed the status

⁶³ Defendants’ rebuttals conflate constitutional violations of degree and kind, asserting that a Tenth Amendment claim can only lie when state and local actors are directly commanded to take action. But constitutional questions of degree abound. In the context of the Takings Clause, a *per se* taking arises from any physical invasion no matter how small (kind), but regulatory takings (degree) analyze “economic impact” and “character of the governmental action,” among other things. *Heights Apartments, LLC v. Walz*, 30 F.4th 720, 734 (8th Cir. 2022) (citations omitted). In the First Amendment arena, content-based regulations are “presumptively unconstitutional,” while content-neutral time, place, manner regulations “must leave open ample alternatives for communication.” *Josephine Havlak Photographer, Inc. v. Vill. of Twin Oaks*, 864 F.3d 905, 913 (8th Cir. 2017) (internal quotation omitted). A claim of coercion under the Spending Clause requires courts to evaluate the extent of the fiscal impact, among other things, in determining a violation. See, e.g., *Van Wyhe v. Reisch*, 581 F.3d 639, 652 (8th Cir. 2009) (“Our prior cases lead us to conclude that this is not so great an amount as to render the statute unduly coercive.”). Similarly, the exercise of federal regulatory authority may be subject to the so-called major questions doctrine based on the “history and the breadth of the authority that [the agency] has asserted, and the economic and political significance of that assertion.” *W. Virginia v. Env’t Prot. Agency*, 597 U.S. 697, 721 (2022) (internal quotations omitted). Both questions of degree. This long line of precedent demonstrates how well-grounded Plaintiffs’ theory of a Tenth Amendment violation truly is.

quo to reverse its actions,’ [because] ‘[s]uch an injunction restores, rather than disturbs, the status quo ante.’” (third alteration in original) (quoting *O Centro Espirita Beneficiente Uniao Do Vegetal v. Ashcroft*, 389 F.3d 973, 1013 (10th Cir. 2004))). “The status quo is the last uncontested status which preceded the pending controversy.” *Minn. Mining & Mfg. Co. v. Meter ex rel. NLRB*, 385 F.2d 265, 273 (8th Cir. 1967) (quoting *Westinghouse Elec. Corp. v. Free Sewing Mach. Co.*, 256 F.2d 806, 808 (7th Cir. 1958)).

Amici recognize the various constraints imposed on district courts to ensure that the “extraordinary” relief of a temporary restraining order or a preliminary injunction is narrow. However, these constraints do not make the relief sought here impossible or unwarranted. Fidelity to constitutional and equitable principles support the issuance of injunctive relief here, particularly in a moment of increasing tensions and abuses of power by the federal government. “Constitutional rights are not diminished during a period of ‘chaotic unrest.’” *Tincher v. Trump*, No. 0:25-cv-04669-KMM-DTS, Dkt. No. 85, Preliminary Injunction Order at p. 73 (D. Minn., January 16, 2026) (quoting *Ex parte Milligan*, 71 U.S. 2, 120–21 (1866)).

CONCLUSION

President Trump, DHS, ICE, and other Defendants are violating the Constitution in the Twin Cities. The Court should enjoin the Federal Government from further unlawful actions in order to restore the rights of the Plaintiffs and their citizens. For these reasons, in solidarity with the cities and people of the Twin Cities, as well as the State of Minnesota, and as representatives of millions of residents, *amici* respectfully request that this Court grant Plaintiffs’ motion for temporary restraining order.

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Respectfully submitted,

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Appendix A - List of *Amici Curiae*

Local Governments

City of Boston, Massachusetts
City of Alameda, California
City of Albany, New York
City of Albuquerque, New Mexico
City of Alexandria, Virginia
Allegheny County, Pennsylvania
City of Ann Arbor, Michigan
City of Baltimore, Maryland
City of Beaverton, Oregon
City of Bend, Oregon
City of Cambridge, Massachusetts
City of Chelsea, Massachusetts
City of Chicago, Illinois
City of Cincinnati, Ohio
City of Columbus, Ohio
Dane County, Wisconsin
City and County of Denver, Colorado
City of Hillsboro, Oregon
City of Los Angeles, California
City of Lynn, Massachusetts
City of Madison, Wisconsin
Martin Luther King, Jr. County, Washington
City of Melrose, Massachusetts
Monterey County, California

City of New Haven, Connecticut

City of Newton, Massachusetts

City of Northampton, Massachusetts

Pima County, Arizona

City of Portland, Oregon

City of Sacramento, California

City of San Diego, California

City and County of San Francisco, California

County of Santa Clara, California

City of Seattle, Washington

City of Shoreline, Washington

City of Somerville, Massachusetts

City of Tucson, Arizona

City of West Hollywood, California

Local Government Leaders

Elizabeth Alcantar Loza
Councilmember, City of Cudahy, California

Luis Alejo
Supervisor, County of Monterey, California

Lisa Anderson
Councilmember, City of Bellingham, Washington

Karen Bass
Mayor, City of Los Angeles, California

Celina Benitez
Mayor, City of Mount Rainier, Maryland

Lesley Briones
Commissioner Precinct 4, County of Harris, Texas

Andy Brown
County Judge, County of Travis, Texas

Barb Byrum
Clerk, County of Ingham, Michigan

Chris Canales
Councilmember, City of El Paso, Texas

John Clark
Mayor, Town of Ridgway, Colorado

Laura Conover
County Attorney, County of Pima, Arizona

Jace Cotton
Councilmember, City of Bellingham, Washington

Olgy Diaz
Councilmember, City of Tacoma, Washington

Michael Dougherty
District Attorney, County of Boulder, Colorado

Justin Douglas
Commissioner, County of Dauphin, Pennsylvania

Rodney Ellis
Commissioner, County of Harris, Texas

Marilyn Ezzy Ashcraft
Mayor, City of Alameda, California

Jonathan Fombonne
County Attorney, County of Harris, Texas

Vanessa Fuentes
Councilmember, City of Austin, Texas

Brenda Gadd
Councilmember, Metropolitan Nashville & Davidson County, Tennessee

Adrian Garcia
Commissioner, County of Harris, Texas

Heidi Garrido
Councilmember, City of Hopkins, Minnesota

Dan Hamill
Councilmember, City of Bellingham, Washington

Beau Harbin
County Legislator and Democratic Minority Leader, County of Cortland, New York

Stephanie Howse-Jones
Councilmember, City of Cleveland, Ohio

Susan Hughes-Smith
Councilmember, County of Monroe, New York

Hollie Huthman
Councilmember, City of Bellingham, Washington

Christopher Jaramillo
School District Board President, County of Montgomery, Pennsylvania

Lisa Kaplan
Councilmember, City of Sacramento, California

Bryan Kennedy
Mayor, City of Glendale, Wisconsin

Jerald Lentini
Director of Town Board of Directors, Town of Manchester, Connecticut

Michael Lilliquist
Councilmember, City of Bellingham, Washington

Stephanie Loredó
Unified School District Governing Board Member, City of Culver City, California

Quinton D. Lucas
Mayor, City of Kansas City, Missouri

Kim Lund
Mayor, City of Bellingham, Washington

William Moehle
Supervisor, Town of Brighton, New York

Dominick Pangallo
Mayor, City of Salem, Massachusetts

Ryan Richardson
City Attorney, City of Oakland, California

Amanda Rodriguez
Councilmember, City of San Marcos, Texas

Dawn Marie Sass
Clerk/Deputy Treasurer, Town of Exeter, Wisconsin

Eli Savit
Prosecuting Attorney, Washtenaw County, Michigan

Hannah Stone
Council President, City of Bellingham, Washington

Ginny Welsch
Councilmember, Metropolitan Nashville & Davidson County, Tennessee

Braxton White
Commissioner, County of Clarion, Pennsylvania

Edwin (“Skip”) Williams
Councilmember, City of Bellingham, Washington