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14 CITY OF EL CAJON

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF SAN DIEGO**

17 CITY OF EL CAJON, a charter city and  
18 municipal corporation,

19 Plaintiff,

20 vs.

21 ROB BONTA, an individual; ATTORNEY  
22 GENERAL OF CALIFORNIA, in his official  
23 capacity as the ATTORNEY GENERAL OF  
24 THE STATE OF CALIFORNIA; DOES 1  
25 through 100, inclusive,

26 Defendants.

Case No. 26CU023415C

**PLAINTIFF CITY OF EL CAJON'S  
NOTICE OF MOTION AND MOTION FOR  
PRELIMINARY INJUNCTION**

Judge: Hon Wendy M. Behan  
Dept.: C-66

Action Filed: April 28, 2026  
Trial Date: None Set

Date: January 22, 2027  
Time: 10:15 am  
Dept: C-66

**TO ALL PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on January 22, 2027, at 10:15 am, or as soon thereafter as the matter may be heard in Department C-66 of the above-entitled court, located at 330 West Broadway, San Diego, California, Plaintiff City of El Cajon ("El Cajon" or "City" or "Plaintiff"), will and hereby does move this Court for an order granting a preliminary injunction.

Plaintiff seeks an order enjoining Defendant Rob Bonta, in his official capacity as Attorney

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1 General of the State of California, from enforcing against Plaintiff the California Values Act (Gov.  
 2 Code § 7284 et seq.), and related provisions of California law that restrict or prohibit Plaintiff’s  
 3 cooperation with federal immigration authorities, including the California TRUST Act and the  
 4 California TRUTH Act (collectively, the “LEO Policies”), on the grounds that such enforcement is  
 5 preempted by federal law and violates the Supremacy Clause of the United States Constitution.

6 This Motion is made pursuant to Code of Civil Procedure section 526 and applicable  
 7 California law on the grounds that Plaintiff is likely to succeed on the merits of its claims, that  
 8 Plaintiff will suffer immediate and irreparable harm absent injunctive relief, and that the balance of  
 9 equities and the public interest favor issuance of a preliminary injunction.

10 This Motion is based upon this Notice of Motion and Motion, the accompanying  
 11 Memorandum of Points and Authorities, the Declaration of Richard Lawson, Esq., the Declaration  
 12 of William Wells, Mayor of the City of El Cajon, and the Declaration of Michael Moulton, former  
 13 Chief of Police of the El Cajon Police Department, and all exhibits attached thereto, the pleadings  
 14 and papers on file in this action, and upon such other oral and documentary evidence as may be  
 15 presented at the hearing.

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Dated: May 20, 2026

REDEN | RIDDELL

By: /s/ Justin G. Reden  
 Justin G. Reden, Esq.  
 Richard Lawson, Esq. *pro hac vice*  
*forthcoming*  
 Attorneys for Plaintiff,  
 CITY OF EL CAJON

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

It is a felony to encourage or induce an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law. 8 U.S.C. § 1324(a)(1)(A)(iv).

The Constitution vests Congress with the responsibility to “establish a uniform Rule of Naturalization,” Art. 1, § 8, cl. 4. Exercising this power, Congress has enacted a comprehensive immigration framework detailing how immigrants may enter the United States, when they may enter, and what they may do when residing within the United States. This framework also includes sanctions for aiding and abetting illegal aliens who unlawfully reside in the United States. In flagrant disregard of Congress’ immigration framework, California enacted a suite of statutes that encourages and induces the residency of illegal aliens within the state. These laws are in clear violation of 8 U.S.C. § 1324(a)(1)(A)(iv) (henceforth, “Section 1324”), which prohibits encouraging or inducing an alien to come to, enter, or reside in the United States in violation of law.

California’s sanctuary policy scheme contains provisions that encourage and induce illegal aliens to reside in the state by compelling law enforcement officers to turn a blind eye to knowing or suspected violations of federal immigration law (specifically, the California Values Act (“CVA” or “SB 54”),<sup>1</sup> the TRUST Act,<sup>2</sup> and the TRUTH Act<sup>3</sup> (together, “LEO Policies”). These LEO Policies complement another suite of California laws offering government benefits and protections to illegal aliens (the “Benefits Policies”), including drivers’ licenses and discounted tuition. Together, the Benefits and LEO Policies (the “Sanctuary Policies”) encourage and induce illegal aliens to reside in California by extending many of the same benefits enjoyed by lawful residents, while the LEO

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<sup>1</sup> Cal. Gov. Code §§ 7284, 7284.2, 7284.4, 7284.6, 7284.10, and 7284.12.

<sup>2</sup> Cal. Gov. Code §§ 7282, 7282.5.

<sup>3</sup> Cal. Gov. Code §§ 7283, 7283.1, and 7283.2.

1 Policies help ensure that encounters with local law enforcement do not lead to deportation.

2 Plaintiff City of El Cajon (“El Cajon” or “City”) has brought this action to clarify what set of  
3 laws members of the El Cajon Police Department (“Police Department”) are to follow. If Police  
4 Department officers implement the LEO Policies, they will be compelled to engage in conduct that  
5 violates 8 U.S.C. § 1324 by encouraging and inducing illegal aliens to reside in the United States in  
6 violation of law, thereby exposing both the officers and the City to potential criminal enforcement,  
7 civil liability, employment-related consequences, and other federal penalties. Conversely, if the City  
8 and its officers comply with federal immigration law, they face enforcement actions and penalties  
9 threatened by the California Attorney General under California’s sanctuary statutes. This immediate  
10 and irreconcilable conflict between state and federal law necessitates preliminary injunctive relief.

11  
12 The LEO Policies prohibit, inter alia, inquiries into an illegal alien’s immigration status, the  
13 detention of illegal aliens for transfer to federal immigration authorities, and other cooperation with  
14 federal immigration enforcement, thereby encouraging and inducing illegal aliens to reside in  
15 California by affirmatively insulating unlawful presence from the ordinary consequences of federal  
16 immigration enforcement. Accordingly, the LEO Policies stand as an obstacle to the accomplishment  
17 and execution of Congress’s full purposes and objectives embodied in 8 U.S.C. § 1324 by  
18 encouraging and inducing unlawful residence while simultaneously obstructing federal immigration  
19 enforcement. Under the Supremacy Clause, California may not nullify or frustrate Congress’s chosen  
20 immigration scheme, and the LEO Policies therefore must yield to federal law. *See, e.g., Arizona v.*  
21 *United States*, 567 U.S. 387, 399 (2012).  
22

23  
24 California’s sanctuary scheme is no accident. The legislative history and public statements  
25 surrounding these enactments confirm that the Sanctuary Policies were deliberately designed to  
26 counteract the natural and intended effects of federal immigration law—namely, the detection,  
27 detention, removal, and resulting deterrence of unlawful residence in the United States. By seeking  
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1 to reduce fear of deportation, limit cooperation with federal immigration authorities, and preserve  
2 the economic and social participation of undocumented immigrants within California, the State has  
3 intentionally adopted policies that encourage and induce illegal aliens to remain in the United States  
4 notwithstanding federal law.

5 The author of the CVA unambiguously stated that the CVA was in direct response to  
6 President Trump’s 2017 announcement to simply enforce current federal immigration law: as the  
7 “President has stated publicly that he will order the increased deportation of a broad category of  
8 immigrants” the CVA was necessary because an “expansion of federal deportation efforts will have  
9 a significant effect on California’s economy and society.” SB 54 Senate Rules Committee Third  
10 Reading, March 29, 2017, P. 7; (Lawson Decl. ¶ 6; Ex. 1; RJN # 1) (“SB 54 Senate Rules Hearing”).  
11 This statement expressly recognizes that increased federal immigration enforcement would deter  
12 unlawful residence in California, and that the CVA was enacted to counteract that deterrent effect.

13  
14 At a hearing on the Benefits Policy requiring employers to notify staff of impending ICE  
15 inspections the author stated that the bill will “ensure that all California workers, regardless of  
16 immigration status, enjoy the protections afforded to them under state law ‘*without fear of ...*  
17 *deportation.*’” AB 450 Appropriations Hearing materials, May 17, 2017, (Lawson Decl. ¶ 7; Ex. 2;  
18 RJN # 2.) Reducing fear of deportation necessarily encourages and induces illegal aliens to remain  
19 in California despite their unlawful immigration status.

20  
21 Another committee report on AB 450 noted that “almost 1 in every 10 workers in California  
22 is undocumented” and that any “increase in workplace raids and audits of employee work  
23 authorization records will have a dramatic impact on California workers and businesses.” Senate AB  
24 450 Senate Hearing materials, June 21, 2017, (Lawson Decl. ¶ 8; Ex. 3; RJN # 3.) This  
25 acknowledgment reflects California’s intent to encourage, induce, and preserve the continued  
26 presence of undocumented workers in the State notwithstanding federal immigration law.  
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1 In a brief defending the CVA and other sanctuary statutes, California acknowledged these  
2 laws were important to “build trust with communities so that victims or witnesses felt secure  
3 reporting crimes *without fear of deportation.*” *United States v. California*, 2:18-cv-490, E.D. Ca.,  
4 Defendants Opposition to Plaintiff’s Motion for Preliminary Injunction, ECF No. 74, p. 15 (emphasis  
5 added, “California Sanctuary Brief,” (Lawson Decl. ¶ 9; Ex. 4; RJN # 4.) Policies designed to shield  
6 illegal aliens from the consequences of federal immigration enforcement operate to encourage and  
7 induce continued unlawful residence.

8  
9 And California, in full defiance of Congress’ national immigration policy, continues to  
10 knowingly and willfully embrace the contributions of illegal labor to its economy: A February press  
11 release from Governor Newsom celebrating a public-private partnership to combat federal  
12 enforcement efforts noted that “[u]ndocumented immigrants contributed \$8.5 billion in state and  
13 local taxes in 2022 — a number that would rise to \$10.3 billion if these taxpayers could apply to  
14 work lawfully.” (Lawson Decl. ¶ 17; Ex. 12; RJN # 12.) This statement confirms California’s  
15 ongoing economic interest in maintaining and protecting a population of aliens residing unlawfully  
16 in the United States.

17  
18 Concerns about the California Attorney General enforcing the LEO Policies are no idle  
19 speculation. The California Attorney General, pursuant to Article 5, Section 13 of the California  
20 Constitution, has “direct supervision over every district attorney and sheriff and over such other  
21 law enforcement officers” and is charged with ensuring that the “laws of the state are uniformly  
22 and adequately enforced.” The previous and current Attorneys General have routinely issued  
23 bulletins to California’s law enforcement agencies advising them of the sanctuary policies that  
24 apply to law enforcement, with Attorney General Bonta issuing a bulletin right at the time of  
25 President Trump’s second inauguration in January 2025. *See, e.g.*, 2025-DLE-03 Information  
26 Bulletin, “Updated Responsibilities of Law Enforcement Agencies Under the CVA, California  
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1 TRUST Act, and the California TRUTH Act,” January 17, 2025, (Lawson Decl. ¶ 10; Ex. 5; RJN #  
2 5.); henceforth, “Bonta Bulletin.” When following the LEO Policies or Bonta Bulletin, Police  
3 Department Officers run headlong into a conflict with federal law.

4       It should be noted that, while the Ninth Circuit previously upheld the CVA, that 2019  
5 challenge brought by the United States focused on claims that California’s laws unfairly  
6 discriminated against the federal government, impaired principles protecting federal activities from  
7 state regulation, and the Government’s suggestion that local law enforcement is obliged to assist  
8 federal immigration efforts. *United States v. California*, 921 F.3d 865 (9<sup>th</sup> Cir. 2019). The heart of  
9 the *California* case centered on the United States’ claim that SB 54 made immigration enforcement  
10 more challenging. *Id.* at 888. The Ninth Circuit observed that the primary purpose served by  
11 invalidating conflicting state laws is for “the status quo ... [to] return ... and federal activity ... [to  
12 be] no longer obstructed.” *Id.* at 889. Holding that refusing to help is not the same as impeding,  
13 the Ninth Circuit wrote that “invalidating SB 54 would *not* prevent obstruction” of immigration law  
14 because these federal provisions do “not require any particular action” by California or  
15 municipalities like El Cajon. *Id.* at 889 (emphasis in original). In other words, invalidating SB 54  
16 would not serve to return matters to a status quo where local officials would be obliged to assist  
17 federal enforcement.  
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20       By contrast, the issue raised in *this* action is that the Sanctuary Policies—of which the LEO  
21 Policies are a part—solicit, encourage, and induce illegal aliens to reside in California and facilitate  
22 their residency here “without fear of deportation.” This wholesale approach to California’s Sanctuary  
23 Policies as deliberately violating Section 1324 is completely absent in the Ninth Circuit’s *California*  
24 decision; the operative statute at issue here, 8 U.S.C. 1324(a)(1)(A)(iv), is not even referenced once  
25 that decision. Here, there is very much a reason for invalidation and a return to the status quo,  
26 specifically, compliance with the federal criminal provisions of Section 1324.  
27  
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1 And while there appears to be no appellate decision on the application of 8 U.S.C.  
2 1324(a)(1)(A)(iv) to state and municipal sanctuary policies, at least one jurist has suggested that  
3 policies like those in California could run afoul of federal criminal law. In *City of Chicago v. Barr*,  
4 961 F.3d 882 (7<sup>th</sup> Cir. 2020), the Seventh Circuit blocked efforts by the United States to connect  
5 grant funding with obligations on local law enforcement to assist with immigration enforcement. In  
6 a concurring opinion, Judge Manion noted Chicago’s position that its “Welcoming City Ordinance”  
7 was “necessary to foster cooperation between local law enforcement and ‘undocumented’  
8 immigrants, i.e., those here *illegally*, who might otherwise fear detention and removal  
9 (*legal* consequences) after coming forward as criminal witnesses.” *Id.* at 932 (emphasis in original).  
10 However, because *Chicago* focused on grants rather than a wholesale challenge to the “Welcoming  
11 City Ordinance,” Judge Manion could merely observe in a footnote that Chicago’s entire legal regime  
12 was likely suspect:

13  
14  
15 Although Chicago's ordinance places the city among other so-called  
16 “sanctuary” jurisdictions, Chicago creatively labels itself a  
17 “welcoming city,” perhaps to avoid prosecutorial suspicion over  
18 whether its elected officials are committing a federal harboring  
19 offense. Federal law ... criminalizes encouraging or inducing an alien  
20 to “come to, enter, or reside in the United States,” knowing that such  
21 entry or residence would be in violation of  
22 law. *Id.* § 1324(a)(1)(A)(iv). **With the right facts, a policy like  
23 Chicago's could very well facilitate harboring or at least  
24 encourage and induce aliens to enter and reside unlawfully in the  
25 United States.**

26 *Id.* at 932 n. 1 (emphasis added). This action squarely presents the question unaddressed by  
27 *California* and unresolved by *Chicago*: are wholesale efforts by state or local governments to  
28 nullify the criminal provisions of Section 1324 invalidated under the Supremacy Clause.

## 29 **II. LEGAL STANDARD FOR PRELIMINARY INJUNCTION**

30 A preliminary injunction is a provisional remedy intended to preserve the status quo  
31 pending a final determination on the merits. Code Civ. Proc., §§ 526, 527. In determining whether

1 to issue a preliminary injunction, California courts consider two interrelated factors: “(1) the  
2 likelihood that the plaintiff will prevail on the merits at trial, and (2) the interim harm that the  
3 plaintiff is likely to sustain if the injunction is denied as compared to the harm that the defendant is  
4 likely to suffer if the injunction is issued.” *Butt v. State of California* 4 Cal.4th 668, 677–678  
5 (1992); *King v. Meese* 43 Cal.3d 1217, 1226. (1987).

6 The trial court exercises broad discretion in evaluating these interrelated factors, guided by  
7 a “mix” of the potential-merit and interim-harm factors; the greater the plaintiff’s showing on one,  
8 the less must be shown on the other to support an injunction. *Butt, supra*, 4 Cal.4th at p. 678. The  
9 court must always consider both factors and it cannot rely exclusively on either factor alone to the  
10 exclusion of the other. *White v. Davis* 30 Cal.4th 528, 554, 561 (2003).

11 A plaintiff seeking a preliminary injunction must affirmatively demonstrate interim harm—  
12 the likelihood that it will suffer cognizable injury in the absence of an injunction that would not be  
13 adequately compensable by damages after a final judgment on the merits. *Cohen v. Board of*  
14 *Supervisors* 178 Cal.App.3d 447, 456 (1986); *Leach v. City of San Marcos* 213 Cal.App.3d 648  
15 (1989). Where the plaintiff is a governmental entity, cognizable interim harm may include  
16 interference with law enforcement operations and institutional functions, exposure of city officers  
17 to conflicting legal obligations under state and federal law, budgetary harm, and the undermining of  
18 the city’s constitutional prerogatives.

19 As a state political subdivision, the City of El Cajon has standing to invoke the Supremacy  
20 Clause to challenge a state law on pre-emption grounds in California state court. *City of Garden*  
21 *Grove v. Superior Court*, 157 Cal.App.4th 355, 385 (2007), citing *Star-Kist Foods, Inc. v. County*  
22 *of Los Angeles* 42 Cal. 3d 1, 5–10 (1986).

23 **III. FEDERAL IMMIGRATION LAW, CALIFORNIA’S LEO AND BENEFITS**  
24 **POLICIES, AND THE IMPACT ON EL CAJON**

25 **1. Supremacy Clause: Conflict Preemption and Field Preemption**

26 California’s Sanctuary Policies violate two bedrock principles of the Supremacy Clause:  
27 conflict preemption, and field preemption.

28 The LEO Policies encourage and induce continued unlawful residence in the United States

1 by affirmatively reducing the practical consequences of violating federal immigration law. Rather  
2 than merely declining to enforce federal law, the LEO Policies prohibit and restrict forms of  
3 cooperation with federal immigration authorities that would otherwise naturally arise during ordinary  
4 law-enforcement activities, thereby diminishing the deterrent effect Congress embedded within the  
5 federal immigration framework. California’s own legislative findings and public statements confirm  
6 that these policies were enacted to ensure that unlawfully present aliens may live and work in  
7 California “without fear of deportation.” By intentionally reducing the likelihood that unlawful  
8 presence will result in detection, transfer, or removal, the LEO Policies stand as a direct obstacle to  
9 Congress’s objectives and are therefore invalid under the Supremacy Clause. *See, e.g., Arizona*, 567  
10 U.S. at 399 (“... state laws are preempted when they conflict with federal law ... and ... where the  
11 challenged state law ‘stands as an obstacle to the accomplishment and execution of the full purposes  
12 and objectives of Congress.’” (citations omitted)).

13 By enacting a comprehensive federal policy for when aliens may reside in the United States  
14 and the basis for their deportation, Congress has preempted the field of any state efforts—like the  
15 Sanctuary Policies—that seek to ensure that illegal aliens may reside in the United States “without  
16 fear of deportation.” *See, e.g.,* 8 U.S.C. § 1227(a)(1)(B) (stating, *inter alia*, that “[a]ny alien who is  
17 present in the United States in violation of this chapter [Chapter 12, regarding immigration and  
18 nationality] or any other law of United States ... is deportable.”) California may not pursue economic  
19 objectives by effectively adopting its own deportation policy—one designed to reduce, discourage,  
20 and impede the detection, transfer, and removal of unlawfully present aliens—in active opposition  
21 to Congress’s comprehensive federal immigration framework. *See, e.g., Arizona*, 567 U.S. at 399  
22 (“State law must also give way to federal law in at least two other circumstances. First, the States are  
23 precluded from regulating conduct in a field that Congress, acting within its proper authority, has  
24 determined must be regulated by its exclusive governance ... The intent to displace state law  
25 altogether can be inferred from a framework of regulation ‘so pervasive ... that Congress left no room  
26 for the States to supplement it’ or where there is a ‘federal interest ... so dominant that the federal  
27 system will be assumed to preclude enforcement of state laws on the same subject.’”).

28

## 2. Overview of Congress' Framework

Federal authority to regulate immigration rests on the constitutional provision granting Congress the authority to “establish a uniform Rule of Naturalization,” Art. 1, § 8, cl. 4. Courts have long recognized this power is well settled and broad in scope. *Arizona*, 567 U.S. at 394 (“The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens.”). Judicial deference to Congressional authority in this area is motivated in large part by the impact immigration has on foreign affairs; as noted by the Supreme Court immigration “can affect trade, investment, tourism, and diplomatic relations for the entire Nation.” *Id.* at 395.

Congress has made full use of this power. Federal law regulates who may remain here, how they may enter, who may work here, the identification requirements for lawful aliens, and the risk of deportation for those violating these provisions. For example, Congressional acts governing the residence of aliens in the United States include the following provisions (collectively, “Residency Provisions”):

- Who may enter the United States (8 U.S.C. § 1182);
- Improper entry (8 U.S.C. § 1325);
- A requirement to obtain registration cards (8 U.S.C. § 1302(a));
- A requirement that legal immigrants “shall at all times carry with him and have in his personal possession” documentation showing lawful presence in the United States (8 U.S.C. § 1304(e));
- Criminal sanctions for aliens who fail to carry their registration cards (8 U.S.C. § 1304(e)); and,
- The prohibition on hiring or employing an employee known to be unauthorized to work in the United States (8 U.S.C. § 1324a(1) & (2)).

Additionally, Congressional acts hold that permissible grounds for deportation include, *inter alia*, the following (collectively, “Deportation Provisions”):

- Termination of conditional permanent residence (8 U.S.C. § 1227(a)(1)(D));
- Knowingly encouraging, inducing, abetting, or aiding an alien to enter the United States in violation of law (8 U.S.C. § 1227(a)(1)(E)(1));

- 1 • Marriage fraud (8 U.S.C. § 1227(a)(1)(G));
- 2 • Convictions for:
  - 3 ○ Crimes of moral turpitude (8 U.S.C. § 1227(a)(2)(A)(i));
  - 4 ○ Aggravated felonies (8 U.S.C. § 1227(a)(2)(A)(iii));
  - 5 ○ Flight from checkpoints (8 U.S.C. § 1227(a)(2)(A)(iv));
  - 6 ○ Controlled substance violations (8 U.S.C. § 1227(a)(2)(B));
  - 7 ○ Certain firearm offenses (8 U.S.C. § 1227(a)(2)(C));
  - 8 ○ Domestic violence violations (8 U.S.C. § 1227(a)(2)(E));
- 9 • Falsely representing himself as a citizen for any purpose or benefit (8 U.S.C. §  
10 1227(a)(3)(D));
- 11 • Becoming a public charge (8 U.S.C. § 1227(a)(5)); and,
- 12 • A catch all provision, declaring that an alien’s presence in the United States in  
13 violation of the laws governing immigration or nationality or any other law of the  
14 United States is grounds for deportation (8 U.S.C. § 1227(a)(1)(B)).

15 By making every possible effort to circumvent the federal Residency and Deportation  
16 provisions, California’s Sanctuary Policies easily establish a willful violation of Section 1324.

17 The Supreme Court recently explained that “encourage” and “induce” as used in Section 1324  
18 simply track traditional common law criminal prohibitions on the solicitation and facilitating crimes.  
19 *United States v. Hansen*, 599 U.S. 762, 771 (2023). Observing that “solicitation is the intentional  
20 encouragement of an unlawful act” and “is complete as soon as the encouragement occurs” the Court  
21 noted that facilitation is akin to aiding and abetting which is the “provision of assistance to a  
22 wrongdoer with the intent to further an offense’s commission.” *Id.* While both solicitation and  
23 facilitation “require an intent to bring about a particular unlawful act,” neither “requires lending  
24 physical aid; for both words may be enough.” *Id.*

25 As detailed more fully below, nearly every aspect of the Sanctuary Policies is designed to  
26 solicit illegal aliens to come to California and aid them once they arrive. On the solicitation side,  
27 California broadcasts the services it offers through its Benefits Policies and advises how illegal aliens  
28 can get health care, driver’s licenses, employment benefits, and in-state tuition. As to facilitation,

1 the LEO Policies fall within *Hansen’s* prohibition on the “provision of assistance to a wrongdoer  
2 with the intent to further an offense’s commission.” As detailed below, the LEO Policies compel  
3 law enforcement officers to advance California’s unlawful goal to make a safe haven where illegal  
4 aliens can contribute to the state’s economy “without fear of deportation.”

5 **2. Overview of the Sanctuary Policies**

6 The Sanctuary Policies were designed to induce or encourage illegal aliens to reside in  
7 California for a reason as simple as it is obvious: California is afraid that enforcing federal law will  
8 “ultimately hurt California’s economy.” SB 54 Senate Rules Hearing, (Lawson Decl. ¶ 6; Ex. 1;  
9 RJN # 1.) To fully understand the inherent conflict between the LEO Policies and Section 1324 it is  
10 necessary to examine how the LEO Policies complement the Benefits Policies to further California’s  
11 effort to defeat Section 1324.

12 **3. The LEO Polices**

13 The LEO Policies assure illegal aliens that interactions with law enforcement have little  
14 chance of holding them to account for violating federal law. By far, the most significant provision  
15 of the LEO Policies is the CVA, Cal. Gov. Code §§ 7284, 7284.2, 7284.4, 7284.6, 7284.10, and  
16 7284.12. It occupies the lion’s share of attention in the Bonta Bulletin, which emphasizes that  
17 “immigrants are valuable and essential members of the California community” and states that the  
18 CVA is designed to ensure “a relationship of trust between California’s immigrant community and  
19 state and local agencies.” Bonta Bulletin, P. 2, (Lawson Decl. ¶ 10; Ex. 5; RJN # 5.) As set out in  
20 the Bonta Bulletin, the CVA prohibits the use of law enforcement “resources to investigate,  
21 interrogate, detain, detect, or arrest persons for immigration purposes.” Bonta Bulletin, (Lawson  
22 Decl. ¶ 10; Ex. 5; RJN # 5); Cal. Gov. Code § 7284.6(a)(1).

23 Specifically, the CVA restrains law enforcement officers from doing, *inter alia*, the  
24 following:

- 25 • Inquiring into an individual’s immigration status (Cal. Gov. Code § 7284.6(a)(1)(A));
- 26 • Detaining individuals due to federal immigration hold requests (Cal. Gov. Code §  
27 7284.6(a)(1)(B));
- 28 • Providing non-public information regarding a person’s release date (Cal. Gov. Code

- 1           § 7284.6(a)(1)(C));
- 2           • Providing non-public personal information (Cal. Gov. Code § 7284.6(a)(1)(D));
- 3           • Making or participating in arrests based on “civil immigration warrants” (Cal. Gov.
- 4           Code § 7284.6(a)(1)(E));
- 5           • Assisting immigration officials in certain activities or otherwise acting as an
- 6           immigration official pursuant to any formal or informal policy (Cal. Gov. Code §
- 7           7284.6(a)(1)(F) and (G));
- 8           • Transferring individuals to immigration authorities absent judicial warrant or
- 9           probable cause determination (Cal. Gov. Code § 7284.6(a)(4));
- 10          • Providing office space to immigration authorities in city or county law enforcement
- 11          facilities (Cal. Gov. Code § 7284.6(a)(5)); and,
- 12          • Housing individuals for immigration purposes (absent certain exceptions) (Cal. Gov.
- 13          Code § 7284.6(a)(6)).

14           While the CVA is primarily focused on law enforcement, it also addresses how illegal aliens  
 15 engage with schools, hospitals, and courthouses. Specifically, the CVA tasks the California Attorney  
 16 General with providing model guidance to entities such as public schools, libraries, health facilities,  
 17 and courthouses demonstrating the best means of “limiting assistance with immigration enforcement  
 18 to the fullest extent possible consistent with federal and state law.” Cal. Gov. Code § 7284.8(a).

19           Clarifying the scope of the CVA, the TRUST Act delineates a limited set of offenses—  
 20 primarily involving serious or violent crimes—under which law enforcement may cooperate with  
 21 federal immigration officials. Cal. Gov. Code § 7282.5. It should be noted that, while the TRUST  
 22 Act pre-dates the CVA, it too was largely motivated by concerns about preserving the contributions  
 23 of illegal labor to California’s economy. The legislative history states that the TRUST Act was  
 24 proposed in response to an ICE enforcement program which “casts far too wide a net” and that  
 25 “**immigrant residents**” fear interactions with law enforcement. (emphasis added). Senate Comm.  
 26 on Pub. Safety, Analysis of Assem. Bill No. 4 (Ammiano), 2013–2014 Reg. Sess., as amended June  
 27 24, 2013, at 5 (July 2, 2013), (Lawson Decl. ¶ 18; Ex. 13; RJN # 13.) Further, the TRUST Act was  
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1 enacted after a similar effort was vetoed the prior year; then Governor Brown’s veto message (which  
2 was incorporated in the TRUST Act legislative history) once again notes that “Undocumented  
3 immigrants play a major role in California’s economy with many performing low-wage jobs that  
4 others don’t want.” *Id.* at 10.

5 Lastly, the TRUTH Act requires law enforcement agencies to provide certain notices to illegal  
6 aliens in their custody. For example, the TRUTH Act mandates that law enforcement agencies:

- 7
- 8 • Provide notice to individuals in their custody that interviews with ICE are voluntary  
9 and can be conducted in the presence of their attorney (Cal. Gov. Code § 7283.1(a));
- 10 • Notify individuals in their custody when an ICE hold has been placed them, and if  
11 the agency will comply with the request (Cal. Gov. Code § 7283.1(b)); and
- 12 • Requires the governing bodies of law enforcement agencies that cooperate with ICE  
13 to host public forums “to receive and consider public comment” (Cal. Gov. Code §  
14 7283.1(d)).

15 Together, the three statutes detailed in the Bonta Bulletin and comprising the LEO  
16 Policies—the CVA, TRUTH Act, and TRUST Act—work to assure illegal aliens that California  
17 fully encourages, induces, and supports their continued unlawful residence in the United States. By  
18 prohibiting inquiries into immigration status, limiting assistance to immigration authorities,  
19 narrowing the scope of offenses for which criminals may be transferred to ICE, and mandating  
20 notices to illegal aliens when ICE seeks to detain them, California’s LEO Policies, by design,  
21 frustrate federal immigration as fully as they complement the Benefits Policies and advance  
22 California’s unlawful effort to nullify federal immigration law.

23  
24 And California has essentially admitted as much when defending its Sanctuary Policies in  
25 court. For example, in the challenge brought by the United States to the CVA and other sanctuary  
26 statutes, California acknowledged these were important to “build trust with communities so that  
27 victims or witnesses felt secure reporting crimes without fear of deportation.” California Sanctuary  
28 Brief, p. 15. By recognizing that the CVA is designed to allay illegal aliens’ “fear of deportation”

1 the Attorney General has essentially conceded that the LEO Policies operate, at the very least, with  
2 a reckless disregard of the fact that an illegal alien’s residence in the United States is in violation of  
3 law. It is thus internally inconsistent for California to claim these statutes are necessary to curb  
4 violations of law, while simultaneously enacting policies that facilitate ongoing violations of law.

5 Additional pleadings from *United States v. California* confirm that the LEO Policies are a  
6 willful effort to induce or encourage illegal aliens to unlawfully reside in the United States. For  
7 example, California submitted an affidavit from Professor Tom K. Wong in its opposition to the  
8 United States’ preliminary injunction motion. *United States v. California*, 2:18-cv-490, E.D. Ca.,  
9 Declaration of Tom K. Wong in Support of Defendant’s Opposition to Plaintiff’s Motion for  
10 Preliminary Injunction, ECF No. 75-7, p. 10 (“Wong Affidavit”), (Lawson Decl. ¶ 11; Ex. 6; RJN #  
11 6.) Professor Wong detailed the results of a survey he conducted on the attitudes of illegal aliens  
12 towards sanctuary policies, who, unsurprisingly, approved of California’s efforts to hamstring its  
13 state and local law enforcement officers. The Wong Affidavit revealed that when illegal aliens  
14 understood that state and local law enforcement “were working with ICE” they were less likely to:

- 15 • Use public services like visiting City Hall;
- 16 • Engage in business, such as open bank accounts and get loans;
- 17 • Participate in public events where policy issues would be discussed;
- 18 • Place children in after-school or day care programs; and
- 19 • Look for a new job.

20 Wong Affidavit, P. 12. Engaging in the public sphere, educating children, opening businesses, and  
21 looking for work are not the acts of tourists, but of *residents*. The understanding displayed in the  
22 Wong Affidavit and legislative histories of the LEO Policies that illegal aliens *reside* in the state  
23 shows that California easily satisfies the “knowing or ... reckless disregard” intent standard of  
24 Section 1324’s prohibition on aiding or abetting illegal aliens who “reside in the United States.”  
25

26 **4. The Benefits Policies**

27 The Benefits Policies were all enacted from a baseline perspective that California not only  
28 *knows* illegal aliens reside within its borders but that it *wants* them to do so. A simple survey of

1 California’s own statements and actions in implementing the Benefits Policies demonstrates this  
2 open and notorious scheme:

- 3 • **Driver’s Licenses:** California maintains a website dedicated to “AB 60 Driver’s  
4 Licenses” and boasts that illegal aliens who *reside* in California even when *unable*  
5 *to show* lawful presence in the United States can get licenses. The website states  
6 that licenses are available “for individuals who are *unable to provide proof of legal*  
7 *presence in the United States* ... and are able to provide proof of identity and  
8 *California residency*,” (Lawson Decl. ¶ 12; Ex. 7; RJN # 7),  
9 [https://www.dmv.ca.gov/portal/driver-licenses-identification-cards/assembly-bill-](https://www.dmv.ca.gov/portal/driver-licenses-identification-cards/assembly-bill-ab-60-driver-licenses/)  
10 [ab-60-driver-licenses/](https://www.dmv.ca.gov/portal/driver-licenses-identification-cards/assembly-bill-ab-60-driver-licenses/); emphasis added. By granting driver’s licenses to aliens  
11 unable to demonstrate lawful presence, California affirmatively facilitates their  
12 long-term residence, mobility, employment, and integration into daily civic life  
13 notwithstanding their unlawful status under federal law;
- 14 • **Employment Benefits:** California maintains a website dedicated to “Benefits and  
15 Resources for Undocumented Workers” wherein California not only recognizes that  
16 illegal aliens are unlawfully residing and working in the state but also advises that if  
17 they apply for disability benefits California will keep their information *confidential*.  
18 It states that California provides benefits for “partial pay when you need time off  
19 *work for your own disability or family leave*” and that “an undocumented worker”  
20 can apply even if they do not have a Social Security Number and that it “*doesn’t*  
21 *matter what your citizenship or immigration status is*” and that the “information will  
22 be *kept confidential*.” (Lawson Decl. ¶ 13; Ex. 8; RJN # 8),  
23 [https://edd.ca.gov/en/disability/undocumented\\_workers/](https://edd.ca.gov/en/disability/undocumented_workers/); emphasis added. By  
24 extending wage-replacement and disability benefits to “undocumented workers”  
25 while assuring them that their information will remain confidential, California  
26 encourages unlawfully present aliens to remain employed and economically  
27 established in the State without fear that participation in public-benefit programs  
28 will result in immigration consequences;

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- **Workplace Protections:** The California Labor Commission and Attorney General have provided joint guidance to every employer in the state that, *inter alia*, advises them that they “shall not provide ‘voluntary consent’ to the entry of an immigration enforcement agent to ‘any nonpublic areas of a place of labor’” and that they must provide notice to employees within “72 hours of receiving a Notice of Inspection of I-9 forms or other employment records by an immigration agency.” (Lawson Decl. ¶ 14; Ex. 9; RJN # 9), [https://www.dir.ca.gov/dlse/AB\\_450\\_QA.pdf](https://www.dir.ca.gov/dlse/AB_450_QA.pdf). By directing employers to deny voluntary access to immigration authorities and to warn employees of impending federal immigration inspections, California actively impedes federal enforcement efforts while providing unlawfully present workers advance notice and protection from detection and removal;
  - **Health Care:**
    - California’s Medi-Cal health service website advertises that adults currently enrolled in the plan can remain, “*regardless of immigration status.*” And like disability benefits, the website takes great care to explain what information Medi-Cal shares with the federal government and how that information may or may not be kept confidential. The website notes that certain information regarding immigration status must be shared with the Centers for Medicare and Medicaid Services and even warns illegal aliens that under a recent court decision “CMS *may share* certain basic information with Immigration and Customs Enforcement (ICE) only about individuals who are not ‘lawfully residing’ in the United States.” (Lawson Decl. ¶ 15; Ex. 10; RJN # 10), <https://www.dhcs.ca.gov/keep-your-Medi-Cal/Pages/Medi-Cal-Immigrant-Eligibility-FAQs.aspx>; emphasis added. By extending publicly funded health-care benefits regardless of immigration status while specifically advising unlawfully present aliens what information may be shared with ICE, California reassures such individuals that they may

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continue residing in the State and obtain essential medical services without triggering federal immigration enforcement;

- California recently enacted SB 81 which protects medical information and prevents health care facilities from being used in connection with immigration enforcement efforts. The legislative history for SB 81 unequivocally declares its purpose to provide sanctuary to illegal aliens residing in the state in violation of federal law:

- **“California is a sanctuary state.** California ... policies ... have [expanded] ... access to higher education, ... access to health care and public benefits, ... protections for immigrant workers, supporting immigrant students ..., ... opportunities for economic mobility and inclusion through access to driver’s licenses and pro bono immigration services.” (Emphasis in original.)
- “[The] Legislature year after year continues to act by passing significant legislation ... to provide them [immigrants] with many of the supports and services provided to **all California residents.**” (Emphasis added.)
- “... the need to **protect Californian’s** [*sic*] regardless of their country of origin, ethnicity, or *immigration status* has become even more **critical if California is to remain a state that is committed to providing sanctuary.**” (Emphasis added.)
- Federal enforcement activities at medical facilities “has had a chilling effect on **undocumented Californians** seeking medical care.” (Emphasis added.) Assem. Comm. on Privacy & Consumer Prot., Analysis of Sen. Bill No. 81 (Arreguín), 2025–2026 Reg. Sess., as amended June 27, 2025, (Lawson Decl. ¶ 19; Ex. 14; RJN # 14.)

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- 2 • Education:
    - 3     ▪ In-State Tuition: California’s Student Aid Commission website touts itself as
    - 4     the “ultimate guide to navigating higher education as an undocumented
    - 5     student in California!” The website states that “the California Student
    - 6     Aid Commission (CSAC) offers the best *financial aid opportunities for*
    - 7     *undocumented students* in the nation” and that information provided by
    - 8     illegal aliens “is only used to determine eligibility for state financial
    - 9     aid” and that this “information is *never shared with the federal*
    - 10     *government or used for immigration enforcement.*” The website
    - 11     encourages illegal aliens to pursue higher education as “undocumented
    - 12     individuals in California who graduate college or complete a trade or
    - 13     certification program can *significantly increase their earning*
    - 14     *potential.*” (Lawson Decl. ¶ 16; Ex. 11; RJN # 11),
    - 15     <https://www.csac.ca.gov/undocumented>; emphasis added. By
    - 16     promoting California as offering “the best financial aid opportunities for
    - 17     undocumented students in the nation” and assuring applicants that their
    - 18     information will not be shared for immigration enforcement purposes,
    - 19     California affirmatively encourages unlawfully present aliens to establish
    - 20     long-term residence in the State through education, workforce development,
    - 21     and economic advancement.
    - 22     ▪ ICE Notifications: California recently enacted SB 98 which requires parental
    - 23     notifications when ICE is present at school locations. It was enacted as “an
    - 24     estimated 133,000 California public school students are **undocumented**”
    - 25     and that these notifications will “prevent panic, promote a sense of security,
    - 26     and maintain an environment where all students—**regardless of**
    - 27     **immigration status**—feel safe and supported.” Senate Floor Analysis of
    - 28     Sen. Bill No. 98 (Pérez), 2025–2026 Reg. Sess., as amended August 21,
    - 2025, (Lawson Decl. ¶ 20; Ex. 15; RJN #15.)

- 1                   ▪ ICE entry at schools: California recently enacted AB 49 which prohibits the  
2                   voluntary admission of ICE officials at schools, and once again the  
3                   legislative history makes it clear that it is designed to protect illegal aliens  
4                   who reside in California in violation of federal law:
- 5                   • “Given recent developments in federal immigration policy in the last  
6                   eight years and the risks that California’s undocumented and  
7                   noncitizen students face relating to immigration enforcement activity,  
8                   the Legislature has passed various laws aimed at protecting the  
9                   state’s undocumented and noncitizen students and minimizing the  
10                  disruption that immigration enforcement activities can have at the  
11                  state’s educational institutions.” Sen. Comm. on Judiciary, Analysis  
12                  of Assem. Bill No. 49 (Muratsuchi), 2025–2026 Reg. Sess., Version  
13                  June 23, 2025 (July 15, 2025), (Lawson Decl. ¶ 21; Ex. 16; RJN #  
14                  16.)

15                  The Benefits Policies reveal the extent to which California values illegal aliens as an essential  
16                  part of its economy. California’s assurances and warnings about what personal information is and is  
17                  not shared with federal authorities demonstrates it *knows* these illegal aliens are unlawfully residing  
18                  in California. Lawful immigrants would not fear state officials sharing information with federal  
19                  agencies, only those who fear deportation would have such concerns. Furthermore, as all *lawful*  
20                  aliens must always carry their registration cards, California’s references to “undocumented  
21                  individuals” and assurances that proper identification is unnecessary can only be relevant for aliens  
22                  residing *unlawfully* in the United States.

23                  This commitment to defeating federal immigration law is on full display in several California  
24                  challenges to federal immigration policies. Challenging a new policy restricting benefits programs  
25                  based on immigration status, California submitted an affidavit from its Superintendent of Public  
26                  Instruction warning that federal enforcement efforts would “exclude people who are **undocumented**  
27                  ... from ... [the] Career and Technical Education ...” program and as a result “the state’s workforce  
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1 development capacity could be affected.” *New York v. U.S. Dept. of Justice*, 1:25-cv-345 (D.R.I.),  
2 declaration of Tony Thurmond, ECF No. 4-16, pp. 3, 10, (Lawson Decl. ¶ 30; Ex. 25; RJN # 25)  
3 (emphasis added). Demonstrating the inherent conflict between the Sanctuary Policies and federal  
4 law, the affidavit noted that California “prohibits them [*i.e.*, state agencies] from collecting  
5 information regarding citizenship or immigration status of students and their family members,” and  
6 that if the new federal policy is implemented California schools will be forced to place a student who  
7 “**does not have** or elects to not share their **status**” into “a class funded with only state dollars.” *Id.*,  
8 p. 12 (emphasis added). On health care, California removed any doubt that it knows illegal aliens  
9 unlawfully residing in the state use its services as another affidavit stated that “[o]f the more than  
10 170,000 San Mateo County **residents** enrolled in Medi-Cal, about 30 percent are **undocumented.**”  
11 *Id.*, declaration of Colleen Chawla, ECF No. 4-11, p. 4, (Lawson Decl. ¶ 31; Ex. 26; RJN # 26)  
12 (emphasis added). And in another lawsuit, this time challenging an HHS policy granting DHS access  
13 to personal information, California admitted that its “Medi-Cal program to all eligible state **residents,**  
14 **regardless of immigration status.**” *California v. Dept. Health & Human Services*, 3:25-cv-5536  
15 (N.D. CA), ECF No. 1, p. 19, (Lawson Decl. ¶ 32; Ex. 27; RJN # 27) (emphasis added). These  
16 pleadings show that California is as committed today as it was when enacting the Sanctuary Policies  
17 to encouraging aliens to unlawfully reside in the state.

18         While the *United States v. California* action referenced above was primarily focused on the  
19 CVA, it also addressed AB 450 (codified at Cal. Gov. Code § 7285.1), the workplace inspection  
20 provision described above. Defending this provision California again revealed its goal of defeating  
21 Congress’ immigration framework when it submitted a committee report that stated the bill’s purpose  
22 was to “ensure that all California workers, regardless of immigration status, enjoy the protections  
23 afforded to them under state law ‘*without fear of harassment, detention, or deportation.*’” *United*  
24 *States v. California*, 2:18-cv-490, ECF No. 74, p. 5 (emphasis added); (Lawson Decl. ¶ 9; Ex. 4; RJN  
25 # 4.) The AB 450 comments, and the fact that the California Attorney General relied upon them in  
26 defending the *United States* action, gives the game away. It is utterly preposterous for AB 450 to  
27 have as its goal the creation of workplaces in California where illegal aliens (who should not be there  
28 in the first place, see, e.g., 8 U.S.C. § 1324a(a)(1)(A), prohibiting the willful hiring of illegal aliens)

1 can seek employment “without fear of ... deportation.” As made clear in the legislative history of SB  
2 81, “California is a sanctuary state” and the Benefits Policies are part of a “year after year” effort by  
3 the Legislature to pass “significant legislation ... to provide [immigrants] ... with many of the  
4 supports and services provided to all California residents.” (Lawson Decl. ¶ 19; Ex. 14; RJN # 14.)  
5 Framed in these terms, the statute does more than regulate workplace conditions; it affirmatively  
6 signals that unlawful presence will be shielded from its federal consequences, thereby encouraging  
7 and inducing continued violations of federal immigration law.

8 And this is how the LEO and Benefits Policies blend together: they represent an active concert  
9 between California and illegal aliens to frustrate the federal Residency and Deportation Provisions  
10 and turn California into a refuge where illegals live and work “without fear of ... deportation.”

#### 11 **5. Overview of the LEO Policies’ Impact on El Cajon**

12 The City of El Cajon was incorporated in 1912 and has continuously operated its Police  
13 Department since then. Affidavit of Mayor Bill Wells (“Wells Affidavit”) ¶ 5. The El Cajon Police  
14 Department employs over 120 Officers. (Wells Affidavit, ¶ 6.) While the Police Department is  
15 primarily engaged in enforcement of state criminal laws and municipal ordinances it frequently  
16 coordinates with federal law enforcement colleagues on matters such as criminal investigations into  
17 unlawful controlled substances. (Wells Affidavit, ¶ 7.) The LEO Policies severely limit the abilities  
18 of the Police Department to protect El Cajon’s residents. Affidavit of Michael Moulton (“Moulton  
19 Affidavit”), ¶ 17. While the limitations detailed above compel Police Department Officers to ignore  
20 knowing or suspected violations of federal law, the breadth of the LEO Policies also prevents El  
21 Cajon Officers from engaging in basic public safety work.

22 For example, in 2025 El Cajon City Councilmember Steve Goble wrote to the California  
23 Attorney General to determine whether, under SB 54, local law enforcement could conduct wellness  
24 checks on unaccompanied minors if the contact information had been provided by federal authorities.  
25 The Attorney General responded on June 3, 2025, that “wellness checks of unaccompanied children  
26 alongside or based on information provided by federal immigration authorities may implicate  
27 conduct prohibited by SB 54.” (Wells Affidavit, ¶¶ 8, 9; Affidavit of Steve Goble (“Goble  
28 Affidavit”) ¶ 6; Ex. 28.) The Attorney General warned that providing location information about the

1 children or their physical status could run afoul of SB 54. (Wells Affidavit, ¶ 9; Ex. 28 & 29; Goble  
 2 Affidavit ¶7; Ex. 29.) As an alternative the Attorney General suggested that “county social service  
 3 agencies” could perhaps perform these duties. *Id.* This legal legerdemain simply highlights the  
 4 problem posed by the LEO Policies: the lawfulness of inquiries into the health and safety of  
 5 children—whether their parents have brought them here lawfully or not—should not hinge on  
 6 whether the responding officials are law enforcement or social workers.

7 This episode regarding the limitations on Officers conducting wellness checks is just a small  
 8 aspect of the impact of the LEO Policies on public safety in El Cajon. For example:

- 9 • Prior to enactment of the LEO Policies, Officers would routinely work with federal  
 10 immigration officials on issues as mundane as translation services and important as  
 11 transferring illegal aliens engaged in unlawful acts to the custody of immigration  
 12 authorities; with the enactment of the LEO Policies this has had to cease; (Moulton  
 13 Affidavit, ¶¶ 4-7);
- 14 • El Cajon Officers have been limited in their ability to assist immigration officials who  
 15 are engaged in high speed car chases<sup>4</sup> from a checkpoint nearly 30 miles, with a  
 16 working arrangement having been reached where the City will help stop car chases  
 17 but officers will simply stand idle if the car stops and the illegal aliens flee; (Moulton  
 18 Affidavit ¶¶ 9-13);

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19 <sup>4</sup> High speed car chases from checkpoints, with some even running for miles through El Cajon, are  
 20 not infrequent. See, for example:

21 ◦ 2018 federal sentence for 100 mph car chase from Pine Valley checkpoint; Press Release,  
 22 U.S. Attorney’s Office, Southern District of California, Alien Smuggler Sentenced for Blowing  
 23 Through Checkpoint at High Speed, Seriously Injuring Border Patrol Agent (May 11, 2018),  
<https://www.justice.gov/usao-sdca/pr/alien-smuggler-sentenced-blowing-through-checkpoint-high-speed-seriously-injuring-0>, (Lawson Decl. ¶ 22; Ex. 17; RJN # 17.);

24 ◦ 2021 federal charges for a 2. 5-hour car chase from Pine Valley checkpoint in an RV,  
 25 through El Cajon, on towards San Diego, and north on I-15; Press Release, U.S. Attorney’s Office,  
 26 S. Dist. of Cal., Man Charged with High Speed Flight from Border Patrol Checkpoint in an RV  
 (Apr. 22, 2021), <https://www.justice.gov/usao-sdca/pr/man-charged-high-speed-flight-border-patrol-checkpoint-rv>, (Lawson Decl. ¶ 23; Ex. 18; RJN # 18.);

27 ◦ 2022 federal charges for a 90 mph car chase starting at the Donovan State Prison; Press  
 28 Release, U.S. Attorney’s Office, S. Dist. of Cal., Two Charged in Human Smuggling Event that  
 Ended with High-Speed Chase (Sept. 15, 2022), <https://www.justice.gov/usao-sdca/pr/two-charged-human-smuggling-event-ended-high-speed-chase>; (Lawson Decl. ¶ 24; Ex. 19; RJN # 19.)

- 1 • Dealing with California’s byzantine legal structure it is often the better course for  
2 Officers to avoid pro-active efforts to ensure public safety rather than risk violating  
3 the LEO Policies and this process only emboldens bad actors (Moulton Affidavit ¶  
4 16, 21, 24);
- 5 • The confusion sown by the LEO Policies have constrained Officers in their ability to  
6 take actions necessary to ensure public safety; (Moulton Affidavit ¶ 20); and,
- 7 • The inability to work with federal counterparts negatively impacts efforts to interdict  
8 human and narcotics trafficking; (Moulton Affidavit ¶ 23.)

9 This last point regarding narcotics is particularly acute for jurisdictions like El Cajon, as the  
10 San Diego area sees between 80-90% of the Nation’s methamphetamine and fentanyl seizures occur  
11 in the region. Aaron Heitke, Chief Patrol Agent (Retired), U.S. Customs & Border Protection,  
12 Written Testimony at 5, in “A Country Without Borders: How the Biden-Harris Open Borders  
13 Policies Have Undermined Our Safety and Security”: Hearing Before the H. Comm. on Homeland  
14 Sec., 118th Cong. (Sept. 18, 2024), (Lawson Decl. ¶ 25; Ex. 20; RJN # 20.) Additionally, California  
15 leads the Nation with declined detainer requests from federal immigration officials, with over 13,000  
16 denied requests from October 1, 2022 to February 6, 2025; the next highest, Illinois, only had 2,946.  
17 Jessica M. Vaughan, Which Sanctuary Jurisdictions Have Released the Most Criminals?, submitted  
18 as HHRG-119-JU00-20260304-SD064-U64 to the H. Comm. on the Judiciary, 119th Cong. (April  
19 9, 2025). (Lawson Decl. ¶ 26; Ex. 21; RJN # 21.)

20 El Cajon, as well as municipalities and law enforcement agencies statewide, should be free  
21 to respond to public safety matters in manner which prioritizes a speedy response that serves the  
22 public and the children in our communities, not legal hairsplitting. The uncertainty caused by  
23 precisely the kinds of analysis provided by the Attorney General requires the Police Department to  
24 waste valuable time training its Officers on the scope of SB 54 and the rest of the LEO Policies,  
25 which in turn causes El Cajon’s Officers to navigate dangerous situations with one eye on complying  
26 with legal formalities rather than an exclusive focus on solving the problem. (Moulton Affidavit, ¶¶  
27 15, 16.) In effect, these policies place local communities and their children at risk by forcing law  
28 enforcement to operate as intermediaries in a broader political and financial struggle between

1 Sacramento and Washington, rather than allowing officers to focus solely on immediate public  
2 safety.

3 **IV. CALIFORNIA’S LEO POLICIES ARE INVALID UNDER THE SUPREMACY**  
4 **CLAUSE**

5 The LEO Policies, both on their face and as applied to El Cajon, conflict with Section 1324  
6 and are thus preempted and invalid. *See Arizona*, 567 U.S. at 399 (“... state laws are preempted  
7 when they conflict with federal law ... [t]his includes cases where ‘compliance with both federal and  
8 state regulations is a physical impossibility.’”). State statutes that run afoul of the Supremacy Clause  
9 may be enjoined. *See, e.g., Camarillo Sanitary Dist. v. State Water Res. Control Bd.*, 113 Cal. App.  
10 5th 407, 422 (Cal. App. 5th Dist. 2025). To obtain injunctive relief, the Plaintiff must satisfy two  
11 interrelated factors: (1) the likelihood of success on the merits and (2) the relative interim harm to  
12 the parties if relief is granted. *People v. Uber Techs., Inc.*, 56 Cal. App. 5th 266, 304 (Ct. App. First  
13 Dist., 2020).

14 **V. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS**

15 **1. Plaintiff’s Standing**

16 This challenge is timely because each continued application of the LEO Policies—such as  
17 each instance in which an El Cajon law enforcement officer is compelled to refrain from cooperating  
18 with federal immigration authorities in a manner designed to reduce the detection, transfer, or  
19 removal of unlawfully present aliens—constitutes a new and ongoing injury.; this holds for as applied  
20 challenges (*see, e.g., Thomas v. County of Humboldt*, 124 F.4th 1179, 1192 (9th Cir. 2024) (In  
21 discussing an as applied Supremacy Clause challenge to a municipality’s penalty provisions for  
22 zoning violations the Ninth Circuit observed that because the plaintiff had alleged “that the County  
23 imposed penalties on her well into the limitations period, and each imposition was a new unlawful  
24 act, Olson’s as-applied challenge is not time-barred.”)) as well as facial challenges (*see also, Animal*  
25 *Legal Defense Fund, et al., v. Otter*, 44 F. Supp. 3d 1009, 1027 (D. *Id.*) (In discussing a facial  
26 challenge, the court observed that “the overwhelming majority of courts hold that cases involving  
27 facial challenges based upon preemption are fit for judicial review even without specific factual  
28 development or the law actually being enforced.” *Pacific Gas & Elec. Co. v. State Energy Resources*

1 *Conserv. & Dev. Comm'n.*, 461 U.S. 190, 201, 103 S.Ct. 1713, 75 L.Ed.2d 752 (1983) (resolution of  
2 preemption issue need not await development of record by state interpretation or application of  
3 statute); *see also Abbott*, 387 U.S. at 149, 87 S.Ct. 1507 (statutory construction was a purely legal  
4 issue ripe for review).”)).

## 5 **2. The California Attorney General is the Proper Defendant**

6 Pursuant to the California Constitution, the Attorney General is the “chief legal officer of the  
7 state” and has “direct supervision over every ... sheriff and over such other law enforcement officers  
8 as may be designated by law.” Cal. Const. art. V, § 13. These constitutional prerogatives grant the  
9 Attorney General the power to ensure “efficiency and horizontal coordination” across all aspects of  
10 California’s law enforcement agencies. *Goldstein v. City of Long Beach*, 715 F.3d 750, 756 (9th Cir.  
11 2013). As mentioned above, the California Attorney General has issued numerous advisories (*see*,  
12 *e.g.*, (Lawson Decl. ¶ 10; Ex. 5; RJN # 5.) on compliance with the LEO Policies, with the Bonta  
13 Bulletin serving as the most recent update. Also, California has granted the Attorney General  
14 considerable statutory oversight of law enforcement agencies, with authority to summon law  
15 enforcement leaders to ensure the “uniform and adequate enforcement of the laws of this state” (Cal.  
16 Gov. Code § 12524), require the production of reports on crime in their jurisdictions and direct the  
17 activities of sheriffs in criminal investigations (Cal. Gov. Code § 12560), and, as specifically applied  
18 to the LEO Policies, the Attorney General has been tasked with producing by July 1, 2026, model  
19 policies for state and local agencies on how to interact with immigration authorities (Cal. Gov. Code  
20 § 12532.5).

21 Moreover, at least one law enforcement agency, the Orange County Sheriff’s Department,  
22 has been held to account in a civil action for failing to honor the CVA. (*Roman v. Orange County*  
23 *Sheriff’s Department, et al.*, 20-cv-1580, S.D. Ca., ECF No. 10.) While that action was brought by  
24 an individual plaintiff under the Tom Bane Civil Rights Act, Civ. Code § 52.1, the Attorney General  
25 has parallel authority under Civ. Code § 52.3 to bring injunctive and declaratory actions when a law  
26 enforcement officer acts in a way that “deprives any person of rights, privileges, or immunities  
27 secured or protected by the ... laws of California.”

28 The issuance of an injunction is not contingent on proof that a defendant is threatening

1 enforcement; the legal possibility alone is sufficient. *Prigmore v. City of Redding*, 150 Cal. App. 4th  
2 1322, 1349 (Ct. App. 3rd Dist. 2012) (“Under California law, it is sufficient that the objecting party  
3 show actual or threatened injury from the enactment of a statute or regulatory measure.”). Here, the  
4 threat is neither abstract nor speculative: El Cajon and its officers are presently required to operate  
5 under a statutory and regulatory framework that compels restrictions on cooperation with federal  
6 immigration authorities, exposes the City to conflicting obligations under state and federal law, and  
7 forces officers to choose between compliance with California’s Sanctuary Policies and adherence to  
8 Congress’s comprehensive immigration framework.

9       And of course the threat of enforcement of the LEO Policies by the Attorney General is not  
10 the only concern facing the City of El Cajon, as the City remains exposed to enforcement action by  
11 the Department of Justice. Aside from criminal exposure, there is civil exposure as violations of  
12 Section 1324 constitute predicate offenses under the federal civil RICO statute, 18 U.S.C. § 1964.  
13 And while the Ninth Circuit held in *Lancaster Cmty. Hosp. v. Antelope Valley Hosp. Dist.*, 940 F.2d  
14 397 (9th Cir. 1991) , that municipalities cannot face liability under the federal RICO claims because  
15 they are “incapable of forming malicious intent,” this analysis was focused on the public policy  
16 concerns of exposing the public fisc to private RICO claims. Contrariwise, El Cajon is faced with  
17 potentially defending the LEO Policies in an action for injunctive relief brought by the Department  
18 of Justice. Furthermore, the Second Circuit in *Gingras v. Think Finance, Inc.*, specifically noted that  
19 the Ninth Circuit’s public policy analysis of monetary exposure under RICO is not applicable to  
20 injunctive relief sought against a government entity. 922 F.3d 112, 125 (2nd Cir. 2019).  
21 Accordingly, El Cajon finds itself between the rock of enforcing the Sanctuary Policies and the hard  
22 place of honoring Section 1324.

23       And it would be no defense that El Cajon is simply executing state law. Given that even  
24 judges are “not immune from criminal prosecution for committing crimes” when engaged in official  
25 acts, *United States v. Dugan*, 767 F. Supp. 3d 855, 886 (E.D. Wi., August 26, 2025), state and local  
26 law enforcement officers are fully exposed to liability. *See also, Standing Akimbo LLC v. United*  
27 *States through Internal Revenue Service*, 955 F.3d 1146, 1158 (10th Cir. 2020) (“So, despite legally  
28 *operating under Colorado law*, ‘the Taxpayers are subject to greater federal tax liability’ because of

1 their federally unlawful activities, and any ‘remedy [for this] must come from Congressional change  
2 to § 280E or 21 U.S.C. § 812(c) (Schedule I) rather than from the courts.’” (emphasis added)).

3 A contrary holding would necessarily make a mockery of the Supremacy Clause. For every  
4 act Congress passed, a state could pass a contrary bill, charge its officers with enforcing it, and nullify  
5 our federal structure. Federal courts have long rejected such claims by state officials asserting  
6 immunity under 42 U.S.C. § 1983 because they were simply following state laws. *See, e.g., LSO,*  
7 *Ltd. v. Stroh*, 205 F.3d 1146, 1160 (9<sup>th</sup> Cir. 2000) (it “is a long-standing principle that a state may not  
8 immunize its officials from the requirements of federal law.”); *see also, Moore v. Urganhart*, 899 F.3d  
9 1094, 1104 (9<sup>th</sup> Cir. 2018) (holding that extending immunity for § 1983 claims “to executive branch  
10 officials like the Sheriff would strip federal courts of the authority to enjoin enforcement of any  
11 facially unconstitutional state statute that is invoked at the behest of private parties through the  
12 courts.”).

### 13 **3. The LEO Policies Conflict with Section 1324**

14 Under the Supremacy Clause, Article VI, cl. 2, a state law that conflicts with federal law must  
15 yield. *Arizona*, 567 U.S. at 399. As set forth below, compliance with California’s Sanctuary Policies  
16 necessarily violates Section 1324 and thus the LEO Policies are invalid as they obstruct Congress’  
17 immigration framework. Further, as Congress has swept the field of any state effort to develop its  
18 own independent deportation policy, the Sanctuary Policies are also *per se* facially invalid. As a  
19 result, this Court should grant preliminary injunctive relief prohibiting the Attorney General from  
20 compelling El Cajon to enforce any provision of the LEO Policies.

#### 21 **a. As Applied Challenge / Conflict Preemption**

22 As applied to the activities of the El Cajon Police Department—*i.e.*, in all the responsibilities  
23 imposed by the CVA, TRUST Act, TRUTH Act, and the Bonta Bulletin—the entire structure of the  
24 LEO Policies is designed to encourage, induce, and protect illegal aliens residing in California. *Tobe*  
25 *v. City of Santa Ana*, 9 Cal.4th 1069, 1084 (Cal. 1995) (“An as applied challenge may seek ... an  
26 injunction against future application of the state ... in the allegedly impermissible manner it is shown  
27 to have been applied in the past.”). This objective directly conflicts with 8 U.S.C. § 1324 and  
28 Congress’s comprehensive immigration framework by deliberately reducing the likelihood that

1 unlawfully present aliens will be identified, transferred to federal authorities, detained, or removed,  
2 thereby frustrating the deterrent, enforcement, and removal mechanisms Congress enacted as integral  
3 components of the Nation’s unified immigration system.

4       The LEO Policies systematically interfere with core law-enforcement functions by  
5 prohibiting officers from fully investigating criminal activity, restricting the communication of  
6 known or suspected violations of federal immigration law to federal authorities, compelling officers  
7 to discourage cooperation with immigration officials, and requiring the release of unlawfully present  
8 aliens in circumstances where transfer or coordination with federal authorities would otherwise  
9 naturally occur—all for the purpose and effect of reducing the detection, detention, and removal of  
10 aliens unlawfully residing in the United States. *See, generally*, Cal. Cal. Gov. Code §§ 7282.5,  
11 7283.1, and 7284.6. Interviewing witnesses, gathering background information on suspects,  
12 reviewing inmate histories for other crimes, and cooperation with fellow federal law enforcement  
13 officers are fundamental and routine components of ordinary police work throughout the United  
14 States, yet the LEO Policies obstruct and restrict the El Cajon Police Department at virtually every  
15 stage of those activities whenever cooperation with federal immigration enforcement may result.

16       By placing restrictions on how El Cajon’s Officers interact with federal laws and law  
17 enforcement officers on issues of immigration, the LEO Policies frustrate the purpose and execution  
18 Congress’ National immigration framework and are therefore invalid. *Arizona*, 567 U.S. at 399.  
19 Congress specifically identified offenses such as controlled-substance violations, aggravated  
20 felonies, firearms offenses, domestic violence crimes, and fleeing immigration checkpoints as  
21 grounds for removal from the United States—offenses that directly implicate the public-safety  
22 concerns regularly confronting jurisdictions like El Cajon. Yet the LEO Policies substantially impair  
23 the ability of El Cajon officers to communicate and coordinate with federal immigration authorities  
24 regarding aliens who commit such deportable offenses, thereby frustrating Congress’s determination  
25 that individuals engaged in this conduct should be identified, transferred, detained, and, where  
26 appropriate, removed from the country.

27       It is important to remember that the Court in *Arizona* struck down state laws that  
28 complemented the larger federal framework, *e.g.*, state laws that made it a criminal offense for an

1 illegal alien to search for work when federal law already prohibited employers from knowingly hiring  
2 illegal aliens. 567 U.S. at 406. The Court held even though Arizona sought “to achieve one of the  
3 same goals as federal law” such a provision interfered with the “careful balance struck by Congress  
4 with respect to unauthorized employment of aliens” *Id.* By contrast, California’s Sanctuary Policies  
5 seek to *defeat* federal law, not complement it, and are therefore invalid under the Supremacy Clause.

6 **b. Facial Challenge / Field Preemption**

7 Plaintiff has met the standards of a facial challenge as well. *See, Tobe*, 9 Cal. 4th at 1084 (“A  
8 facial challenge to the constitutionality of a statute or ordinance considers only the test of the measure  
9 itself, not its application to the particular circumstances of an individual.”). The Sanctuary Policies  
10 were deliberately structured to encourage and induce unlawfully present aliens to reside, work, obtain  
11 public benefits, and participate in civic life in California while minimizing the risk that their unlawful  
12 presence will result in detection, transfer to federal authorities, detention, or removal. The LEO  
13 Policies are part of a larger effort by California to mobilize its assets to defeat Congress’ immigration  
14 framework, and as Congress has swept the field of any ability by state legislatures to defeat our  
15 National immigration framework, the LEO Policies are invalid under the Supremacy Clause.

16 Congress’s immigration framework establishes a comprehensive national system governing  
17 the detection, detention, and removal of unlawfully present aliens while prohibiting conduct that  
18 encourages or induces unlawful residence. The Sanctuary Policies were deliberately designed to  
19 undermine that framework by reducing the likelihood that unlawfully present aliens in California  
20 will be detected, transferred, detained, or removed. The Supreme Court in *Arizona* made clear that  
21 immigration regulation is an area of uniquely dominant federal concern where Congress’s authority  
22 is so comprehensive that even state laws designed to mirror or complement federal immigration  
23 requirements are preempted. 567 U.S. at 400 (“[w]here Congress occupies an entire field, as it has  
24 in the field of alien registration, even complementary state regulation is impermissible. Field  
25 preemption reflects a congressional decision to foreclose any state regulation in the area, even if it is  
26 parallel to federal standards.”)

27 In contrast to *Arizona*, California’s Sanctuary Policies are *hostile* to, not complementary with,  
28 federal law. The Deportation Provisions have clearly marked Congress’ intent to set National policy

1 on who, how, and when illegal aliens are deported—in other words, Congress has swept the field of  
2 any effort by states to block its deportation framework. As the Sanctuary Policies actively work to  
3 *prevent* deportations, the LEO Policies are *per se* unlawful.

4 California has previously argued that the provisions of the CVA are necessary to promote  
5 public safety. Relying on the legislative finding in Cal. Gov. Code § 7284.2(c) that trust with law  
6 enforcement is threatened when “immigrant community members fear approaching police when they  
7 are victims of, and witnesses to, crimes ... to the detriment of public safety and the well-being of all  
8 Californians,” the Attorney General has bolstered these findings with affidavits from some law  
9 enforcement officials supporting this position. *See, e.g., City of Huntington Beach v. Becerra*, 44  
10 Cal. App. 5<sup>th</sup> 243, 274 (Ct. App. 4<sup>th</sup> Dist. 2020).

11 However, this argument is essentially stating that two wrongs make a right: having unlawfully  
12 solicited illegal aliens to reside in the state, California now claims that “public safety” necessitates  
13 unlawfully facilitating illegal aliens continuing to reside in the United States. Had California simply  
14 let federal immigration authorities execute the Residency and Deportation Provisions unimpeded,  
15 these ostensible “public safety” issues would not exist. And any “public safety” concerns advanced  
16 by the LEO Policies are easily offset by the additional harms described in the Moulton Affidavit.

17 Moreover, California’s theory turns the very concept of public trust in law enforcement on  
18 its head. Public confidence in law enforcement is strengthened—not diminished—when officers  
19 faithfully execute the law and cooperate with fellow law-enforcement agencies in protecting the  
20 public. Policies that compel officers to disregard known or suspected violations of federal law,  
21 restrict communication with federal authorities, and selectively refrain from assisting in the  
22 enforcement of duly enacted federal statutes do not foster respect for the rule of law; they undermine  
23 it. A legal regime that requires officers to ignore categories of unlawful conduct cannot plausibly be  
24 characterized as enhancing public trust or public safety.

25 Likewise, public trust in government is not enhanced when state officials deliberately enact  
26 laws designed to counteract and frustrate federal statutes enacted by Congress to protect the Nation’s  
27 borders, security, and public safety. The Supremacy Clause does not permit states to substitute their  
28 own policy preferences for Congress’s considered judgment on matters of national immigration

1 enforcement. To the contrary, a state’s open effort to impede the enforcement of federal law risks  
2 undermining public confidence in both the rule of law and the constitutional structure itself.

3 Nor can California plausibly claim that its policies are without effect on the migration patterns  
4 of illegal aliens. As Chief Justice Burger wrote in his dissent in the closely divided *Plyler v. Doe*,  
5 457 U.S. 202, 249, n. 10:

6 It blinks reality to maintain that the availability of governmental  
7 services such as education plays no role in an alien family's decision  
8 to enter, or remain in, this country; certainly, the availability of a free  
bilingual public education might well influence an alien to bring his  
children, rather than travel alone for better job opportunities.

9 This common-sense understanding on the drivers of illegal immigration is more than  
10 buttressed by the experience of this decades’ long experiment with California’s Sanctuary Policies.  
11 It is estimated that 50% of all illegal aliens reside in sanctuary jurisdictions, with 20% of all illegal  
12 aliens residing in California (an outsized representation given that California only represents 11% of  
13 the total United States population). Jessica M. Vaughan, Statement Before the S. Comm. on the  
14 Budget, 119th Cong. (Mar. 10, 2026) (on “Sanctuary Cities: The Cost of Undermining Law and  
15 Order”), (Lawson Decl. ¶ 27; Ex. 22; RJN # 22.) Furthermore, after Texas undertook efforts and  
16 enacted laws designed to combat the effects of illegal immigration in 2023 the ACLU chapters of  
17 San Diego and Imperial Counties joining with other chapters to issue an advisory against travelling  
18 to Texas<sup>5</sup> and unlawful border crossings declined in Texas but rose in California and Arizona.<sup>6</sup>  
19 Removing all doubt that it “blinks reality” to believe that the promise of government services and  
20 benefits lures illegal aliens to California are the actions and statements detailed above where the  
21 state’s leaders have declared their goal of making California a place where illegal aliens can live and  
22 work “without fear of deportation.”

#### 23 **4. The Relative Harms to the Parties Favors Granting Relief**

24 \_\_\_\_\_  
25 <sup>5</sup> Am. Civil Liberties Union of N.M. et al., Texas Travel Advisory, <https://www.aclu-nm.org/texas-travel-advisory/> (Dec. 19, 2023), (Lawson Decl. ¶ 28; Ex. 23; RJN # 23.)

26 <sup>6</sup> Andrea Castillo, Migrant Arrests Are Up Along the Border in California and Dropping in Texas.  
27 Why?, L.A. Times (Feb. 26, 2024), <https://www.latimes.com/politics/story/2024-02-26/migrant-arrivals-california-increase>, (Lawson Decl. ¶ 29; Ex. 24; RJN # 24.)  
28

1 Plaintiff has established that the LEO Policies conflict with the Constitution’s grant of  
2 immigration authority to Congress and therefore must yield under the Supremacy Clause. Any harm  
3 imposed on California by enjoining the LEO Policies is more than outweighed by two paramount  
4 concerns.

5 First, El Cajon urgently requires clarity and certainty that only this Court can provide  
6 regarding the legal obligations governing its Police Department. The City and its officers are  
7 currently trapped between conflicting sovereign commands, where compliance with California’s  
8 Sanctuary Policies interferes with Congress’s immigration framework, while cooperation with  
9 federal immigration authorities violates state law. The Supremacy Clause does not permit state law  
10 to place local law-enforcement officers in the impossible position of choosing which sovereign’s law  
11 to violate.

12 Second, this case implicates the paramount constitutional interest in preserving the  
13 Supremacy Clause and maintaining the Federal Government’s exclusive authority over the Nation’s  
14 immigration system. As the Ninth Circuit has held, “in the context of preemption, an alleged  
15 constitutional infringement will often alone constitute irreparable harm.” *Casala, LLC v. Kotek*, 789  
16 F.Supp.3d 1025, 1042 (D. Or. 2025). Any injury to California by having its statutes invalidated  
17 “does not outweigh the public interest in ensuring that a state does not violate the Supremacy Clause  
18 of the United States Constitution.” *Id.* at 1043.

19 By contrast, El Cajon faces the daily risk that its Officers will either violate federal criminal  
20 law or face state enforcement proceedings. This uncertainty itself constitutes irreparable harm. *See,*  
21 *e.g., Thomas v. County of Humboldt*, 124 F.4th 1179, 1188 (9th Cir. 2024). Any harm to California  
22 is merely the loss of its ability to enforce preempted statutes—an interest that cannot outweigh the  
23 public interest in preserving the Supremacy Clause and uniform federal immigration policy.

24 Accordingly, Plaintiff has satisfied the second factor for granting the following preliminary  
25 injunctive relief:

26 **VI. Conclusion**

27 However important illegal aliens may be to California’s economy, the suggestion that states  
28 can nullify federal authority to advance regional economic interests was an issue last seen in the

1 antebellum era<sup>7</sup> and resolved in favor of federal supremacy over 160 years ago.<sup>8</sup> The essential  
 2 question before this Court is therefore this: who is sovereign over immigration policy, Congress or  
 3 California?

4 Ignoring the framework established by Congress, California—guided by mercenary fears  
 5 over the effects of an “expansion of federal deportation efforts ... on California’s economy and  
 6 society”—has engaged in an open and notorious effort to nullify federal law to encourage illegal  
 7 aliens that they can contribute to California’s economy “without fear of deportation.”

8 However, as noted by the Supreme Court in *Arizona*, “[f]ederal law makes a single sovereign  
 9 responsible for maintaining a comprehensive and unified system to keep track of aliens with the  
 10 Nation’s borders.” 567 U.S. at 401-02. The Supreme Court warned that state efforts like California’s  
 11 Sanctuary Policies could give states the ability to diminish federal control over enforcement of  
 12 National immigration policy and weaken Congress’ comprehensive framework. *Id.* at 402. This  
 13 Court should find that El Cajon has demonstrated that the LEO Policies likely violate the sovereignty  
 14 principle recognized by *Arizona*, weaken Congress’ immigration policies, violate Section 1324, and  
 15 enjoin the Attorney General from compelling El Cajon to implement the LEO Policies.

16  
 17 Dated: May 20, 2026 REDEN | RIDDELL  
 18  
 19 By: /s/ Justin G. Reden  
 20 Justin G. Reden, Esq.  
 21 Richard Lawson, Esq. *pro hac vice*  
 22 *forthcoming*  
 23 Attorneys for Plaintiff,  
 24 CITY OF EL CAJON  
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26 <sup>7</sup> See, e.g., President Jackson's Proclamation Regarding Nullification, December 10, 1832,  
 27 [https://avalon.law.yale.edu/19th\\_century/jack01.asp](https://avalon.law.yale.edu/19th_century/jack01.asp)  
 28 <sup>8</sup> See, e.g., General Order No. 3, issued by Maj. Gen. Gordon Granger, June 19, 1865,  
<https://www.archives.gov/news/articles/juneteenth-original-document>