

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MARIAN RYAN, in her official capacity as )  
Middlesex County District Attorney; )  
RACHAEL ROLLINS, in her official capacity )  
as Suffolk County District Attorney; )  
COMMITTEE FOR PUBLIC COUNSEL )  
SERVICES; and the CHELSEA )  
COLLABORATIVE, INC., )  
Plaintiffs, )

v. )

U.S. IMMIGRATION AND CUSTOMS )  
ENFORCEMENT; MATTHEW T. )  
ALBENCE, in his official capacity as Acting )  
Deputy Director of U.S. Immigration and )  
Customs Enforcement and Senior Official )  
Performing the Duties of the Director; TODD )  
M. LYONS, in his official capacity as )  
Immigration and Customs Enforcement, )  
Enforcement and Removal Operations, Acting )  
Field Office Director; U.S. DEPARTMENT )  
OF HOMELAND SECURITY; and KEVIN )  
McALEENAN, in his official capacity as )  
Acting Secretary of United States Department )  
of Homeland Security, )  
Defendants. )

Civil Action No. \_\_\_\_\_

**PLAINTIFFS’ MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs Marian Ryan, Middlesex County District Attorney, Rachael Rollins, Suffolk County District Attorney, the Committee for Public Counsel Services, and the Chelsea Collaborative, Inc. (collectively “Plaintiffs”) hereby respectfully request that this Court issue a preliminary injunction enjoining Defendants U.S. Immigrations and Customs Enforcement (“ICE”), Matthew T. Albence, in his official capacity as Acting Director of ICE, Todd M. Lyons, in his official capacity as Acting

Field Office Director of the ICE Boston Field office, U.S. Department of Homeland Security (“DHS”), and Kevin McAleenan, in his official capacity as Acting Director of DHS (collectively, “Defendants”), from implementing ICE Directive No. 11072.1, entitled “Civil Immigration Actions Inside Courthouses” (the “Directive”), dated January 10, 2018, and from civilly arresting parties, witnesses, and others attending Massachusetts courthouses on official business while they are going to, attending, or leaving the courthouse. ICE’s Directive authorizing such arrests, and its corresponding practice of conducting such arrests, exceed ICE’s statutory authority under the Immigration and Nationality Act (“INA”), which does not authorize ICE to conduct civil courthouse arrests that are privileged under well-established common law principles. Plaintiffs have already experienced irreparable harm as a result of Defendants’ practice of conducting civil courthouse arrests and will continue to suffer irreparable harm absent a preliminary injunction.

In support of this Motion, Plaintiffs rely on their Memorandum of Law, supporting declarations, and exhibits submitted herewith. As set forth in their Memorandum of Law, Plaintiffs are likely to succeed on the merits; Plaintiffs are suffering ongoing and irreparable harm which is likely to continue if the order is not granted; and that the public interest and balance of harms weigh strongly in favor of granting preliminary injunctive relief.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs’ Motion for a Preliminary Injunction and award the relief requested.

**REQUEST FOR ORAL ARGUMENT**

Plaintiffs believe that oral argument would assist the Court in consideration of the issues presented in this Motion and, accordingly, request to be heard on this Motion pursuant to Local Rule 7.1(d).

Dated: April 29, 2019

Respectfully submitted,

/s/ David J. Zimmer

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Civil Action No. \_\_\_\_\_

**[PROPOSED] ORDER GRANTING PLAINTIFFS'  
MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and upon consideration of Plaintiffs' Motion for a Preliminary Injunction and review of the pleadings and papers filed in support thereof and in opposition thereto, and after hearing oral argument from counsel for the parties, this Court hereby GRANTS Plaintiffs' Motion for a Preliminary Injunction.

The Court ORDERS that Defendants U.S. Immigrations and Customs Enforcement (“ICE”), Matthew T. Albence, in his official capacity as Acting Deputy Director of U.S. Immigration and Customs Enforcement and Senior Official Performing the Duties of the Director, Todd M. Lyons, in his official capacity as Immigration and Customs Enforcement, Enforcement and Removal Operations, Acting Field Office Director; the U.S. Department of Homeland Security, and Kevin McAleenan, in his official capacity as Acting Director of the U.S. Department of Homeland Security, are hereby enjoined from implementing ICE Directive No. 11072.1, entitled “Civil Immigration Actions Inside Courthouses” (the “Directive”), dated January 10, 2018, and from civilly arresting parties, witnesses, and others attending Massachusetts courthouses on official business while they are going to, attending, or leaving the courthouse.

As grounds for this order, the Court finds that Plaintiffs are likely to succeed on the merits of their claim that ICE’s Directive and corresponding practice of civil arrest in state courthouses exceed ICE’s grant of statutory authority under the Immigration and Nationality Act; that ICE’s Directive is causing Plaintiffs ongoing and irreparable harm which is likely to continue if the order is not granted; and that the public interest and balance of harms weigh strongly in favor of granting preliminary injunctive relief.

This Order shall remain in effect unless and until modified by the Court.

SO ORDERED this \_\_\_ day of \_\_\_\_\_, 2019

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United States District Judge