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**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

COUNTY OF SANTA CLARA;
STATE OF CALIFORNIA, by and through
Attorney General Rob Bonta,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT; UNITED
STATES GENERAL SERVICES
ADMINISTRATION; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY; EDWARD FROST, in his
official capacity as Administrator of the
General Services Administration;
MARKWAYNE MULLIN, in his official
capacity as Secretary of Homeland Security;
DAVID VENTURELLA, in his official
capacity as Senior Official Performing the
Duties of the Director of Immigration and
Customs Enforcement; and ECG 6 LLC,

Defendants.

Case No. 5:26-cv-05604

**[PROPOSED] BRIEF OF *AMICI CURIAE*
MONTEREY COUNTY AND OTHER
BAY AREA AND CENTRAL COAST
LOCAL GOVERNMENTS IN SUPPORT
OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: September 8, 2026

Time: 2:00 pm

Crtrm: 7, 4th floor

Hon. Eumi K. Lee

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STATEMENT OF INTEREST

Amici are Monterey County and other Bay Area and Central Coast cities and counties that support Plaintiffs’ request for a preliminary injunction. Like Plaintiffs, *amici* share an interest in averting the severe harms that will inevitably follow from the construction and subsequent operation of the federal immigrant holding facility in Santa Clara County, California (the “Holding Facility”).

The Holding Facility will cause substantial damage, including the creation of significant environmental hazards, the misuse of historically preserved farmland, myriad economic harms to local government entities, and the same form of mistreatment and neglect immigrant detainees have experienced throughout the country. *See generally* Compl. ¶¶ 1–17. These harms, and those described below, are not distant to *amici*. The Holding Facility is situated only a mile off Route 101, a highway that thousands of commuters and tourists use to travel to and from our communities each day. And the Holding Facility will likely hold detained residents and community members from *amici*’s local jurisdictions. It is in the interest of preventing harms to our communities that *amici* ask this Court to grant Plaintiffs’ request for injunctive relief.

SUMMARY OF ARGUMENT

The public interest and the threat of irreparable harm—essential prongs of injunctive relief—weigh in favor of granting Plaintiffs’ request for a preliminary injunction. Moreover, the federal Government’s demonstrated willingness to unlawfully expand its power to arrest and detain only exacerbate each of the described ramifications of the Holding Facility.

First, research unsurprisingly demonstrates that an increase in detention capacity correlates with an increase in enforcement activity in surrounding communities. That increase, in turn, produces significant economic harms, including reduced labor force participation, decreased business activity, and lost local tax revenue. Such effects would be particularly damaging in the Bay Area and Central Coast, where immigrants play a vital role across multiple sectors within local economies, including agriculture.

Second, expanded immigration enforcement undermines public safety and health. When residents fear immigration consequences, they are less likely to report crimes, seek medical care, or participate in public institutions, creating measurable risks for entire communities. The effects of increased enforcement fall particularly heavily on children and mixed-status families, leading to school absenteeism, family instability, and long-term developmental harms that local governments, including *amici*'s, must address.

Finally, the federal Government’s failure to coordinate with and consider Plaintiffs’ viewpoints deprives local jurisdictions of the opportunity to prepare for and mitigate the foreseeable repercussions of the proposed facility. In sum, these far-reaching harms underscore the urgent need to enjoin construction of the Holding Facility before additional irreparable damage is done.

ARGUMENT

The Holding Facility must be understood in the context of the Administration’s broader immigration goal: to deport one million people per year through an expanded network of field offices, holding facilities, and detention centers.¹ DHS’s own memos and leaders lay out federal plans to “fully implement a new detention model by the end of Fiscal Year 2026,”² in which ICE’s deportation process runs “like [Amazon] Prime, but with human beings.”³ The Holding Facility is part of an integrated system that will allow ICE to significantly ramp up local arrests. The severity of the harms inflicted by these planned mass detentions are made all the more extreme when coupled with the Administration’s recent efforts to detain immigrants indefinitely without bond. *See, e.g., Buenrostro-Mendez v. Blanche*, 166 F.4th 494 (5th Cir. 2026) (holding that all

¹ See Leah Fieger, *ICE is Expanding Across the US at Breakneck Speed. Here's Where It's Going Next*, Wired (Feb. 10, 2026), <https://perma.cc/J8Q2-RCT8>.

² U.S. Dep’t of Homeland Sec., *ICE Detention Reengineering Initiative* (Feb. 13, 2026), <https://perma.cc/665N-H8JR>; *see also* Compl. ¶¶ 106–07.

³ Jerod MacDonald-Evoy, *ICE director envisions Amazon-like mass deportation system: 'Prime, but with human beings'*, Ariz. Mirror (Apr. 8, 2025), <https://perma.cc/HDH7-HHTS>.

1 noncitizens who are in the U.S. without admission are subject to mandatory detention without
2 bond); *cf.*, *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026) (joining the Second, Seventh,
3 and Eleventh Circuits in affirming that interior immigrant arrestees are eligible for release on
4 bond). In short, the Holding Facility could become a site from which residents are briefly held and
5 then sent to a distant jurisdiction to be detained indefinitely.⁴

6 *Amici*'s residents are not only at risk of being indefinitely separated from their families and
7 communities, but they are also at risk of significant harms in DHS custody, as is evident from the
8 long record of civil liberty violations, physical injury, and even wrongful death of arrestees and
9 detainees.⁵ While the federal Government undoubtedly has authority to lawfully execute the
10 immigration laws of the United States,⁶ it cannot deploy that authority in dangerous and illegal
11 ways.

12 But beyond escalating personal liberty infringements, an increase in immigration
13 enforcement carries significant negative economic impacts to surrounding communities.⁷ Targeted
14 jurisdictions also suffer worsening health and public safety outcomes, and strains on communities
15 and families. Inflamed here by the total bypassing of intergovernmental processes, recent history
16 teaches that, barring intervention, these same harms will land upon *amici* and our residents.

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20 ⁴ See Compl. ¶¶ 131–35 (describing plans to use the Holding Facility as a temporary holding
21 center).

22 ⁵ See U.S. Senate, Permanent Subcomm. on Investigations, *Unchecked Authority: Examining the*
23 *Trump Administration's Extrajudicial Immigration Detentions* (Dec. 9, 2025),
24 <https://perma.cc/LTT9-S2DC>; see also Maanvi Singh, *A year after ICE raids terrorized Los Angeles, a rattled city counts its scars: 'The arrests never really stopped'* (June 14, 2026), *The Guardian*, <https://perma.cc/ZVM2-BHYD>.

25 ⁶ See, e.g., *Arizona v. United States*, 567 U.S. 387, 394 (2012) (noting that the “[federal]
26 Government of the United States has broad, undoubted power over the subject of immigration and
the status of aliens.”).

27 ⁷ See Shannon M. Sedgwick et al., *Economic Impacts of Federal Immigration Enforcement in Los*
28 *Angeles County* at iv-v, L.A. Cnty. Econ. Dev. Corp. (Jan. 2026), <https://perma.cc/VN2X-UWV6>.

I. The Holding Facility Will Harm Local Economies, and the Agricultural Industry in Particular

The economies of *amici* communities have and will continue to suffer from the construction and eventual use of the Holding Facility. Research shows that communities near ICE facilities see an increase in immigration arrests, which leads to negative economic impacts.⁸ For example, the missed work hours caused by the increased presence of federal law enforcement during Operation Metro Surge last winter led to an estimated \$189.2 million in lost wages in Minneapolis and another \$54.6 million in lost wages in St. Paul.⁹ Similarly, raids in Los Angeles in 2025 caused 70% of businesses in the targeted areas to experience staffing shortages, with many workers reporting fear as the reason they were not reporting to work.¹⁰

Nationally, in cities where ICE carried out the largest enforcement surges, total employment was down by almost one percent in 2025, costing the nation close to 700,000 jobs and costing California more than 465,000 jobs.¹¹ Increased immigration enforcement has also led to lower foot traffic and declines in spending at small businesses.¹²

⁸ See Brandon Pho, *Santa Clara County sues to stop planned ICE facility*, San Jose Spotlight (June 10, 2026), <https://perma.cc/A9R9-A4P9>.

⁹ Tom K. Wong, *Large-Scale Immigration Enforcement and Its Consequences: The Impact of Operation Metro Surge* 7, U.S. Immigr. Pol’y Ctr. (Mar. 24, 2026), <https://perma.cc/WSD2-PVKA>.

¹⁰ See *LA County report: ICE raids result in \$3.7 million in business losses*, NBC4 L.A. (Feb. 10, 2026), <https://perma.cc/7LGL-VUJQ>.

¹¹ See Marcela Escobari, Ian Seyal & Paul Beach, *Shock, awe, and economic fallout: The employment effects of ICE enforcement in US cities*, Brookings (May 29, 2026), <https://perma.cc/7BZ2-VNT9>; Edward Orozco Flores, Jennifer Elena Cossyleon & Keila Luna Monterrey, *The effects of recent federal immigration enforcement on private sector employment in California and Washington, D.C.*, U.C. Merced Cmty. & Labor Ctr. (Dec. 2025), <https://perma.cc/8RSV-MPL7>.

¹² See Exequiel Hernandez, *ICE-ing the Economy: Immigration Enforcement Under Trump 2.0 and Local Economic Activity* at 2 (Working Paper, May 16, 2026), <https://perma.cc/3CF4-YYWE> (finding that these decreases occurred “regardless of whether the visitor resides, or the [business] is located, in a neighborhood with high levels of immigrant or Hispanic residents”).

1 Likewise, enforcement surges decrease the likelihood that undocumented immigrants, who
2 are more likely to hold jobs than their American-born counterparts,¹³ will work. And there is no
3 evidence of any correlating positive economic effects for U.S. citizens.¹⁴ In fact, enforcement
4 surges harm U.S.-born workers who work in immigrant-heavy sectors, likely because employers
5 in those sectors tend to adjust for decreased labor supply rather than try to replace it.¹⁵

6 In the Bay Area, more than 477,000 undocumented immigrants reside in our communities
7 and play an essential role in our region’s economic vitality.¹⁶ Yet, the Bay Area could lose \$67
8 billion in annual economic output—approximately 5-6% of the region’s total GDP—if large
9 numbers of undocumented residents are deported.¹⁷ These economic harms will be acutely felt in
10 the construction, hospitality, caregiving, and food services industry.¹⁸ Of the more than 90,000
11 farmworkers employed in Monterey and Santa Cruz counties, more than half are estimated to be
12 non-citizens.¹⁹ For administrative and building maintenance roles in these counties, undocumented
13 workers make up 19% of the workforce, and more than 15% of those working in food service and
14 accommodations.²⁰ Indeed, the threat of immigration enforcement alone has *already* caused *amici*
15 measurable harm—for instance, San Francisco’s Mission District recently experienced a drop in
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18 ¹³ See Bay Area Council Econ. Inst., *The Economic Impact of Immigration Enforcement in the Bay*
19 *Area* 8 (Mar. 2026), <https://perma.cc/3UC3-JFK2> (noting that undocumented immigrants’ labor
20 force participation is 82% in the Bay Area, which is the highest of any group).

21 ¹⁴ See Elizabeth Cox & Chloe N. East, *Labor Market Impacts of ICE Activity in Trump 2.0* at 2
(Nat’l Bureau of Econ. Rsch., Working Paper No. 35129, April 2026), [https://perma.cc/YTV6-](https://perma.cc/YTV6-QRLP)
22 [QRLP](https://perma.cc/YTV6-QRLP).

23 ¹⁵ *Id.* at 10-12; *see also* Bay Area Council Econ. Inst., *supra* note 13, at 16.

24 ¹⁶ See Bay Area Council Econ. Inst., *supra* note 13, at 7-9.

25 ¹⁷ *Id.* at 15; *see also id.* at 13 (noting that “large-scale deportations would . . . shrink productive
26 capacity, drive up operating costs, tighten supply, and slow overall economic growth”).

27 ¹⁸ *Id.* at 2.

28 ¹⁹ Susan Landry, *A new path for undocumented farmworkers*, Voices of Monterey Bay (Nov. 21,
2019), <https://perma.cc/K3QK-TPDJ>.

²⁰ Bay Area Council Econ. Inst., *supra* note 13, at 13.

1 customers, retailers, and street vendors following reports of potential immigration enforcement
2 operations.²¹

3 Moreover, if mass deportation occurs in Bay Area communities, *amici* would be negatively
4 impacted by the loss of tax revenue and the costs of responding to the ensuing disorder. Removing
5 undocumented workers from the Bay Area would eliminate approximately \$8 billion in annual tax
6 revenue.²² This loss would have enormous consequences for local government services and
7 programs, harming not just undocumented community members, but all residents.²³ Relatedly,
8 cities must often set aside funds to provide for services or families who are unable to make ends
9 meet in the aftermath of the detention of a wage-earning adult; for example, the City of San Jose
10 recently allocated one million dollars to provide support to families in crisis after immigration
11 arrests.²⁴

12 The location of the Holding Facility also matters: situated directly between agricultural
13 fields, it broadcasts a clear threat to local farmworking communities. And indeed, for both
14 Plaintiffs and *amici*, the harm to farming communities will be particularly acute. Santa Clara
15 County is known for its robust agricultural production—which is the source of \$371 million
16 annually in agricultural commodities.²⁵ In Monterey County, agriculture is the source of \$11.7
17 billion dollars in the local economy and is the source of over 80,000—or one in every five—jobs.²⁶

21 KRON4, *Mission District businesses respond to federal agent deployment in SF* (YouTube, Oct.
22, 2025), <https://perma.cc/S5WH-22QK>.

22 See Bay Area Council Econ. Inst., *supra* note 13, at 17.

23 See *id.*

24 Joseph Geha, *As ICE Fears Grow, San José Approves \$1.5 Million to Support Immigrants*,
KQED (June 12, 2025), <https://perma.cc/YR9X-BGSP>.

25 See Santa Clara Valley Open Space Authority, *Preserving Our Heritage in the Valley of Heart's
Delight*, <https://perma.cc/KAU6-DKNF>.

26 See Monterey Cnty. Agric. Comm'r, *Economic Contributions of Monterey County Agriculture*
4 (Nov. 2025), <https://perma.cc/S9T5-EWA2>.

1 In Marin County, agriculture was the source of over \$257 million in contributions to the local
2 economy in 2025—or \$700,000 per day.²⁷

3 Agricultural businesses are vital to Bay Area economies and provide a critical food source
4 for the rest of the country.²⁸ Nationally, half of the vegetables and three quarters of the fruit and
5 nuts that Americans eat come from California.²⁹ Monterey County, for example, is the nation’s
6 leading grower of lettuce, celery, broccoli, spinach, cauliflower, and strawberries, all of which
7 require careful harvesting to bring to market.³⁰ If farmworkers are afraid to go to work or are
8 deported en masse, disruptions to the national supply of produce will ensue, leading to increased
9 prices and potential shortages.³¹ One recent study estimated that deporting 1.3 million
10 undocumented immigrants would result in a 1.7% increase in prices of agricultural goods
11 nationwide over multiple years.³²

12 Agricultural labor shortages will also bleed into acute harms for Bay Area restaurant and
13 tourism industries. Known for their vibrant food culture and focus on locally grown produce,³³
14 Bay Area restaurants often advertise themselves as farm-to-table.³⁴ The food industry, in turn,

16 ²⁷ See Marin Cnty. Dep’t Agric., *Economic Contributions of Marin County Agriculture* (2025),
17 <https://perma.cc/CYP7-ZF8Q>.

18 ²⁸ Gabriella Alvarez & Chris Benner, *Dignity in the Fields: Securing Latino and Indigenous*
19 *Farmworker Well-Being and Prosperity in the Salinas Valley* 19, U.C. Santa Cruz Inst. for Soc.
Transformation (Mar. 2026), <https://perma.cc/A2VJ-USAA>.

20 ²⁹ See Cal. Dep’t of Food & Agric., *California Agricultural Production Statistics*,
<https://perma.cc/2XJA-H4BL>.

21 ³⁰ See Monterey Cnty. Farm Bureau, *Facts, Figures & FAQ*, <https://perma.cc/Z4PK-8UBS>; see
22 also Monterey Cnty. Agric. Comm’r, *supra* note 26.

23 ³¹ See Warwick McKibbin, Megan Hogan & Marcus Noland, *The International Economic*
24 *Implications of a Second Trump Presidency* 24 (Peterson Inst. for Int’l Econs., Working Paper No.
24-20, Sept. 2024), <https://perma.cc/9RHS-8KSH>.

25 ³² *Id.*

26 ³³ Sasha Pesci & Catherine Brinkley, *Can a Farm-to-Table restaurant bring about change in the*
27 *food system?: A case study of Chez Panisse*, 25 Food, Culture & Soc’y 997 (2022),
<https://perma.cc/L9R8-RVPU>.

28 ³⁴ Josephine Campbell, *Farm-to-table*, EBSCO (2020), <https://perma.cc/KGS3-3CMD>.

1 helps drive Bay Area tourism,³⁵ as does the wine industry, which also relies heavily on immigrant
2 labor.³⁶ For instance, in 2023, visitors to Sonoma County brought more than \$2.1 billion dollars
3 into the local economy and generated over \$177 million in tax revenue.³⁷

4 Decreasing the number of farmworkers would disrupt the local agricultural industry and
5 lead to unharvested produce.³⁸ These disruptions could lead restaurants to seek new suppliers from
6 outside the region, raise prices for consumers, and manage a subsequent decline in the tourism
7 industry. Hundreds of thousands of *amici* residents work within a highly regional food industry—
8 from the vineyards of Sonoma, to the creameries of Marin County, to San Francisco’s Chinatown,
9 to the myriad taco trucks in Oakland, to the farmers markets with local berries in Monterey County,
10 to the Gilroy Garlic Festival—all will face harm as result of the Holding Facility.³⁹

11 **II. The Construction of the Holding Facility Will Harm Public Safety, Public Health, and** 12 **Families and Children in *Amici* Communities**

13 The expansion of immigration enforcement triggered, as described above, by a proximate
14 detention processing center would also decrease public safety and increase costs to local
15 governments. The vast majority of individuals that ICE detains have no criminal record,⁴⁰ and
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19 ³⁵ See Sharan Kuganesan & Oset Babür-Winter, *The Best Food Cities in the US: 2025 Readers’*
20 *Choice Awards*, Conde Nast Traveler (Nov. 24, 2025), <https://perma.cc/Z3XQ-KKF9> (ranking
Oakland and San Francisco among the top food destinations in the country in a reader survey).

21 ³⁶ See Valerie Lacarte, Michael Fix, & Allison Rutland, *Rooted in the Valley: Immigrants in Napa*
22 *County’s Communities and Economy* 5, Migration Pol’y Inst. (May 2026), [https://perma.cc/8A3B-](https://perma.cc/8A3B-C5JU)
C5JU; *see also id.* at 4.

23 ³⁷ *Sonoma Valley Tourism Statistics*, <https://perma.cc/PT9Z-NHXV>.

24 ³⁸ *See generally* Alvarez & Benner, *supra* note 28.

25 ³⁹ *See* Sustainable Agric. Educ. & Am. Farmland Tr., *The Bay Area Food Economy: Existing*
26 *Conditions and Strategies for Resilience* 3 (Oct. 2017), <https://perma.cc/F79U-3GNW> (noting in
2017 that “the food economy employs close to half a million people” in the Bay Area).

27 ⁴⁰ *See* Ed Shanahan & Hamed Aleaziz, *ICE Says Detainees are ‘Worst of the Worst.’ Government*
28 *Data Disagrees.*, N.Y. Times (June 6, 2026), <https://perma.cc/ERQ9-XPLA>.

1 studies show that the arrests ICE carries out do not make cities and counties safer.⁴¹ Instead, the
2 opposite is true: when ICE conducts indiscriminate raids, residents' sense of danger increases.⁴²
3 Immigrant residents are also deterred from reporting crimes to the local police and assisting with
4 investigations.⁴³ And local law enforcement must expend considerable resources to ensure public
5 safety during periods of heightened tension.⁴⁴

6 Heightened enforcement leads immigrant residents of *amici* jurisdictions to avoid public
7 benefits and services across the board, which can lead to community-wide public health harms.⁴⁵
8 When residents delay care out of fear, there's an increased reliance on emergency services, and
9 greater communicable-disease risk, which burdens public health systems.⁴⁶

10 Moreover, the proposed facility itself may pose a public health risk. In many detention
11 facilities across the country—particularly those, like this one, which are built to be short term
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13 ⁴¹ See, e.g., Thomas J. Miles & Adam B. Cox, *Does Immigration Enforcement Reduce Crime?*
14 *Evidence from Secure Communities*, 57 J. of L. & Econ. 937, 937 (Nov. 2014) (concluding that
15 Secure Communities program “had no observable effect on the overall crime rate” in
communities).

16 ⁴² See, e.g., Bay Area Council Econ. Inst., *supra* note 13, at 23 (noting that “since early 2025, fear
17 has been the dominant driver of behavior in the Bay Area”). Gabriel R. Sanchez & Rashawn Ray,
18 *ICE is disrupting societal norms and democratic ideals*, Brookings (Mar. 30, 2026),
<https://perma.cc/H4WN-W6VU> (highlighting fears of U.S. citizens that they will also get swept
up in immigration raids).

19 ⁴³ Hamutal Bernstein, Dulce Gonzalez & Diana Guelespe, *Immigrant Families Express Worry as*
20 *They Prepare for Policy Changes*, Urban Inst. (Mar. 12, 2025), <https://perma.cc/4YTV-3WBU>.

21 ⁴⁴ Mariah Timms, *Basic Services in Minneapolis Are Straining Under ICE Presence and Protests*,
Wall St. J. (Jan. 31, 2026), <https://perma.cc/6R6Z-GAZB>.

22 ⁴⁵ Hussain Khan, *Fearing ICE, California's Immigrant Seniors Retreat from Social and Health*
23 *Services*, KQED (Dec. 21, 2025), <https://perma.cc/8SSM-9YR7> (noting health care providers in
San Francisco reported a noticeable drop in attendance at Healthy Aging and Disability Services
Center as a result of fears about immigration enforcement.); Lei Chen et al., *Immigrants'*
24 *Enforcement Experiences and Concern about Accessing Public Benefits or Services*, 25 J. of
25 Immigrant & Minority Health 1077 (2023), <https://perma.cc/T65B-SYHE>.

26 ⁴⁶ See Drishti Pillai et al., *KFF/New York Times 2025 Survey of Immigrants: Health and Health*
27 *Care Experiences During the Second Trump Administration*, Kaiser Fam. Found. (Nov. 18, 2025),
<https://perma.cc/JL6L-R9QT> (noting that 29% of all immigrant adults reported skipping or
28 postponing health care in 2025).

1 processing facilities—individuals face deplorable conditions. *See* Compl. ¶ 3 & n.1. City and
2 county first responders will be strained by increased emergency calls to the Holding Facility and
3 corresponding costs, as well as a reduced capacity to handle other emergencies that arise within
4 our communities. And disease outbreaks at the facility are likely to spread into the surrounding
5 communities, burdening *amici*’s public health resources and safety net hospital systems.

6 Finally, the Holding Facility will devastate families and harm children across the Bay Area.
7 As many as 130,000 mixed-status households call the Bay Area home, representing 536,000
8 residents, including 153,000 children, many of whom are U.S. citizens.⁴⁷ For these families,
9 deporting a primary earner could “slash these households’ median annual income by up to 69%,
10 from \$117,000 to \$36,000.”⁴⁸ In an area which has one of the highest costs of living in the nation,
11 the effects of such a drastic reduction in income will be devastating for families.

12 Tragically, the detention or deportation of a parent is also associated with higher rates of
13 suicidal thoughts among children, and most children experience significant negative behavioral
14 changes as a result of one parent’s detention.⁴⁹ These harms even extend to babies *before* they are
15 born; in the aftermath of an immigration enforcement action, babies have lower birthweights and
16 are more likely to be born prematurely.⁵⁰

17 Additionally, following completion of the Holding Facility, increased ICE presence is
18 likely to cause school attendance to drop. One recent study found that immigration enforcement
19 activity increased the daily probability of absence among foreign-born students by 2.2 percentage
20 points—an approximately 37% increase over baseline levels.⁵¹ Another analysis of enforcement
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22 ⁴⁷ Bay Area Council Econ. Inst., *supra* note 13, at 19.

23 ⁴⁸ *Id.* at 20.

24 ⁴⁹ *See* Am. Immigr. Council, *U.S. Citizen Children Impacted by Immigration Enforcement* (June
25 24, 2021), <https://perma.cc/H737-2VNU>.

26 ⁵⁰ *Id.*

27 ⁵¹ *See* Andrew M. Camp et al., *Immigration Enforcement Actions and Empty Desks: Persistent*
28 *and Acute Attendance Effects* (Annenberg Inst. at Brown Univ., Working Paper No. 26-1453, Apr.
2026), <https://perma.cc/ZD8R-RKWR>.

1 activity in California’s Central Valley found that school absences rose by roughly 22% following
2 immigration raids, with increased absences rising to 35% among younger pre-kindergarten
3 students.⁵²

4 Indeed, school districts across the Bay Area, including San Jose, San Francisco, and
5 Oakland’s have experienced attendance declines during periods of heightened immigration
6 enforcement activity or threatened activity.⁵³ For example, according to the Santa Clara County
7 Office of Education, average attendance dropped by approximately 5,000 students in January and
8 roughly 10,000 students in February 2025 as a result of increased immigration enforcement.⁵⁴

9 With school funding in California tied to student attendance, these harms compound
10 further.⁵⁵ Yet, here, the Holding Facility would create worse student outcomes for all students by
11 depleting funding for local school districts.⁵⁶ And the burden to prepare families for the possibility
12 of separation and the duty to repair the resulting long-term damage would fall primarily on *amici*
13 local governments.⁵⁷ Indeed, several *amici* jurisdictions have already had to expend resources to
14 create new protocols for staff and guides for families fearful of immigration enforcement.⁵⁸

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17 ⁵² *Id.*

18 ⁵³ See, e.g., Joyce Chu, *ICE fears keep San Jose students away from school*, San Jose Spotlight
19 (Aug. 6, 2025), <https://perma.cc/G5CD-KPY8>; Oscar Palma, *After immigration scare, S.F. educators want district to do more*, Mission Local (Oct. 28, 2025), <https://perma.cc/8U82-SHNX>;
20 Ashley McBride, *With threats of a federal ‘surge,’ absences spiked on Thursday among Oakland’s immigrant students*, Oaklandside (Oct. 28, 2025), <http://perma.cc/3WAX-NEYN>.

21 ⁵⁴ Chu, *supra* note 53.

22 ⁵⁵ See Michael Alferes, Cal. Legis. Analyst’s Off., *Update on Local Control Funding Formula Costs* (May 1, 2026), <https://perma.cc/X5TN-TP5M>.

23 ⁵⁶ See Beth Meyerhoff, *Attendance Issues Could Drive a Change in How School District Funding is Calculated*, Cal. State PTA, <https://perma.cc/PLU9-BB5P>.

24 ⁵⁷ *Research Highlight: Long-term consequences of school absenteeism* by Dr. Arya Ansari, Crane
25 Ctr. for Early Childhood Rsch. & Pol’y (Sept. 2020), <https://perma.cc/3GXF-R9AJ> (summarizing
26 the long-term effects of chronic absenteeism, including lower graduation rates and greater rates of
economic hardship in young adulthood).

27 ⁵⁸ See, e.g., *Inclusion and Immigrant Resources*, Monterey Cnty. Off. of Educ.,
28 <https://perma.cc/YR2F-23PM> (county website with school immigration policies for educational

1 **III. The Federal Government’s Failure to Coordinate with Local Stakeholders Violates**
2 **the ICA and Harms *Amici***

3 The Intergovernmental Cooperation Act, 31 U.S.C. §§ 6501–6508 (“ICA”), reflects
4 Congress’s judgment that federal projects affecting local communities should not proceed without
5 local consultation. Yet the federal Government not only failed to inform Plaintiffs about the
6 Holding Facility—it’s unclear they ever tried. Local governments thus could not rely, as they
7 would normally, on information sourced directly from Plaintiffs.⁵⁹ Instead, through piecemeal
8 public statements from DHS officials, *amici* have had to assemble loose bits of information by
9 which to respond to the concerns and objections of our constituents.

10 In practice, federal agencies routinely comply with the ICA by notifying state and local
11 officials of proposed projects, sharing planning materials, and soliciting feedback to identify and
12 mitigate local impacts. And that is not only legally compliant, but makes good sense for both
13 federal and local governments. During major projects, for example, federal agencies coordinate
14 closely with state and local governments before proceeding. The Washington Union Station
15 Expansion Project—an \$8.8 billion federally supported infrastructure effort—proceeded only after
16 years of coordination among the U.S. Department of Transportation, the District of Columbia
17 government, and regional stakeholders, culminating in a multi-year environmental review and
18 formal alignment on project governance before construction could proceed.⁶⁰ In other instances,
19 including two in the Bay Area, the federal Government has even credited local influence for the
20 direction and success of a project.⁶¹ Coordination of this nature allows local governments to assess

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22 staff, legal resources, family preparedness guidance, and a letter from the superintendent providing
23 assurance that schools remain safe spaces); *see also* Palma, *supra* note 53.

24 ⁵⁹ *See* Compl. ¶ 97 (“[N]o Defendant consulted with, sought input from, or coordinated with any
25 other local government in the region or the State regarding the federal government’s intended use
of the Holsclaw Property”).

26 ⁶⁰ *See* InfrastructureDC, *Washington Union Station Project Delivery and Governance Study* (Apr.
2024), <https://perma.cc/2HX7-YZBP>.

27 ⁶¹ *See* U. S. General Accounting Off., GAO/GGD-99-23, *Report to the Honorable Stephen Horn*
28 *Committee on Government Reform House of Representatives: Key Elements of Federal Building*

1 infrastructure needs, prepare public services, address land use concerns, and respond to community
2 questions before construction begins. None of those *basic* steps occurred here. Had the federal
3 Government engaged local stakeholders at the outset, it would have identified that the proposed
4 site has been subject to long-standing legal restrictions limiting its use to agricultural purposes,
5 potentially avoiding conflict and litigation altogether. Other concerns, including the disastrous
6 environmental consequences of the Holding Facility, could have also been raised. Heeded
7 prudently, such concerns may have presented insurmountable barriers that would have ended the
8 poorly conceived plan to construct the Holding Facility before it ever began. Instead, the absence
9 of coordination deprives *amici* of the opportunity to plan for foreseeable impacts on public safety
10 services, health systems, schools, and local economies. It also forced local officials to divert
11 critical public resources, including responding to constituent inquiries, holding public meetings,
12 and evaluating potential impacts on local infrastructure and services without so much as access to
13 complete federal plans.

14 These are precisely the harms the ICA is designed to prevent. By disregarding established
15 intergovernmental processes, the federal Government shifted the burdens of planning and response
16 onto local jurisdictions while denying them the tools necessary to carry out those responsibilities.
17 Or, as Ken Christopher, an executive at a garlic farm that is the largest employer in Gilroy,
18 observed: “Our communit[ies] deserve[] better, and the fact that they weren’t part of the
19 conversation, that’s the downfall.”⁶²

23 *and Facility Partnerships* (Feb. 1999) (in reference to two public-private partnerships used to
24 rehabilitate two former army bases—Fort Mason and the Presidio—“Park Service officials said
25 that through lobbying efforts, *the local community* helped to influence the Park Service’s decision
26 to use partnerships rather than over-commercializing the parks’ facilities.”) (emphasis added),
<https://perma.cc/279K-7M2M>.

27 ⁶² Azul Dahlstrom-Eckman, *Santa Clara County Leaders Say They’ll Fight Planned ICE Facility*
28 *in Gilroy*, KQED (May 14, 2026), <https://perma.cc/U7NC-CGAF>.

1 **CONCLUSION**

2 The Holding Facility jeopardizes the well-being of the residents that *amici* serve and
3 govern. For these reasons, and because the record demonstrates concrete irreparable harm and the
4 public interest favors relief, *amici* urge the Court to grant Plaintiffs’ request for a preliminary
5 injunction.

6 Dated: July 27, 2026

Respectfully submitted,

7 /s/ Jean Larsen

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Appendix A - List of *Amici* Local Governments

City of Alameda, California
County of Alameda, California
City of Berkeley, California
Contra Costa County, California
City of Gonzales, California
City of Hollister, California
City of King City, California
County of Marin, California
City of Marina, California
City of Monterey, California
County of Monterey, California
City of Mountain View, California
City of Oakland, California
City of Palo Alto, California
City of Salinas, California
County of San Benito, California
City and County of San Francisco, California
City of San José, California
County of San Mateo, California
City of Santa Clara, California
City of Santa Cruz, California
County of Santa Cruz, California
City of Soledad, California
County of Sonoma, California
City of Sunnyvale, California
City of Watsonville, California

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