

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

*J.L.V., as parent of V.M.L., a minor, and V.,
a minor, and for herself; A.M.S.; R.M.V., as
parent of A.A.Z.M., a minor, and O.Y.Z.M.,
a minor, and for herself,*

Plaintiffs,

v.

*Brian ACUNA, in his official capacity as
Acting Field Office Director, New Orleans
ICE Field Office; Scott LADWIG, in his
official capacity as Assistant Field Office
Director, New Orleans ICE Field Office;
Todd LYONS, in his official capacity as
Acting Director, ICE; Kristi NOEM, in her
official capacity as Secretary, U.S.
Department of Homeland Security; Pamela
BONDI, in her official capacity as Attorney
General of the United States, U.S.
DEPARTMENT OF HOMELAND
SECURITY; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; Mellissa B.
HARPER, in her personal capacity, former
Field Office Director, New Orleans ICE Field
Office; and ICE Officer DOES 1-10, in their
personal capacities,*

Defendants.

Civil Action No.:

**COMPLAINT FOR DAMAGES AND
DECLARATORY AND INJUNCTIVE
RELIEF**

DEMAND FOR JURY TRIAL

INTRODUCTION

1. In the early morning hours of Friday, April 25, 2025, the United States government illegally deported¹ three U.S. citizen children, along with their non-U.S. citizen family members, to Honduras.

2. Earlier that week, Plaintiffs J.L.V. (“Julia”) and R.M.V. (“Rosario”)²—two mothers of U.S. citizen children—attended what they believed to be regularly scheduled check-ins with a U.S. Immigration and Customs Enforcement (“ICE”) contractor.

3. In violation of the government’s own directive, Julia and Rosario were never given a choice as to whether their children should be deported with them and were prohibited from contacting their counsel or having meaningful contact with their families to arrange for the care of their children. Instead, they were held effectively incommunicado with their children and illegally deported without even a semblance of due process. Among the children illegally deported was O.Y.Z.M. (“Romeo”), a four-year-old U.S. citizen boy with stage-four kidney cancer who was receiving critical, life-saving medical treatment in the United States. The failure to allow his mother to arrange for his care, in violation of ICE’s own directive, and his unlawful deportation to Honduras interfered with his needed medical treatment.

¹ Courts have observed that the U.S. Government cannot “deport” a United States citizen. In fact, some courts have posited that the term “banished” is most appropriate for this scenario to avoid the appearance of legitimacy or normalcy. *See Lyttle v. United States*, 857 F. Supp. 2d 1256, 1266 n.1 (M.D. Ga. 2012) (“It is undisputed that Lyttle is a U.S. citizen. Since ‘deportation’ contemplates the removal of a non-citizen, it may be more precise to describe Lyttle’s removal as ‘banishment,’ a process with ancient origins as described by Judge Pardee [of the Fifth Circuit] 105 years ago.”). For simplicity’s sake, we will continue to use the term “deport” throughout this complaint.

² To protect the security and safety of the plaintiffs, each plaintiff has been assigned a pseudonym and is referred to as such throughout the Complaint. Plaintiffs related to each other have pseudonyms beginning with the same letter. A motion to proceed under pseudonyms is being filed concurrently with this Complaint.

4. By its conduct, including its mistreatment of these children, their parents, and their siblings, ICE violated its own regulations and federal law.

5. This lawsuit seeks to remedy the ongoing and irreparable harms that the government has inflicted upon these families and allow them to return home.

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to the U.S. Constitution and federal statutes, including 28 U.S.C. § 1331 (federal question) and 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act).

7. Federal courts have federal question jurisdiction, through the Administrative Procedure Act (“APA”), to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” 5 U.S.C. § 706(2)(A), and to “compel agency action unlawfully withheld or unreasonably delayed,” 5 U.S.C. § 706(1). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action[.]” 5 U.S.C. § 702.

8. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391(e)(1) because Defendants are “officer[s] or employee[s] of the United States or any agency thereof acting in [their] official capacity or under color of legal authority” as well as “an agency of the United States,” Plaintiff V.M.L.’s (“Jade”) legal residence is within this District, Plaintiff A.M.S. (“Jacob”) currently resides in this District, and plaintiffs J.L.V. (“Julia”) and V. (“Janelle”) last resided in this District before they were deported. There is no real property involved in this action.

PARTIES

Plaintiffs

9. Plaintiff Jade is a two-year-old³ U.S. citizen, born in Baton Rouge, Louisiana to Plaintiffs Julia and Jacob in 2023. Until she was unlawfully deported, Jade resided with her mother, father, and her older sister in a town near Baton Rouge, Louisiana.⁴ Jade was unlawfully arrested and detained with her mother and sister on April 22, 2025.

10. Plaintiff Julia is a thirty-year-old Honduran citizen, partner of Jacob, and mother of Jade and Janelle. Until she was unlawfully deported, she resided with Jacob and their two daughters in a town near Baton Rouge, Louisiana. Julia was unlawfully arrested with her two daughters on April 22, 2025, and, along with them, was subsequently detained in an undisclosed location for days and held effectively incommunicado by ICE officers who denied her contact with her counsel and any meaningful contact with her family. Julia was summarily deported to Honduras on April 25, 2025. Julia was denied her right to coordinate care or travel of her minor children, including her U.S. citizen daughter, Jade. At the time she was deported, Julia was approximately six weeks pregnant. While the U.S. government had issued a removal order against her *in absentia* on March 12, 2020, Julia only learned of it when she was arrested on April 22, 2025, despite years of faithful reporting to ICE. ICE's actions prevented Julia from challenging that *in absentia* removal order in immigration court prior to her deportation.

11. Plaintiff Janelle is an eleven-year-old citizen of Honduras and a daughter of Julia and Jacob. Until she was unlawfully deported, Janelle resided with her mother, father, and younger sister in a town near Baton Rouge, Louisiana. Janelle was unlawfully arrested with her mother and

³ Unless otherwise noted, the referenced age for everyone involved is their age as of April 22, 2025.

⁴ For the safety of Jade and her family, their exact Louisiana residence is not disclosed here. Should the Court require it, Plaintiffs would be willing to submit that information under seal and with any other appropriate privacy protection measures.

sister on April 22, 2025, and, along with them, was subsequently detained in an undisclosed location for days and held effectively incommunicado by ICE officers who denied her and her mother contact with her counsel and any meaningful contact with her family. She was summarily deported to Honduras on April 25, 2025. While the U.S. government had issued a removal order against her *in absentia* on March 12, 2020, Janelle, along with her mother, only learned of it when they were arrested on April 22, 2025, despite Julia's faithful reporting to ICE on behalf of her family. ICE's actions prevented Janelle from challenging that *in absentia* removal order in immigration court prior to her deportation.

12. Plaintiff A.M.S. ("Jacob") is a thirty-year-old Louisiana resident, the father of Jade and Janelle, and the partner of Julia. Defendants denied Jacob any opportunity to discuss with Julia and make joint decisions about the proper care and custody of their U.S. citizen daughter, Jade. They also denied him the opportunity to pick up his U.S. citizen daughter, Jade, from ICE custody prior to her unlawful deportation.

13. Plaintiff Rosario is a twenty-five-year-old citizen of Honduras and a mother of two U.S. citizen children, A.A.Z.M. ("Ruby") and Romeo. Until she was summarily deported, Rosario resided with her two children in a town near New Orleans, Louisiana.⁵ Rosario was unlawfully arrested with her children on April 24, 2025, and, along with them, was subsequently detained in an undisclosed location and held effectively incommunicado by ICE officers, who denied her contact with her counsel and any meaningful contact with her family. Rosario was denied her right to make decisions or arrangements or to coordinate the care of her U.S. citizen children, including Romeo, her four-year-old son who is receiving ongoing care for stage-four kidney cancer. She was

⁵ For the safety of Rosario and her family, their exact Louisiana residence is not disclosed here. Should the Court require it, Plaintiffs would be willing to submit that information under seal and with any other appropriate privacy protection measures.

summarily deported to Honduras on April 25, 2025. Rosario had received a removal order *in absentia* on March 17, 2015, when she was fifteen years old, but only learned of it nearly ten years later. ICE's actions prevented her from challenging that *in absentia* removal order in immigration court prior to her deportation.

14. Plaintiff A.A.Z.M. ("Ruby") is a seven-year-old U.S. citizen born in Louisiana in 2018. Until she was unlawfully deported, Ruby resided with her mother Rosario and brother Romeo in a town near New Orleans, Louisiana. Ruby was unlawfully arrested with her mother and her brother on April 24, 2025, and, along with them, was subsequently detained in an undisclosed location and held effectively incommunicado by ICE officers who denied her and her mother contact with her counsel and any meaningful contact with her family. U.S. citizen Ruby was summarily and unlawfully deported to Honduras on April 25, 2025, without even a semblance of due process.

15. Plaintiff Romeo is a four-year-old U.S. citizen born in Louisiana in 2020. Until he was unlawfully deported, Romeo resided with his mother Rosario and his older sister Ruby in a town near New Orleans, Louisiana. Romeo was unlawfully arrested with his mother and sister on April 24, 2025, and, along with them, was subsequently detained in an undisclosed location and held effectively incommunicado by ICE officers who denied him and his mother contact with his counsel and any meaningful contact with his family. U.S. citizen Romeo was summarily and unlawfully deported to Honduras on April 25, 2025, without even a semblance of due process. In 2023, at the age of two, Romeo was diagnosed with stage-four kidney cancer that had metastasized to his lungs. He was receiving regular and critical life-saving cancer treatment at Manning Family Children's Hospital ("Children's Hospital") in New Orleans until his unlawful deportation. Romeo's deportation on April 25, 2025 resulted in the deprivation of specialized and medically

necessary cancer care. As a direct consequence of ICE's unlawful conduct, Romeo was deprived of much-needed continuity in his treatment, and he has faced substantial health risks due to his inability to access emergency specialized care and the routine critical oncological care that was available to him in the United States.

Defendants

16. Defendant Brian Acuna is the Acting New Orleans ICE Field Office Director and therefore is responsible for ICE policies and operations in the New Orleans District, which stretches across Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. He is named in his official capacity only.

17. Defendant Scott Ladwig is the New Orleans ICE Assistant Field Office Director and, upon information and belief, is responsible for ICE policies and operations in the New Orleans ICE Field Office's Area of Responsibility, which stretches across Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. Upon information and belief, Defendant Ladwig was supervised by Defendant Harper and is now supervised by Defendant Acuna. Along with the other Defendants, Defendant Ladwig is responsible for ICE's unlawful arrest, detention, and deportation of Plaintiffs Julia, Jade, Janelle, Rosario, Ruby, and Romeo, and for denying Plaintiff Jacob the right to consult and make decisions with his partner Julia regarding the care and custody of their children, as well as the right to pick up his two-year-old U.S. citizen daughter, Jade, from ICE custody. He is named in his official capacity only.

18. Defendant Todd Lyons is the Acting Director for ICE and therefore is responsible for ICE's policies, practices, and procedures, including those relating to the detention and removal of noncitizens. He is named in his official capacity only.

19. Defendant Kristi Noem is Secretary of the U.S. Department of Homeland Security (“DHS”) and is therefore responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103. She is named in her official capacity only.

20. Defendant Pamela Bondi is Attorney General of the United States and head of the U.S. Department of Justice (“DOJ”) and therefore is responsible, along with Defendant Noem, for the administration of the immigration laws. She is named in her official capacity only.

21. Defendant DHS is an executive, cabinet-level department of the United States government, headquartered in Washington, D.C. DHS is the parent agency of ICE.

22. Defendant ICE is a component agency of DHS and is responsible for enforcing federal immigration law, including the detention and removal of noncitizens.

23. Defendant Mellissa Harper was the New Orleans ICE Field Office Director at all relevant times during the events giving rise to this action and therefore was responsible for ICE policies and operations in the New Orleans Area of Responsibility, which stretches across Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. Along with the other Defendants, Defendant Harper was responsible for ICE’s unlawful arrest, detention, and deportation of Plaintiffs Julia, Jade, Janelle, Rosario, Ruby, and Romeo, and for denying Plaintiff Jacob the right to consult and make decisions with his partner Julia regarding the care and custody of their children, as well as the right to pick up his two-year-old U.S. citizen daughter, Jade, from ICE custody. Defendant Harper is named in her individual capacity.

24. In addition to the foregoing ICE officers and officials, unknown ICE officers, officials, and contractors are sued herein in their individual capacities under fictitious names as “ICE Officer Does 1-10” because their true names, titles, capacities, and/or degree of responsibility for the acts alleged herein are unknown to Plaintiffs at this time. When Plaintiffs ascertain this

information, they will amend this Complaint accordingly. ICE Officer Does 1-10 include, but are not limited to, ICE Officials and Supervisors, ICE Officers, Immigration Enforcement Agents with ICE, and/or contractors or subcontractors working with ICE, including in the Intensive Supervision Appearance Program (“ISAP”). Plaintiffs are informed, believe, and allege that the ICE Officer Doe Defendants are legally liable to Plaintiffs in some part for the wrongful acts and omissions alleged in this Complaint.

FACTUAL ALLEGATIONS

Plaintiff Rosario and Family

25. In July 2013, Rosario entered the United States as an unaccompanied minor when she was 13 years old. After Rosario entered the United States, she immediately turned herself in to U.S. immigration officers. She was detained for a short time, then transferred to a youth shelter in San Antonio, Texas. After several weeks, Rosario was released to her mother who was living near New Orleans, Louisiana. To Rosario’s knowledge, she did not receive any notice to appear in immigration court after she was released to her mother’s custody. Rosario lived, went to school, and worked in Louisiana for more than ten years without a single incident and without awareness that there was any immigration proceeding or order against her.

26. Rosario gave birth to her first child, Ruby, on April 15, 2018, in New Orleans, Louisiana. Ruby is a U.S. citizen. Ruby had lived in the same home in Louisiana with her mother for her entire life until she was illegally deported in April 2025.

27. Rosario gave birth to her second child, Romeo, on May 18, 2020, in New Orleans, Louisiana. Romeo is also a U.S. citizen. Romeo was diagnosed with a rare and aggressive form of kidney cancer when he was only two years old. Romeo began his course of treatment at the

Children's Hospital in New Orleans soon after. Romeo needs regular specialized care and follow-up treatment to this day.

28. Following a traffic stop on February 6, 2025, local police officers took Rosario into the police station, where she was subsequently taken into custody by ICE officers. The ICE officers released her back to her home after assigning Rosario to ISAP. ISAP is a non-detention supervision program used by ICE.

29. ISAP uses a combination of in-home and office visits along with technology to monitor active cases. Under the program, Rosario was expected to attend regular check-in appointments every two weeks. After being enrolled in ISAP, Rosario began to look for an immigration attorney. It was only in speaking with different immigration attorneys that Rosario learned that she had been issued an *in absentia* order of removal ten years prior.

30. Rosario complied with all ISAP requirements. She attended her first ISAP appointment on February 10, 2025, where she was fitted with an ankle monitor. She later installed the ISAP application on her phone. From then on, she continued checking in for home visits on Mondays, where ISAP officers would visit her home, and for in-office or virtual visits on Tuesdays. The ISAP home visits were ordinarily cordial and gave Rosario the impression that the officers were merely ensuring that Rosario's children were doing well and that her home was kept in good condition.

31. Rosario attempted to reschedule her ISAP home visit that was scheduled for April 14, 2025, because Romeo had a critical medical appointment that day which could not be rescheduled. ISAP officers called very early that morning and informed Rosario that she would have an in-office "family visit" the next day, on April 15, 2025. For the first time, the ISAP officers

informed Rosario that she must bring her U.S. citizen children to the appointment, along with their passports.

32. On April 15, 2025, Rosario went to the ISAP office with her two U.S. citizen children. However, the ISAP officers informed her that her “family visit” had been rescheduled and that she would have to bring her children and their passports back another day. On April 17, 2025, Rosario received a notification on the ISAP phone app that she was scheduled for a “family visit” for April 24, 2025, and that she had to come with her two children and their passports.

33. Rosario complied with the ISAP order and checked in at the ISAP St. Rose, Louisiana office at 8:00 a.m. on April 24 with her children and their immigration attorney.

34. Upon arrival, one of the officers asked Rosario to hand over the children’s U.S. passports. Rosario complied with the order. The officer then instructed Rosario and her children to wait in one of the rooms of the ISAP office. Their attorney attempted to accompany them to the room but was denied entry by the officer who claimed that the separation of Rosario and her children from their counsel was ISAP policy.

35. After the ISAP officers took Rosario and her children into the room, they were met by two ICE officers. There were two documents on the table in the room. The officers demanded that Rosario sign a legal document with no explanation of the document and without allowing Rosario to consult her attorney, who remained on standby outside the office after being denied entry to the room. Rosario did not sign the document. The ICE officers then took all of Rosario and her children’s remaining possessions, including their phone, wallet, and jewelry. At that point, the officers told Rosario that they were going to deport her and her U.S. citizen children to Honduras.

36. Rosario protested and requested to speak with her attorney once again. She explained that her U.S. citizen son, Romeo, needed to stay in the United States to receive critical, life-saving medical care. But her repeated requests to speak with her attorney were ignored and dismissed by the officers. Instead, the ICE officers kept Rosario and her young children in the room and berated them. After Rosario continued requesting to speak with her attorney, the ICE officer allowed Rosario to call her father on the ICE officer's cell phone. Rosario was able to briefly call her father and tell him that she and her children were going to be deported.

37. The ICE officers forced Rosario and her U.S. citizen children to exit through the back door of the office, thereby evading their legal counsel and preventing any potential advocates from intervening on the family's behalf. Three women in civilian clothes then subjected Rosario and her children to a prolonged vehicle transport lasting approximately three hours. For the duration of the trip, the women rejected Rosario's pleas for information and refused to tell Rosario or her children where they were being taken or for how long they would be held there. Rosario was not allowed to call her attorney to alert her that she and her children were being deported. Eventually, Rosario learned that she and her children were being taken to an undisclosed hotel in Alexandria, Louisiana.

38. The ISAP officers eventually informed Rosario's immigration attorney that Rosario and her children had been transferred. But when the attorney asked for details about where the family had been taken, the ISAP officers refused to provide any information. The ISAP officers told the attorney that if she wanted any information, she should direct her inquiries to the main ICE Field Office in New Orleans.

39. As directed, Rosario's immigration attorney then drove to the main ICE Field Office in New Orleans. At or about 10:47 a.m. that day, Rosario's attorney filed a Form I-246, an

application for a stay of removal, with the applicable fee, at the New Orleans ICE Field Office. The stay of removal application included a Form G-28, documenting that she represented Rosario, and included evidence of Romeo's stage-four cancer diagnosis. The stay of removal application stated that Rosario had no notice of her removal proceedings or order. The application also stated that the attorney would be filing a motion to reopen the removal proceedings within thirty days based on that lack of notice, which would automatically stay removal pending disposition of the motion by the immigration judge. By denying Rosario and her U.S. citizen children access to counsel, ICE prevented the attorney from filing a motion to reopen proceedings to secure a stay of removal for Rosario. ICE's deliberate denial of access to counsel inflicted irreparable harm by eliminating the family's opportunity to obtain critical legal protections. Upon filing the stay application, the attorney asked to speak to the supervisor to ascertain where the family was detained. She was told that nobody was available.

40. At or about 11:00 a.m., Rosario's attorney called the New Orleans ICE Field Office, Enforcement and Removal Operations Division ("ICE ERO") to find out where Rosario's U.S. citizen children were detained. The attorney was told by ICE ERO that there is no way to track the children as they do not have A-numbers (which they do not have because they are U.S. citizens). The attorney continued to press for more information and asked that her call be transferred to a supervisor. The call attendant hung up the phone in response.

41. At or about 2:25 p.m., Rosario's attorney emailed the then-New Orleans ICE Field Office Director ("FOD"), Defendant Mellissa Harper, and the Assistant Field Office Director ("AFOD"), Defendant Scott Ladwig, attaching a filed copy of the application for a stay of removal, which also included the Form G-28, confirming that Rosario's family was represented by counsel. In the email, the attorney sought information about where the family was detained, explained

Romeo's urgent medical needs, and requested Rosario's temporary release to at least make custody arrangements for her U.S. citizen children. Despite ICE's directive, which stated that FODs are required to facilitate efforts by parents like Rosario to make custody arrangements for their minor children prior to deportation, neither Defendant Harper nor Defendant Ladwig responded.

42. About an hour later, at approximately 3:20 p.m., Rosario's attorney sent another email to Defendants Harper and Ladwig, copying other ICE officials on the correspondence. Defendants Harper and Ladwig failed to respond.

43. Rosario and her children spent several hours that night in the Alexandria hotel room in fear of what lay ahead. Rosario begged the officers who transferred her to the hotel to allow her to make just one phone call. Finally, after many hours of pleading, one of the officers allowed Rosario to make a phone call. Rosario called the only phone number she had memorized: her father's. When her father answered the phone, she quickly told him that she and her children were in Alexandria and that they were being deported the next day. She asked her father to call the family's attorney. A few seconds into the call, the officer abruptly took the phone away.

44. At about 9:45 p.m., the attorney received a call from one of Rosario's family members reporting that Rosario had managed to make a brief call from a borrowed phone while in detention. The family member relayed that Rosario and her U.S. citizen children were being held at an unidentified hotel in Alexandria and would be deported to Honduras early the following morning.

45. At about 12:48 a.m. on April 25, 2025, the attorney emailed Defendants Harper and Ladwig for the third time (this time copying other ICE officials, U.S. Citizenship and Immigration Services ("USCIS"), and the Asylum Office within USCIS), demanding immediate disclosure of

where Rosario and her U.S. citizen children were being detained and insisting on telephone access to her clients.

46. At about 2:00 a.m. on April 25, 2025, the officers woke Rosario and her U.S. citizen children, forced them into a van, and drove them to an airport near Alexandria. Four hours later, at or around 6:00 a.m., Rosario and her U.S. citizen children were forced onto an airplane to Honduras. The flight took off to Honduras approximately twenty minutes after they were forcibly boarded.

47. At approximately the same time the officers forced Rosario and her children onto the aircraft to Honduras, Defendant Harper responded to Rosario's attorney's latest email, claiming that the stay of removal application had been denied the previous day. The attorney was surprised by Defendant Harper's assertion, having received no prior notification or documentation regarding any denial of the stay application. Minutes later, she replied to Defendant Harper's email, notifying all recipients that she had received no such decision despite her multiple emails to Defendant Harper the preceding day. The attorney reiterated her demand that Rosario and her U.S. citizen children's location be disclosed immediately.

48. At 6:51 a.m., the attorney received via email a pro forma denial of the stay of removal application, dated the previous day, April 24, 2025. This notice was addressed to her as counsel of record for Rosario, confirming that ICE was aware at all times of her legal representation of Rosario.

49. Only after Rosario and her children arrived in Honduras did an officer return her children's passports. The officer also gave Rosario two documents written in English. Upon information and belief, these documents were the same documents that had been at the ISAP office

and that the ICE officers had tried unsuccessfully to get Rosario to sign the day she and her children were detained. Rosario never signed either document.

50. Rosario explicitly opposed her U.S. citizen children's deportation and had never provided consent for such action. Indeed, given Romeo's cancer and specialized medical needs, Rosario wanted both of her U.S. citizen children to remain in the United States. Rosario never provided ICE, or anybody else, permission to deport her U.S. citizen children with her; never signed any document stating that she consented to her children being deported with her; and never communicated in any way to ICE, or any official, that she wanted her U.S. citizen children to be deported to Honduras with her. ICE neither provided Rosario any choice regarding her U.S. citizen children's deportation to Honduras nor any opportunity to make alternative arrangements for her children, in violation of ICE's own directives.

51. As a direct and foreseeable consequence of their illegal arrest, detention, and deportation, Rosario and her U.S. citizen children suffered and continue to suffer grievous and irreparable physical, psychological, and emotional injuries.

52. Rosario fears for her children's safety and health in Honduras. Romeo and Ruby are not Honduran citizens, which means that they can only remain in Honduras for ninety days without additional Honduran government authorization. Even though she has very limited financial resources, Rosario has already had to pay for flights and travel companions to enable her children to return to the United States for Romeo's necessary medical appointments. These recent appointments marked the first time Romeo ever had to undergo any part of his cancer treatment without his mother. Because Rosario was not given time to make stable arrangements for Romeo while she was still in the United States, Romeo will have to travel back and forth from Honduras

to the United States in order to continue his cancer treatment, which poses significant physical and psychological burdens on him and his family.

53. Both Ruby and Romeo have been traumatized by their arrest, detention, and deportation to Honduras. Since his deportation to Honduras, Romeo has exhibited signs of deteriorating health, including poor appetite and persistent fever. In the United States, Rosario would have been able to immediately take Romeo to the hospital to consult with his doctors who are familiar with his serious medical condition. But in Honduras, Rosario has been unable to find any specialized pediatric oncologists equipped to treat her U.S. citizen son and provide the care he needs. As such, Rosario, despite her very limited financial resources, temporarily sent her now-five-year old child, Romeo, back to the United States, without his mother and principal caregiver, so he could continue his specialized cancer treatment with his existing providers. Romeo's deteriorating health and the disruption to his treatment have caused Rosario tremendous anxiety and mental distress.

54. Ruby is also experiencing significant mental health issues following her deportation to Honduras. She is devastated by being forced out of her country of birth—the United States—and the only country she has ever known. Ruby has been torn away from her father and her community in the United States. Ruby has also been prevented from finishing the school year and is now at risk of academic regression.

55. Since she was deported, Rosario has also learned that the U.S. government made her name and identity public. Rosario is terrified that she might be recognized and targeted for extortion and that her children might get kidnapped and held for ransom in Honduras. Rosario found housing far away from people they know and anyone who might hurt them, to try to keep

the children safe. When the children are forced to travel so Romeo can receive his medical care, they are doing so with extreme caution.

Plaintiff Julia and Family

56. Julia and her daughter, Janelle, sought asylum in the United States in September 2019 after the attempted kidnapping of Janelle in Honduras. They were sent to await their immigration court hearings in Mexico under the Migrant Protection Protocols, and managed to attend two hearings before dangerous circumstances in Matamoros, Mexico forced them to return to Honduras in November 2019. Without their knowledge, the immigration court ordered Julia and Janelle removed *in absentia* in March 2020.

57. Once again fearing for her and Janelle's safety in Honduras, and without any knowledge of their removal orders, Julia and Janelle returned to the U.S. border to seek asylum in March 2021. In August 2021, still unable to seek asylum in the United States, Julia and Janelle were kidnapped in Nuevo Laredo, Mexico. The kidnappers eventually released Julia and Janelle. Julia and Janelle ultimately entered the United States in August 2021. Julia and Janelle made their way to Louisiana to live with Jacob. When she was being processed by ICE for release from custody, ICE instructed Julia to attend check-ins at the New Orleans ICE Field Office.

58. Julia had her first check-in with ICE in March 2022 and continued to report to ICE check-ins for three years. Jade was born in 2023 in Baton Rouge, Louisiana. In February 2025, Julia was placed into ISAP and directed to continue her check-ins with ISAP. On February 14, 2025, Julia had her first ISAP appointment at the ISAP office in St. Rose, Louisiana. At that appointment, ISAP Officer Dennis Nuñez placed an ankle monitor on Julia, installed an ISAP application on her phone, and instructed her to bring both of her daughters to all ISAP appointments moving forward.

59. That same day, Officer Nuñez took Julia's and Janelle's passports. Officer Nuñez refused to return their passports, and stated that the passports would remain in ICE's possession. At one of her ISAP check-ins, Julia told Officer Nuñez that she was pregnant.

60. On April 21, 2025, after attending multiple regular ISAP check-ins, Julia received a notification from the ISAP application on her phone alerting her to a change in her check-in schedule. Julia now had an in-person appointment scheduled for the very next day, on April 22, 2025.

61. On April 22, 2025, at approximately 8:30 a.m., Julia took Jade and Janelle to the ISAP check-in at the ISAP office in St. Rose, Louisiana, as instructed. Jacob, who accompanied them, waited outside for his family to complete their check-in.

62. Upon arrival at the ISAP office, the ISAP secretary took Jade's passport from Julia, saying she needed to make a copy of it. The ISAP secretary never returned Jade's passport to Julia.

63. The secretary then escorted Julia, Janelle, and Jade into a room, where a man and a woman sat waiting for them. They were wearing plain clothes and did not have any visible government or other identification. Upon information and belief, this man and woman were government officials.

64. One of the officials informed Julia that she and her children would be taken three hours away to Alexandria, Louisiana to speak with a judge who would determine their fate.

65. The officials took all of Julia's, Janelle's, and Jade's possessions and put them in bags. Julia feared at this point that she and her children were going to be deported. Julia worried about being separated from Jacob and was worried that she was not prepared to care for Jade, as she had not brought diapers or baby wipes into the ISAP office. Julia asked the officials if she

could go to her car to get the diapers and baby wipes, but the officials denied her request and told her she was in custody.

66. Julia asked one of the officials to call her partner, Jacob, who was waiting outside, to inform him that she and her kids were being taken away.

67. The official contacted Jacob approximately two hours later and told him that his family had been taken into custody and transported to the ICE office on Poydras Street, New Orleans. Jacob then drove to the ICE office in New Orleans only to find out that his family was not actually there. Officers refused to tell Jacob where his family was being detained or when he may be able to see them again. Jacob continued to try locating his family to no avail.

68. During that time, the officials took Julia, Janelle, and Jade from the ISAP office in St. Rose to an undisclosed hotel in Alexandria, Louisiana, approximately three hours away.

69. Later that night, an ICE officer told Julia that she and her children would be deported the next day. The officer did not make any distinction between Jade (a U.S. citizen) and Janelle (a non-U.S. citizen). The officer never presented Julia with an option for Jade to remain in the United States despite knowing that Jade is a U.S. citizen.

70. Julia then asked the ICE officer if she could make a call to her partner and provided Jacob's phone number to the officer. At approximately 7:30 p.m.—nearly twelve hours after being separated from her partner—Julia was allowed to speak with Jacob for less than one minute on the ICE officer's speakerphone with the ICE officer present.

71. Julia told Jacob that she and their daughters would be deported the next day. Jacob objected, noting that Julia was pregnant and that Jade could not be deported because she is a U.S. citizen. The ICE officer jumped in to reiterate that Jade, a U.S. citizen, would be deported along with Julia and Janelle.

72. Jacob then began to read out the phone number of an attorney who could help Julia so that Julia could call her directly. But, as soon as he began, the ICE officer abruptly hung up the phone to ensure Julia would be unable to contact her attorney.

73. At no point was Julia provided with an opportunity to arrange for the care of her U.S. citizen daughter in the United States.

74. At approximately 9:50 p.m., an immigration attorney for Julia's family emailed Defendant Harper with Jade's State of Louisiana birth certificate (which lists both Julia and Jacob as Jade's parents), additional family information, and a lawfully executed mandate delegating temporary custody of Jade to another family member in the United States.

75. At approximately 10:00 p.m., Julia's family's immigration attorney contacted ICE by phone and asked that they arrange for a call between Jacob, Julia, and the children. The ICE officer refused to set up any call or to provide any information about Julia and her daughters' whereabouts.

76. In the middle of the night, at approximately 2:00 a.m. on April 23, 2025, officers took Julia and her daughters to the airport in a van. When they arrived at the airport, the officers did not allow Julia or her daughters to step out of the vehicle for approximately five hours. While detained in the van, Julia asked one of the officers if she could make a call. The officer refused and told Julia that she had no right to do anything. At no point did any of the officers inform Julia that the family's immigration attorney was attempting to reach Julia, and that Jacob was trying to get physical custody of his two-year-old U.S. citizen daughter Jade.

77. After being stuck in the van for hours, the officers informed Julia that she and her children would not be deported that day. The officers then took them back to the same hotel they had been detained in the night before, where they were not allowed to communicate with anyone

beyond the walls of their hotel room. Julia developed severe back pain as a result of being detained in a transport van for five hours.

78. At around 10:00 a.m. that same morning, Defendant Harper responded via email to the immigration attorney for Julia's family and stated that Jacob could come to the ICE office in New Orleans to have his identity and documents verified.

79. Later that same morning, the attorney for Julia's family called the New Orleans ICE Field Office and requested to set up a time for Jacob to pick up his U.S. citizen daughter Jade, so she could remain in the United States with her father. Defendant Harper refused to do so, stating that Jacob would be detained and deported along with the rest of his family if he tried to pick up Jade.

80. The next day, on April 24, 2025, at approximately 8:40 a.m., the immigration attorney for Julia's family and an attorney from the National Immigration Project emailed a letter to Defendant Harper demanding Jade's release and requesting a legal call with Julia as well as a facilitated call between Julia and Jacob so they could discuss arrangements for Jade's care. Defendant Harper failed to respond.

81. At about 9:45 a.m., the attorneys emailed the Eastern District of Louisiana Civil Division Chief, Assistant U.S. Attorney Peter Mansfield ("AUSA Mansfield"), informing him that ICE had detained a U.S. citizen child. The email stated that while the attorneys were prepared to seek a court's intervention on the child's behalf, the situation seemed amenable to resolution outside of litigation. As they had requested from ICE, the attorneys requested a legal call with Julia, as well as a facilitated call between Julia and Jacob. AUSA Mansfield responded that the correspondence was forwarded to ICE.

82. At approximately 10:00 a.m., Jacob again called the New Orleans ICE Field Office to ask about Julia and his daughters' whereabouts and to request contact with them. The ICE Officer told Jacob that Julia and his daughters had been transported to Washington, D.C. and that Julia would call him from there. This was inaccurate—they were neither transported to Washington, D.C. nor did Julia call Jacob from there.

83. At about 11:15 a.m., the immigration attorney for Julia's family received a call from an attorney with the DOJ's Office of Immigration Litigation ("OIL") inquiring about the case. The immigration attorney for Julia's family again asked for a legal call with Julia, as well as a facilitated call between Julia and Jacob. The OIL attorney denied the requests.

84. At approximately 12:45 p.m., an Assistant U.S. Attorney from the Eastern District of Louisiana emailed the attorneys for Julia's family informing them that OIL attorneys would be taking over the case.

85. At approximately 2:00 p.m., the attorneys for Julia's family had a call with the OIL attorneys. During that call, the attorneys for Julia's family heard for the first time that the family was detained in Alexandria, Louisiana. The attorneys reiterated the need for immediate communication with Julia and Jacob. An OIL attorney responded that they could not commit to that yet. They then challenged Jacob's parentage despite having Jade's State of Louisiana birth certificate and notarized documents verifying proof of his paternity. When asked what additional evidence might be required, they refused to provide any guidance on establishing Jacob's proof of parentage.

86. At approximately 3:00 p.m., an OIL attorney stated by email that OIL would facilitate a legal call between counsel and Julia in the next 24 to 48 hours. The OIL attorney separately stated over the phone to Julia's family's immigration attorney that Jacob would need to

show up in person if he wanted to either take custody or delegate temporary custody of Jade and refused to honor the lawfully executed mandate delegating Jade's temporary custody to a family friend.

87. Approximately one hour later, at 4:00 p.m., the immigration attorney for Julia's family sent all the details the OIL attorney needed to facilitate a call between Jacob and Julia.

88. At approximately 6:00 p.m., after the courts were closed for the day, the OIL attorney, on a phone call with the attorneys, reversed course and stated that instead of facilitating a legal call, Julia and her children, including Jade, who is a U.S. citizen, would be deported the next morning at 6:00 a.m. before the courts opened again. OIL's actions made it exceedingly difficult, if not impossible, to ask a court to intervene and prevent Julia and her children's unlawful deportation.

89. Nevertheless, at approximately 8:00 p.m., counsel with the National Immigration Project filed a habeas petition and a motion for a temporary restraining order ("TRO") in the Western District of Louisiana. *See Mack v. Harper, et al.*, No. 1:25-cv-550 (W.D. La. Apr. 24, 2025). Counsel also emailed relevant Western District of Louisiana Assistant U.S. Attorneys, as well as the OIL attorneys, to notify them of the filing.

90. Some time that night, an officer who was supervising Julia and her daughters at the hotel instructed Julia to write down on a piece of paper that her U.S. citizen daughter Jade will travel to Honduras with her. When Julia objected, the officer threatened Julia that Jade would be immediately sent to a foster home in the United States if Julia did not write a note stating that Jade would be deported to Honduras with her. Under duress, Julia did as instructed and wrote down in Spanish: "I will bring my daughter [Jade] with me to Honduras." At no point was Julia provided an opportunity to arrange for care of her U.S. citizen daughter Jade in the United States.

91. At approximately 2:00 a.m. on Friday, April 25, 2025, Julia and her daughters were taken back to the airport in another van, where they were detained for nearly five hours. At no time was Julia made aware that her attorneys had filed a habeas petition or had attempted to contact her. She also was not made aware that Jacob had been trying to reach her and that he had arranged for a legal custodian to take custody of Jade.

92. At approximately 3:45 a.m. on April 25, 2025, the government filed an opposition to the TRO motion by fax, including the handwritten note signed by Julia as an exhibit. Far from being a statement of her own wishes, Julia had written this statement under duress, at the direction of an officer who threatened that her daughter would be placed in foster care if she did not write the note. The note was in no way an expression of Julia's consent to have her daughter deported with her.

93. Later that morning, at approximately 6:00 a.m., Julia and her daughters were forced to board a plane and were transferred to El Paso, Texas alongside other migrants. In El Paso, other migrants boarded the plane, which then departed for Honduras at 10:00 a.m. that same day. At no point was Julia provided an opportunity to speak with counsel prior to her deportation.

94. As a direct and foreseeable consequence of Julia, Janelle, and Jade's illegal arrest, detention, and deportation, Jacob, Julia, and their children suffered and continue to suffer grievous physical, psychological, and/or emotional injuries.

95. Jacob has been in grievous emotional distress, with constant feelings of anxiety and sadness, since he was torn apart from his family. He feels haunted living in the home that he used to share with Julia and their daughters. He is not the same person he used to be; he cries frequently and feels little desire to do anything.

96. Julia feels vulnerable and insecure due to the danger she and her children may face

if the people who tried to kidnap Janelle in the past learn that they are now in Honduras. There has been extensive media coverage of their family's case, including the media reporting that Jade is a U.S. citizen. This has increased Julia's fear that the family will be further targeted for kidnapping or extortion. Julia's mental health has deteriorated significantly due to the circumstances of her and her daughters' unlawful deportation.

97. Due to the acts alleged herein and the resulting physical, psychological, and emotional distress, Julia has had significant complications with her pregnancy. Doctors recommended a period of strict bed rest so that she would not suffer a miscarriage. She continues to feel anxious about the risk of losing her baby.

98. Both Janelle's and Jade's mental health has been negatively affected by the separation from their father Jacob. Janelle is currently and has been experiencing concentration problems and social withdrawal. Janelle has missed school in Honduras because she does not know how to read and write in Spanish. This, too, has negatively affected and continues to affect her mental health. Jade has developed health issues, including skin problems that continue to worsen every day. Both Janelle and Jade currently require medical treatment: Janelle has an upcoming appointment with a psychologist and Jade sees a doctor for treatment of her skin. In the United States, Jade had frequent appointments with her pediatrician and is now unable to continue with the care she was receiving in the United States.

RELEVANT ADMINISTRATIVE FRAMEWORK

99. ICE Directive 11064.3, *Interests of Noncitizen Parents and Legal Guardians of Minor Children or Incapacitated Adults*, which was promulgated on July 14, 2022, and remained

in effect until July 1, 2025, governed, among other things, how ICE addresses the U.S. citizen children of noncitizens.⁶

100. Directive 11064.3 states, “[i]t is the policy of ICE to ensure that the agency’s civil immigration enforcement activities do not unnecessarily disrupt or infringe upon the parental or guardianship rights of noncitizen parents[.]” Directive 11064.3, ¶ 2; *see also* Directive 11064.4, ¶ 2.

101. As relevant here, the Directive states that it is applicable to “[n]oncitizen parents or legal guardians who are . . . primary caretakers or have custody of minor child(ren) . . . without regard to the dependent’s citizenship or immigration status.” *Id.* at ¶¶ 2, 3.1(1) (defining “Covered Individuals”); *see also* Directive 11064.4, ¶ 3.1.

102. As relevant here, the Directive requires the following:

- “Unless ICE is effectuating an enforcement action against the minor child(ren), ICE personnel should under no circumstances take custody of or transport the minor child(ren). ICE should remain on the scene with the Covered Individual until the designated third party . . . assumes physical custody of the minor child(ren).” *Id.* at ¶ 5.2(3) (footnote omitted) (emphasis added); *see also* Directive 11064.4, ¶ 5.2(3).
- “When a detained Covered Individual is subject to a final order of removal and ICE is effectuating their removal, FODs or their appropriate designees shall facilitate the detained Covered Individual’s efforts to make arrangements for their minor child(ren) . . . for whom they serve as legal guardian. These provisions may include the Covered Individual’s attempt to arrange temporary guardianship for their minor child(ren) . . . for whom they

⁶ On July 2, 2025, ICE issued ICE Directive 11064.4, *Detention and Removal of Alien Parents and Legal Guardians of Minor Children*, superseding ICE Directive 11064.3.

serve as legal guardian if they will be remaining in the United States, or—where the Covered Individual requests reunification with their minor child(ren) . . . for whom they serve as legal guardian prior to removal—to obtain travel documents for the minor child(ren) . . . to accompany them to the Covered Individual’s country of removal.” *Id.* at ¶ 5.7(1) (emphasis added); *see also* Directive 11064.4, ¶ 5.6(1).

- “[FODs] must afford such detained Covered Individuals a reasonable opportunity to make a decision regarding the care or travel of their minor child(ren) . . . for whom they serve as legal guardian, as well as to consult with counsel . . .” *Id.* at ¶ 5.7(2) (emphasis added); *see also* Directive 11064.4, ¶ 5.6(2).
- “In addition, the FOD may, subject to security considerations, provide sufficient notice of the removal itinerary to the detained Covered Individual or to their legal counsel or representative so that coordinated travel arrangements may be made for the Covered Individual’s minor child(ren) . . . for whom they serve as legal guardian.” *Id.* at ¶ 5.7(3); *see also* Directive 11064.4, ¶ 5.6(3).

103. In arresting, detaining, and removing Jade, Janelle, Ruby, and Romeo, ICE violated Directive 11064.3. ICE refused to allow Julia and Rosario to meaningfully communicate with other family members, including their children’s fathers. ICE refused to allow Julia and Rosario to communicate with counsel. ICE refused to allow Julia, Jacob, and Rosario to make any choice or any arrangements regarding the care of their children, including their U.S. citizen children. ICE detained and took custody of minor children—three of whom are also U.S. citizens—and held them effectively incommunicado for 24 hours in one family’s case and almost three days in the other. Finally, ICE would not allow the detained U.S. citizen children to be released to those who had lawful custody over them.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

For Violation of the Administrative Procedure Act (APA), Seeking Declaratory, APA, and Injunctive Relief, Against All Defendants Except Pamela Bondi

104. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

105. The APA 5 U.S.C. § 706(1) requires federal courts to “compel agency action unlawfully withheld or unreasonably delayed” and § 706(2)(A) requires the court to “hold unlawful and set aside agency action found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law[.]”

106. ICE published Directive 11064.3 to govern how ICE interacts with the children, including U.S. citizen children, of noncitizens.

107. In direct violation of Directive 11064.3, Defendants:

- a. refused to allow Julia, Jacob, and Rosario to meaningfully communicate with other family members, including their children’s fathers or other potential caregivers;
- b. refused to allow Julia and Rosario to communicate with counsel;
- c. refused to allow Julia, Jacob, and Rosario to make any choice or any arrangements regarding the care of their children, including their U.S. citizen children;
- d. took custody of minor children—three of whom are also U.S. citizens—and held them effectively incommunicado; and
- e. refused to release the U.S. citizen children to those with lawful custody.

108. ICE’s violations of its own Directive 11064.3, by and through the acts and omissions of the Defendants are unlawful agency actions and/or are arbitrary, capricious, and contrary to law in violation of the APA. *See United States ex rel. Accardi v. Shaughnessy*, 347

U.S. 260, 267 (1954) (holding that government agencies are bound to follow their own rules and regulations).

109. ICE's deportations of Plaintiffs Rosario, Ruby, Romeo, Julia, Janelle, and Jade without adhering to and enforcing its own Directive 11064.3 with respect to Plaintiffs constitute final agency actions.

110. Plaintiffs have suffered legal wrongs and have been adversely affected by ICE's deviation from and failure to enforce its own Directive 11064.3.

111. Defendants' actions have caused, are causing, and if not remedied, will continue to cause Plaintiffs irreparable injury in the form of the deprivation of their fundamental rights as well as physical and emotional distress.

SECOND CLAIM FOR RELIEF

For Violation of the Fourth Amendment, Seeking Declaratory and Injunctive Relief and Money Damages Under *Bivens* On Behalf of Plaintiffs Jade, Ruby, and Romeo, Against Defendants ICE Officer Does 1-10

112. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

113. Defendants ICE Officer Does 1-10 searched, seized, and/or arrested and detained Plaintiffs Jade, Ruby, and Romeo intentionally, knowingly, and without probable cause. In so doing, the aforementioned Defendants violated those Plaintiffs' right to be free from unreasonable searches and unreasonable seizures under the Fourth Amendment to the United States Constitution.

114. Defendants ICE Officer Does 1-10 acted under color of law and acted or purported to act in the performance of official duties under federal, state, parish, or municipal laws, ordinances, or regulations.

115. These Defendants' conduct violated clearly established constitutional or other rights of which these Defendants knew, or of which a reasonable public official should have known.

116. These Defendants' actions, omissions, policies, patterns, practices, and customs, as complained of herein, were intentional and reckless and demonstrate a callous disregard for, or deliberate indifference to, Plaintiffs Jade, Ruby, and Romeo's personal safety, security, freedom, and civil and constitutional rights.

117. As a direct and proximate result of the unlawful actions of Defendants ICE Officer Does 1-10, Plaintiffs Jade, Ruby, and Romeo have suffered damages, including but not limited to violations of their constitutional rights, loss of liberty, and physical and emotional distress.

118. These violations are compensable under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

THIRD CLAIM FOR RELIEF

For Violation of the Fifth Amendment, Seeking Declaratory and Injunctive Relief and Money Damages Under *Bivens* Against Defendants ICE Officer Does 1-10

119. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

120. Defendants ICE Officer Does 1-10 illegally arrested, detained without procedural protections, and deprived Plaintiffs Jade, Ruby, and Romeo of their liberty in a manner that was without due process of law, *ultra vires*, and was fundamentally unfair in the totality of the circumstances, in violation of these Plaintiffs' rights under the Fifth Amendment of the United States Constitution. Defendants deprived them of their liberty and caused them to be deported without reasonable basis or lawful authority.

121. Defendants ICE Officer Does 1-10 also illegally deprived Plaintiffs Julia, Jacob, and Rosario of their fundamental right to make decisions regarding the care, custody, and welfare of their children in a manner that was without due process of law, *ultra vires*, and was fundamentally unfair in the totality of the circumstances, in violation of Plaintiffs' rights under the Fifth Amendment of the United States Constitution.

122. The reprehensible disregard for basic protections of law, particularly where minor children are involved—including one undergoing cancer treatment—constitutes an abuse of government authority that shocks the conscience and offends even the most minimal standards of acceptable official behavior.

123. Defendants ICE Officer Does 1-10 acted under color of law and acted or purported to act in the performance of official duties under federal, state, parish, or municipal laws, ordinances, or regulations.

124. These Defendants' conduct violated clearly established constitutional or other rights of which these Defendants knew, or of which a reasonable public official should have known.

125. These Defendants' actions, omissions, policies, patterns, practices, and customs, as complained of herein, were intentional and reckless and demonstrate a callous disregard for, or deliberate indifference to, Plaintiffs' personal safety, security, freedom, and civil and constitutional rights.

126. As a direct and proximate result of the actions of Defendants ICE Officer Does 1-10, Plaintiffs suffered damages, including but not limited to violations of their constitutional rights, loss of liberty, and physical and emotional distress.

127. These violations are compensable under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

FOURTH CLAIM FOR RELIEF

For Violation of the Fourth Amendment, Seeking Declaratory and Injunctive Relief and Money Damages Under *Bivens* On Behalf of Plaintiffs Jade, Ruby, and Romeo, Against Defendant Harper

128. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

129. Defendant Harper is liable in her individual capacity as the supervisor of Defendants ICE Officer Does 1-10 for the violations of Plaintiffs Jade, Ruby, and Romeo's Fourth Amendment rights.

130. Defendant Harper was personally involved in and actually caused the aforementioned violations of Plaintiffs Jade, Ruby, and Romeo's Fourth Amendment rights by knowingly and intentionally creating, implementing, enforcing, encouraging, sanctioning, and/or acquiescing in a policy, practice, and/or custom in which Defendants ICE Officer Does 1-10 engaged in the Fourth Amendment violations against these Plaintiffs.

131. Defendant Harper was personally involved in and proximately caused the violations of Plaintiffs Jade, Ruby, and Romeo's rights by creating, promulgating, implementing, and administering a policy, practice, and/or custom under which noncitizen parents were to be arrested, detained nearly incommunicado, and deported with their U.S. citizen children, without regard for allowing those parents to make other arrangements for their U.S. citizen children, or even to speak to the other parent of the children or to counsel.

132. This policy of Defendants Harper and Ladwig directly and foreseeably resulted in Defendants ICE Officer Does 1-10 violating Plaintiffs Jade, Ruby, and Romeo's constitutional

rights, including violations of their right to be free of unreasonable searches and seizures under the Fourth Amendment.

133. Defendant Harper acted under color of law and acted or purported to act in the performance of official duties under federal, state, parish, or municipal laws, ordinances, or regulations.

134. Defendant Harper's conduct violated clearly established constitutional or other rights of which she knew, or of which a reasonable public official should have known.

135. Defendant Harper's actions, omissions, policies, patterns, practices, and customs, as complained of herein, were intentional and reckless and demonstrate a callous disregard for, or deliberate indifference to, Plaintiffs Jade, Ruby, and Romeo's personal safety, security, freedom, and civil and constitutional rights.

136. As a direct and proximate result of Defendant Harper's acts and/or omissions, Plaintiffs Jade, Ruby, and Romeo suffered damages, including but not limited to violations of their constitutional rights, loss of liberty, and physical and emotional distress.

137. These violations are compensable under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

FIFTH CLAIM FOR RELIEF

For Violation of the Fifth Amendment, Seeking Declaratory and Injunctive Relief and Money Damages under *Bivens* Against Defendant Harper

138. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

139. Defendant Harper is liable in her individual capacity as the supervisor of Defendants ICE Officer Does 1-10 for the violations of Plaintiffs' Fifth Amendment rights.

140. Defendant Harper was personally involved in and actually caused the aforementioned violations of Plaintiffs Jade, Ruby, and Romeo's Fifth Amendment rights by knowingly and intentionally creating, implementing, enforcing, encouraging, sanctioning, and/or acquiescing in a policy, practice, and/or custom in which Defendants ICE Officer Does 1-10 engaged in Fifth Amendment violations against Plaintiffs Jade, Ruby, and Romeo.

141. Defendant Harper was also personally involved in and proximately caused the violations of Plaintiffs Julia, Jacob, and Rosario's rights by creating, promulgating, implementing, and administering a policy, practice, and/or custom under which noncitizen parents were to be arrested, detained nearly incommunicado, and deported with their U.S. citizen children, without regard for allowing those parents to make other arrangements for their U.S. citizen children, or even to speak to the other parent of the children or to counsel.

142. These policies of Defendant Harper directly and foreseeably resulted in Defendants ICE Officer Does 1-10 violating Plaintiffs' constitutional rights, including violations of their right to due process of law under the Fifth Amendment.

143. Defendant Harper acted under color of law and acted or purported to act in the performance of official duties under federal, state, county, or municipal laws, ordinances, or regulations.

144. Defendant Harper's conduct violated clearly established constitutional or other rights of which she knew, or of which a reasonable public official should have known.

145. Defendant Harper's actions, omissions, policies, patterns, practices, and customs, as complained of herein, were intentional and reckless and demonstrate a callous disregard for, or deliberate indifference to, Plaintiffs' personal safety, security, freedom, and civil and constitutional rights.

146. As a result of Defendant Harper's acts and/or omissions, Plaintiffs suffered damages, including but not limited to violations of their constitutional rights, loss of liberty, and physical and emotional distress.

147. These violations are compensable under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

SIXTH CLAIM FOR RELIEF

For Violation of the Fifth Amendment Seeking Declaratory and Injunctive Relief, Against All Defendants, and on Behalf of Plaintiffs Julia, Janelle, Jade, and Rosario

148. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

149. Defendants detained Plaintiffs Julia, Janelle, Jade, Rosario, Ruby, and Romeo effectively incommunicado in hotel rooms in Louisiana in the days leading up to their deportation.

150. Plaintiffs Julia, Janelle, Jade, and Rosario were represented by counsel while they were detained.

151. Plaintiffs Julia, Janelle, Jade, and Rosario have a right of access to counsel under the Fifth Amendment to the U.S. Constitution.

152. Defendants violated Plaintiffs Julia, Janelle, Jade, and Rosario's right to representation by counsel by denying them the ability to communicate with their counsel while they were detained, despite repeated requests by both Plaintiffs and their counsel.

153. Defendants' refusal to allow Plaintiffs Julia, Janelle, Jade, and Rosario to communicate with their counsel violated the Due Process Clause of the Fifth Amendment to the United States Constitution.

154. Defendants' actions caused, are causing, and, if not remedied, will continue to cause Plaintiffs irreparable injury in the form of deprivation of their fundamental constitutional rights as well as physical and emotional distress.

PRAYER FOR RELIEF

Plaintiffs respectfully pray this Court to:

- a) Assume jurisdiction over this matter;
- b) Enter a declaratory judgment that the actions of Defendants, which resulted in the arrests, detentions, and deportations of Plaintiffs, violated the United States Constitution;
- c) Enter a declaratory judgment that ICE failed to follow and violated its own policies, specifically ICE Directive 11064.3, regarding the arrest, detention, and removal of noncitizens with children, including U.S. citizen children of noncitizens;
- d) Hold unlawful and set aside ICE's arrests, detentions, and removals of Plaintiffs Julia, Janelle, Jade, Rosario, Ruby, and Romeo;
- e) Order ICE to return Plaintiffs Rosario, Julia, and Janelle, and their families to the United States and compel ICE to follow its own Directive 11064.3, that was operative at their time of their deportation, so that Julia, Jacob, and Rosario may determine with their families and with counsel the appropriate care and placement of their children;
- f) Hold Defendants jointly and severally liable for general, special, and punitive damages;
- g) Award Plaintiffs general damages in an amount to be proven at trial;
- h) Award Plaintiffs special damages in an amount to be proven at trial;
- i) Award Plaintiffs punitive damages in an amount to be proven at trial;

- j) Award Plaintiffs the costs of this action and reasonable attorney fees pursuant to 42 U.S.C. § 1988, 29 U.S.C. § 794a, and any other applicable state and federal law; and
- k) Grant such other relief as the Court deems just and equitable.

Dated: July 31, 2025

Respectfully submitted,

Michael D. Celio* (CA Bar No. 197998)
GIBSON, DUNN & CRUTCHER LLP
310 University Avenue
Palo Alto, CA 94301-1744
mcelio@gibsondunn.com

Mellissa C. Duru* (DC Bar No. 471824)
mduru@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036-4504

Charline O. Yim* (NY Bar No. 5054267)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, New York 10166-0193
cyim@gibsondunn.com

Erin C. Hebert, Esq. (WA Bar No. 47893) *
Ware | Immigration
3850 N. Causeway Blvd., Ste. 555
Metairie, LA 70002
(504) 830-5900 (phone)
(504) 830-5909 (fax)
ehbert@david-ware.com

/s/ Matthew Vogel
Matthew Vogel (La. Bar No. 35363)†
Bridget Pranzatelli (DC Bar No. 90029726)*
Ann Garcia (DC Bar No. 252661)*
Stephanie M. Alvarez-Jones (GA Bar No. 237979)*‡
Sirine Shebaya* (DC Bar No. 1019748)
NATIONAL IMMIGRATION PROJECT OF
THE NATIONAL LAWYERS GUILD
(National Immigration Project)
1763 Columbia Road NW
Ste 175 #896645
Washington, D.C. 20009
T: (202) 470-2082
matt@nipnl.org
bridget@nipnl.org
ann@nipnl.org
stephanie@nipnl.org
sirine@nipnl.org

William Most (La. Bar No. 36914)
David Lanser (La. Bar No. 37764)
MOST & ASSOCIATES
201 St. Charles Ave., Ste. 2500, #9685
New Orleans, LA 70170
T: (504) 509-5023
T: (504) 533-4521
F: (504) 414-6400
williammost@gmail.com
david.lanser@gmail.com

** motion for pro hac vice admission
forthcoming*

† *Not admitted in DC; working remotely from
and admitted in Louisiana only*

‡ *Not admitted in DC; working remotely from
and admitted in Georgia only*

Counsel for Plaintiffs