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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CITY OF HUNTINGTON BEACH, et al.,	)	
	)	
Plaintiff,	)	
v.	)	No. 8:25-cv-00026-SSS
	)	
THE STATE OF CALIFORNIA, GAVIN	)	STATEMENT OF INTEREST
NEWSOM, in his official capacity as	)	ON BEHALF OF
Governor of the State of California, et al.,	)	THE UNITED STATES OF AMERICA
	)	
Defendants.	)	
	)	

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**STATUTORY AUTHORITY TO FILE STATEMENT OF INTEREST**

Pursuant to 28 U.S.C. § 517, the United States files the following Statement of Interest in support of Plaintiffs City of Huntington Beach, Huntington Beach City Council, Huntington Beach Police Department, Huntington Beach Police Chief, and Sheriff Chad Bianco’s claims in their second amended complaint against Defendants the State of California, Gavin Newsom, Robert Bonta, and Does 1-50, for violations, *inter alia*, of Article VI, Clause 2, and Article I, Section 8, Clause 4 of the United States Constitution, and U.S. Immigration Laws under 8 U.S.C. §§ 1324 & 1373.

Under 28 U.S.C. § 517, “[t]he Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.” Under 28 U.S.C. § 518(b), “[w]hen the Attorney General considers it in the interests of the United States, he may personally conduct and argue any case in a court of the United States in which the United States is interested, or he may direct the Solicitor General or any officer of the Department of Justice to do so.” These statutes provide a mechanism for the United States to submit its views in cases in which the United States is not a party but nonetheless has a vested interest in the case. *See, e.g., Flatow v. Islamic Republic of Iran*, 305 F.3d 1249, 1252-53 & n.5 (D.C. Cir. 2002).

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**INTEREST OF THE UNITED STATES**

The United States has a substantial interest in, and long history of, working cooperatively with state and local governments on a range of law-enforcement priorities, including immigration. These cooperative efforts are critical to enabling the federal

1 government to identify and remove the hundreds of thousands of individuals who violate  
2 immigration laws each year, including many thousands who are convicted of serious crimes.  
3 This undertaking fulfills the Executive Branch’s responsibility to enforce federal statutes and  
4 to protect public safety.

5 California’s “California Values Act” (“CVA”) strikes at the heart of this cooperative  
6 scheme. The Act, by intent and design, interferes with the federal government’s enforcement of  
7 federal immigration law. And it violates the Supremacy Clause of the United States  
8 Constitution.

9  
10 California’s enforcement of the CVA against Plaintiffs represents an important decision  
11 by the State to prevent law enforcement agencies (“LEAs”) from cooperating with federal  
12 immigration enforcement. Enforcement of the so-called “Values Act” is unlawful, because the  
13 Act itself is unlawful.

14 The latest consequence of California’s enforcement of the CVA are the riots in Los  
15 Angeles that began on June 6, 2025. By prohibiting LEAs from ensuring the safe transfer of  
16 criminals from state to federal custody in the secure environment of detention facilities, the  
17 CVA has left ICE no choice but to arrest those criminals in neighborhoods throughout Los  
18 Angeles, putting agents and detainees alike at higher risk. Agitators have used those lawful  
19 arrests as a pretext to riot, loot, and attack law enforcement officers.  
20

21 California cannot prevent LEAs from cooperating with the federal government to  
22 enforce federal law. This Court should enjoin California from doing so and should declare the  
23 CVA unconstitutional.

24 The United States takes no position on the merits of any other issue not addressed in the  
25 attached Statement of Interest.  
26

1 **STATEMENT OF THE CASE**

2 **I. STATUTORY AND REGULATORY BACKGROUND**

3 The federal government “has broad, undoubted power over the subject of immigration  
4 and the status of aliens,” based in part on the federal government’s power to “establish a[]  
5 uniform Rule of Naturalization,” and in part on the federal government’s inherent power as a  
6 sovereign to police its borders and exclude or deport removable aliens. *Arizona v. United*  
7 *States*, 567 U.S. 387, 394 (2012) (quoting U.S. Const. art. I, § 8, cl. 4); *see also Kleindienst v.*  
8 *Mandel*, 408 U.S. 753, 765-66 & n.6 (1972). In exercising those powers, Congress established  
9 through the Immigration and Nationality Act (“INA”) a cooperative system where state and  
10 local governments play a role in enforcing the federal immigration laws. *See, e.g.*, 8 U.S.C.  
11 § 1101 *et seq.* Indeed, “[c]onsultation between federal and state officials is an important feature  
12 of the immigration system.” *Arizona*, 567 U.S. at 411. As the Second Circuit has explained:  
13 “Absent any cooperation at all from local officials,” the immigration system—like other  
14 federal programs—“may fail or fall short of [its] goals[.]” *City of New York v. United States*,  
15 179 F.3d 29, 35 (2d Cir. 1999).  
16

17  
18 At every turn, the INA’s structure and design reflects a system where the federal  
19 government is able to partner with state and local governments regarding immigration. A prime  
20 example is the “detainer” scheme Congress has established. Specifically, the INA permits state  
21 and local law enforcement officers to cooperate with the federal government by responding to  
22 requests for assistance contained in federal “immigration detainers,” including requests issued  
23 by U.S. Customs and Border Protection (“CBP”) and ICE, the components of DHS that are  
24 responsible for immigration enforcement at the border and in the interior of the country,  
25 respectively. *See* 8 U.S.C. §§ 1226, 1357. An immigration detainer provides notice of DHS’s  
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1 intent to assume custody of a removable alien detained in the custody of another law  
2 enforcement agency and seeks state or local cooperation in that effort. *See* 8 U.S.C. §§ 1226,  
3 1357(d); 8 C.F.R. § 287.7(a), (d). Further, on January 29, 2025, the President signed into law  
4 the Laken Riley Act. *See* Laken Riley Act, Pub L. No. 119-1, 139 Stat. 26 (2025). Among  
5 other things, the Laken Riley Act amended 8 U.S.C. § 1226(c) to provide that the “Secretary of  
6 Homeland Security shall issue a detainer for an alien described in paragraph (1)(E)[.]” 8 U.S.C.  
7 § 1226(c)(3). Acting on its long-recognized authority to arrest and detain noncitizens, DHS  
8 promulgated 8 C.F.R. § 287.7, describing detainers and expressing that they are issued  
9 pursuant to 8 U.S.C. §§ 1226 and 1357.

10  
11 An immigration detainer asks a law enforcement agency, state, or locality to: (1) notify  
12 DHS of the alien’s release date from local custody; and (2) detain the alien for up to 48 hours  
13 beyond when the individual would otherwise be released on state charges. DHS issues  
14 detainers based on its determination that it has probable cause to believe that the individual is  
15 removable.<sup>1</sup> Immigration detainer requests ensure the safe transfer of criminals from state to  
16 federal custody in a secure environment, rather than requiring federal officials to make more  
17 dangerous arrests in public or private places. 8 C.F.R. § 287.7(a), (d); *see also* 8 U.S.C. §  
18 1357(d) (in certain circumstances DHS “shall promptly determine whether or not to issue such  
19 a detainer” “in the case of an alien who is arrested by a Federal, State, or local law enforcement  
20 official” for certain criminal violations).

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23 <sup>1</sup> DHS detainers must be accompanied by a signed administrative warrant of arrest issued  
24 pursuant to 8 U.S.C. §§ 1226 or 1231(a). *See Gonzalez v. United States Immigr. & Customs*  
25 *Enf’t*, 975 F.3d 788, 799 (9th Cir. 2020) (“a signed administrative arrest warrant issued  
26 pursuant to 8 U.S.C. §§ 1226 or 1231(a)—INA provisions concerning the [Secretary]’s  
authority to perform arrests by warrant and detain certain aliens—must now accompany a  
detainer.”); *see also City of El Cenizo, Texas v. Texas*, 890 F.3d 164, 187 (5th Cir. 2018)  
(noting that a detainer request must be accompanied by an administrative warrant and  
“evidences probable cause of removability in every instance”).

1           Additionally, federal authorities must “make available” to state and local authorities  
2 “investigative resources . . . to determine whether individuals arrested by such authorities for  
3 aggravated felonies are aliens[.]” 8 U.S.C. § 1226(d)(1)(A). Likewise, federal officials must  
4 also “designate and train officers and employees . . . to serve as a liaison to” state and local  
5 officials “with respect to the arrest, conviction, and release of any alien charged with an  
6 aggravated felony[.]” *Id.* § 1226(d)(1)(B); *see id.* §§ 1226(c), 1231(a).

7           Congress, further, has authorized the Department of Homeland Security (“DHS”) to  
8 enter into formal cooperative agreements with states and localities. *See* 8 U.S.C. § 1357(g); *see*  
9 *also*, “ICE’s 287(g) Program,” <https://www.ice.gov/identify-and-arrest/287g> (last visited June  
10 12, 2025) (“The 287(g) Program enhances the safety and security of our nation’s communities  
11 by allowing ICE Enforcement and Removal Operations (ERO) to partner with state and local  
12 law enforcement agencies to identify and remove criminal aliens who are amenable to removal  
13 from the U.S.”). Under these agreements, appropriately trained and qualified state and local  
14 law enforcement officers may perform specified functions of a federal immigration officer in  
15 relation to the investigation, apprehension, or detention of aliens. 8 U.S.C. § 1357(g)(1). State  
16 and local officers’ activities under these agreements are “subject to the direction and  
17 supervision of the [Secretary of Homeland Security].” 8 U.S.C. § 1357(g)(3). Congress  
18 provided that “[n]othing in this subsection shall be construed to require any State or political  
19 subdivision of a state to enter into an agreement.” 8 U.S.C. § 1357(g)(9). Even in the absence  
20 of a written agreement, Congress has established that state and local law enforcement officers  
21 may “communicate with the [Secretary] regarding the immigration status of any individual,” or  
22 “otherwise . . . cooperate with the [Secretary] in the identification, apprehension, detention, or  
23 removal of aliens not lawfully present in the United States.” 8 U.S.C. § 1357(g)(10); *see also*  
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1 8 U.S.C. § 1324(c) (authorizing state and local law enforcement officers to make arrests for  
2 violations of the INA’s prohibition against smuggling, transporting, or harboring aliens);  
3 8 U.S.C. § 1252c (affirming state and local officers’ authority to arrest certain felons who have  
4 unlawfully returned to the United States). Section 1373 further requires federal officials to  
5 “respond to an inquiry” by state or local officials “seeking to verify or ascertain the citizenship  
6 or immigration status of any individual within the[ir] jurisdiction.” *Id.* § 1373(c); 8 U.S.C.  
7 § 1644; *see also* 6 U.S.C. § 482(b) (requiring information-sharing among federal agencies).

8  
9 The Supreme Court has also recognized that information sharing among federal, state,  
10 and local governments is essential to the effective enforcement of the immigration laws. *See,*  
11 *e.g., Arizona*, 567 U.S. at 412 (noting Congress “has encouraged the sharing of information  
12 about possible immigration violations”). Toward that goal, Congress has prevented states and  
13 localities from adopting laws or policies that “prohibit[] or in any way restrict” the ability of  
14 state and local law enforcement officers to cooperate with federal officials by sending and  
15 receiving “information regarding the citizenship or immigration status, lawful or unlawful, of  
16 any individual,” or maintaining and exchanging such information. 8 U.S.C. § 1373(a)-(b); *see*  
17 *also* 8 U.S.C. § 1644 (similar). Congress enacted these provisions “to prevent any State or local  
18 law, ordinance, executive order, policy, constitutional provision, or decision of any Federal or  
19 State court that prohibits or in any way restricts any communication between State and local  
20 officials” and the former Immigration and Naturalization Service. 3 H.R. Rep. No. 104-725, at  
21 383 (1996) (Conf. Rep. to Welfare Reform Act, codified at 8 U.S.C. § 1644). Congress further  
22 provided in 8 U.S.C. § 1373 that DHS “shall respond to an inquiry by a Federal, State, or local  
23 government agency, seeking to verify or ascertain the citizenship or immigration status of any  
24 individual within the jurisdiction of the agency for any purpose authorized by law, by  
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1 providing the requested verification or status information.” 8 U.S.C. § 1373(c). Section 1373  
2 “prohibits state and local governments and officials ... from directly restricting the voluntary  
3 exchange of immigration information’ with federal immigration authorities’.” *State v. Dep’t of*  
4 *Just.*, 951 F.3d 84, 112 (2d Cir. 2020) (quoting *City of New York*, 179 F.3d at 32-33).

## 5 **II. CALIFORNIA’S CALIFORNIA VALUES ACT**

6 In 2017, California enacted the California Values Act (“CVA”) which, California  
7 concedes, “prohibits California state and local law enforcement agencies from assisting federal  
8 immigration enforcement efforts,” bars them from “investigat[ing], interrogat[ing], detain[ing],  
9 detect[ing], or arrest[ing] persons for immigration enforcement purposes,” and directs that they  
10 may not “[p]rovid[e] information regarding an individual’s release date” to federal immigration  
11 officials. Defendants’ Memorandum in support of motion to dismiss, ECF No. 34-1 at 1, 3.

12 The CVA works as intended. It prohibits local law enforcement agencies from  
13 “[d]etaining an individual on the basis of a hold request.” Defendants’ Motion to dismiss, ECF.  
14 No. 34 at 3. (citing Cal. Gov’t Code § 7284.6(a)(1)). As California itself puts it, the CVA  
15 prohibits local law enforcement agencies from “[c]ontracting with the federal government for  
16 use of law enforcement agency facilities to house federal immigration detainees.” *Id.* (quoting  
17 Cal. Gov’t Code § 7284.6(a)(6)). Moreover, the CVA prohibits local law enforcement agencies  
18 from merely “[i]nquiring into an individual’s immigration status,” or “providing personal  
19 information ... about an individual, including, but not limited to, the individual’s home address  
20 or work address,” thereby further barring LEAs from providing federal immigration authorities  
21 basic information necessary to enforce federal immigration law. Cal. Gov’t Code §  
22 7284.6(a)(1)(A), (F).

23 The State of California and the CVA prohibit Plaintiffs from doing exactly what the  
24 immigration laws contemplate: cooperating with the federal government to help enforce federal  
25

1 law—such as by sharing critical information with federal immigration authorities. California  
2 insists these actions are all proscribed by the CVA. But that is no answer, because the CVA is  
3 itself unlawful, in violation of the Supremacy Clause of the United States Constitution.

## 4 ARGUMENT

### 5 CALIFORNIA’S CALIFORNIA VALUES ACT 6 VIOLATES THE SUPREMACY CLAUSE

7 California asserts the CVA is lawful, because it “avoid[s] unnecessary interference in  
8 local government.” ECF No. 34-1 at 5 (quoting *City of Huntington Beach v. Becerra*, 44 Cal.  
9 App. 5th 243, 248 (2020)). The CVA, however, does far more than regulate local government.  
10 Instead, it actively seeks to frustrate federal enforcement of immigration laws by preventing  
11 LEAs from cooperating with federal authorities. That is unlawful, in violation of the  
12 Supremacy Clause.

#### 13 A. CVA Unlawfully Regulates the Federal Government.

14 The CVA unlawfully regulates the federal government by preventing federal agents  
15 from using their Congressionally authorized tools to effectuate alien detentions and removals.  
16 Stemming from the Supremacy Clause, the doctrine of intergovernmental immunity prevents  
17 California from regulating the activities of the Federal government. *See Mayo v. United States*,  
18 319 U.S. 441, 445 (1943) (“[T]he activities of the Federal government are free from regulation  
19 by any state.”); *see also M’Culloch v. State*, 17 U.S. 316 (1819) (4 Wheat.) at 436 (explaining  
20 that the states have no power to “in any manner control” the operations of the federal  
21 government); *Leslie Miller, Inc. v. State of Arkansas*, 352 U.S. 187, 190 (1956) (explaining that  
22 “the immunity of the instruments of the United States . . . extends to a requirement that they  
23 desist from performance until they satisfy a state officer” (quoting *Johnson v. State of*  
24 *Maryland*, 254 U.S. 51, 57 (1920)); *Geo Group, Inc. v. Newsom*, 50 F.4th 745, 750 (2022)

1 (“any state regulation that purports to override the federal government's decisions about who  
2 will carry out federal functions runs afoul of the Supremacy Clause”). Thus, “even in the  
3 absence of a specific federal law, federal officers are immune from state interference with acts  
4 ‘necessary and proper’ to the accomplishment of their federal duties.” *United States v. Ferrara*,  
5 847 F. Supp. 964, 968 (D.D.C. 1993), *aff’d* 54 F.2d 825 (D.C. Cir. 1995), *amended* (July 28,  
6 1995) (citing *Cunningham v. Neagle*, 135 U.S. 1 (1890)).

7 Under those principles, the provisions of the CVA that California imposes on the City  
8 of Huntington Beach improperly regulate the federal government. Specifically, the CVA  
9 precludes local law enforcement agencies from honoring ICE detainer requests or from  
10 arresting, detaining, or holding individuals in custody “based on civil immigration warrants.”  
11 Cal. Gov’t Code § 7284(a)(1)(E). By refusing to honor civil detainers expressly authorized by  
12 Congress and creating a *de facto* requirement that federal immigration authorities obtain a  
13 criminal warrant to arrest or take custody of a detained alien, California has unlawfully  
14 burdened the use of these means for federal immigrations officials to carry out their statutory  
15 functions. California’s enforcement of the provisions of the CVA at issue here, therefore,  
16 effects direct regulation of the federal government. Congress expressly provided that “[o]n a  
17 warrant issued by the Attorney General, an alien may be arrested and detained pending a  
18 decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a).  
19 Further, through the Laken Riley Act, Congress amended 8 U.S.C. § 1226(c) to provide that  
20 the “Secretary of Homeland Security shall issue a detainer for an alien described in paragraph  
21 (1)(E)[.]” 8 U.S.C. § 1226(c)(3). And the Supreme Court has acknowledged the role that  
22 administrative warrants play in the detention and removal process. *See Arizona v. United*  
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1 *States*, 567 U.S. 387, 407–08 (2012) (noting that the Attorney General has discretion to issue  
2 warrants, which are executed by federal officers).

3       Whereas administrative warrants issue on probable cause that the individual is an alien  
4 who is subject to removal (which does not necessarily require that the alien committed a  
5 criminal offense, *see, e.g.*, 8 U.S.C. §§ 237(a)(1)(C), (D)), criminal judicial warrants issue on  
6 probable cause that a crime has been committed, *see Berger v. State of New York*, 388 U.S. 41,  
7 55 (1967). Congress allows federal agents to detain illegal aliens under the former standard,  
8 but California, through the provisions of the CVA, prevents federal agents from doing so  
9 unless they satisfy the latter, higher standard. These provisions, therefore, foreclose federal  
10 immigration officials’ use of the congressionally authorized detention method and directly  
11 impose a different method, with a different standard, on the federal government for  
12 effectuating detentions. California has no such power to prevent federal agents from carrying  
13 out their duties “until they satisfy a state officer.” *See Leslie Miller, Inc.*, 352 U.S. at 190; *see*  
14 *also Arizona*, 567 U.S. at 406 (recognizing that “a conflict in technique can be fully as  
15 disruptive to the system Congress erected as conflict in overt policy” (alterations and citation  
16 omitted)).  
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19       California’s denial of ICE officials’ access to otherwise public state and local facilities  
20 likewise regulates federal functions. Specifically, California has conceded in its motion to  
21 dismiss—by barring federal immigration authorities from “[a]ssisting immigration authorities  
22 in interrogating or arresting an alien,” ECF No. 34-1 at 3 (citing Cal. Gov’t Code § 7284.6(a));  
23 by barring localities from “[p]roviding information regarding an individual’s release date,” *id.*;  
24 by restricting federal immigration authorities access to aliens in custody without first obtaining  
25 the alien’s written consent to be interviewed by federal immigration authorities (citing Cal.  
26

1 Gov't Code § 7283.1); and by barring localities from honoring federal immigration warrants or  
2 detainers, *id.*—that California forces federal immigration officers to engage in difficult and  
3 dangerous efforts to rearrest aliens who were previously in local custody.

4 Collectively, these effects of California's CVA necessarily “require[] ICE to entirely  
5 transform its approach to' its sovereign function of transporting and removing noncitizen  
6 detainees.” *See United States v. King Cnty., Washington*, 122 F.4th 740, 756 (9th Cir. 2024);  
7 *see also, Geo Group*, 50 F.4th at 758 (“[t]o comply with California law, ICE would have to  
8 cease its ongoing immigration detention operations in California and adopt an entirely new  
9 approach in the state”). “Because this impermissibly ‘override[s] the federal government’s  
10 decision, pursuant to discretion conferred by Congress,’” the intergovernmental immunity  
11 doctrine’s regulation prohibition bars the CVA. *See King Cnty.*, 122 F.4th at 756. Indeed,  
12 “[t]his foundational limit on state power cannot be squared with the dramatic changes that  
13 [CVA] would require ICE to make.” *Geo Group*, 50 F.4th at 758.

#### 14 **B. CVA Unlawfully Discriminates Against the Federal Government.**

15  
16 The doctrine of intergovernmental immunity also prohibits states from discriminating  
17 against the Federal government or even just a part of it. *See North Dakota v. United States*, 495  
18 U.S. 423, 434–36 (1990). A state law discriminates against the federal government “by  
19 singling out the Federal government for unfavorable treatment.” *United States v. Washington*,  
20 596 U.S. 832, 839 (2022). And *any* discriminatory burden on the federal government is  
21 impermissible. *See Dawson v. Steager*, 586 U.S. 171, 171 (2019).<sup>2</sup> Although state laws that  
22 innocuously “touch[] on an exclusively federal sphere [are] not enough to establish  
23 discrimination,” *McHenry Cnty. v. Kwame Raoul*, 44 F.4th 581, 594 (7th Cir. 2022), state laws  
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26 <sup>2</sup> The principles of the intergovernmental tax immunity doctrine apply to the general intergovernmental immunity doctrine. *See North Dakota*, 495 U.S. at 434–39.

1 that uniquely *burden* federal activities violate this nondiscrimination rule. And courts presume  
2 that such laws are invalid absent clear congressional authorization for that kind of state  
3 regulation. *See Washington*, 596 U.S. at 839; *see also King Cnty., Washington*, 122 F.4th at  
4 757 (finding unlawful discrimination where a County Order directed local officials to ensure  
5 that operators who leased space from the County’s airport would not service ICE charter  
6 flights).

7           The provisions of the CVA unlawfully discriminate against the federal government by  
8 singling out federal immigration enforcement for unfavorable treatment. Indeed, the CVA  
9 facially targets federal immigration authorities, denying them access to detainees, state and  
10 local facilities, and information absent a criminal warrant. *See* ECF. No. 34-1 at 3 (prohibiting  
11 local law enforcement agencies from “[d]etaining an individual on the basis of a hold request”  
12 and from “[p]roviding information regarding a person's release date or responding to requests  
13 for notification by providing release dates or other information” (Cal. Gov’t Code §  
14 7284.6(a)(1)(B), (C); “[p]rovid[ing] office space exclusively dedicated for immigration  
15 authorities for use within a city or county law enforcement facility” or “responding to requests  
16 for notification by providing release dates or other information” (Cal. Gov’t Code §  
17 7284.6(a)(1)(C), (5)); and “[c]ontract[ing] with the federal government for use of California  
18 law enforcement agency facilities to house individuals as federal detainees for purposes of civil  
19 immigration custody” (Cal. Gov’t Code § 7284.6(a)(6)). Moreover, California, through the  
20 CVA, prohibits local law enforcement agencies “[a]ssisting immigration authorities in”  
21 boarding and searching for aliens in any car within twenty-five miles of any external border of  
22 the United States. Cal. Gov’t Code § 7284.6(a)(1)(D); *see also* 8 U.S.C.A. § 1357. The CVA  
23 contains a blanket prohibition against LEA cooperation with immigration authorities: “[i]n no  
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1 case shall cooperation occur pursuant to this section for individuals arrested, detained, or  
2 convicted of misdemeanors that were previously felonies, or were previously crimes  
3 punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and  
4 Schools Act of 2014 as it amended the Penal Code.” Cal. Gov’t Code § 7282.5.

5 These provisions therefore treat federal immigration authorities less favorably than the  
6 general public and other law enforcement agencies. Some of the prohibitions California has  
7 imposed apply solely against federal ICE officers and not law enforcement officers from other  
8 states or localities. *See, e.g.*, Cal. Gov’t Code §§ 7283.1, 7283.2, and 7284.10. The CVA,  
9 therefore “treats someone else better than it treats [federal immigration authorities].” *North*  
10 *Dakota*, 495 U.S. at 438 (quoting *Washington v. United States*, 460 U.S. 536, 544 (1983)).

12 California cannot plausibly argue that differential treatment of federal immigration  
13 authorities is permissible here because the more favorably treated groups are not “similarly  
14 situated” to ICE. *See McHenry Cnty.*, 44 F.4th at 594. Under that argument, because “only”  
15 ICE carries out civil immigration enforcement, there could be no entity “similarly situated” to  
16 ICE, and, absent such a comparator, California would be free to discriminate with impunity.  
17 Singling out functions that only the federal government performs for differential treatment is  
18 *ipso facto* evidence of discrimination. Moreover, the provisions of the CVA do not single out  
19 an exclusively federal function innocuously—they discriminatorily burden the United States in  
20 carrying out that function *specifically* because California disagrees with federal policy.

22 The Court should not, to evade a finding of discrimination, read the “similarly situated”  
23 language so narrowly as to foreclose membership by others. To the contrary, if the only  
24 difference justifying the discriminatory treatment is the federal agency’s enforcement of a  
25 particular federal law, the discrimination is clear. *See King Cnty.*, 122 F.4th at 757–58  
26

1 (rejecting the County’s argument that “significant differences” between ICE and others who  
2 chartered flights justified the discriminatory treatment of ICE where the difference was ICE’s  
3 role in carrying out deportations); *United States v. California*, No. 2:18-CV-721-WBS-DB,  
4 2018 WL 5780003, at \*6 (E.D. Cal. Nov. 1, 2018) (rejecting California’s argument that it  
5 could discourage conveyances of federal public lands because those lands, unlike private lands,  
6 are preserved for the public’s benefit: “This quality of federal public lands, however, is so  
7 directly linked to their federal status that it cannot serve as the basis for non-discriminatory  
8 differentiation.”); *Geo Grp., Inc. v. Newsom*, 50 F.4th 745, 750 (9th Cir. 2022) (rejecting  
9 California’s argument that it could “override the federal government’s decision, pursuant to  
10 discretion conferred by Congress, to use private contractors to run its immigration detention  
11 facilities”).

12  
13 Unlawful discriminatory treatment against a federal agency occurs even where the  
14 offending provision avoids explicitly favoring anyone else above the federal government. *Id.* at  
15 761 (even where the statute in question “is a neutral regulation of private conduct” states may  
16 not “prohibit[] ICE from exercising its discretion to arrange for immigration detention in the  
17 privately run facilities it has deemed appropriate”). Courts that have held otherwise are wrong  
18 and their views are incompatible with Ninth Circuit precedent. *See, e.g., McHenry Cnty.*, 44  
19 F.4th at 594 (finding the TRUST Act’s prohibition on state and local officials entering into  
20 contracts to house immigration detainees in state or local facilities was nondiscriminatory  
21 partly because the provision touched on a federal sphere in an innocuous way but did not treat  
22 anyone else better than the federal government). Here, the CVA is not a “neutral regulation”  
23 because other law enforcement agencies and the public are given access to government  
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1 facilities, detainees, and information on more favorable terms than are available to federal  
2 immigration authorities. *See, e.g.*, Cal. Gov't Code §§ 7284.6(a)(1)(5), (6).

3 More fundamentally, the Court should consider the “similarly situated” language in the  
4 context of California’s discrimination against the federal government. Since *M’Culloch*, 17  
5 U.S. (4 Wheat.) 316 (1819), the Supreme Court has held that states may not impose taxes  
6 directly on the federal government. But states may impose nondiscriminatory taxes that  
7 indirectly increase costs for the federal government so long as the tax is “imposed equally on  
8 the other similarly situated constituents of the State.” *United States v. Fresno Cnty.*, 429 U.S.  
9 452, 462 (1977). Underlying this principle is the rationale that taxes imposed solely on federal  
10 employees “could be escalated by a State so as to destroy the federal function performed by  
11 them[.]” *Id.*, 429 U.S. at 464 n.11. But if the tax were also imposed on residents and voters of  
12 the state, that would provide a political check against abuse of the taxing power and abate the  
13 danger to the federal government. *Id.*; *cf. Dawson v. Steager*, 586 U.S. 171 (2019) (holding that  
14 a state statute exempting from state taxation the pension benefits of state and local law  
15 enforcement officers, but not the federal pension benefits of a retired federal marshal, violates  
16 intergovernmental immunity).

17  
18  
19 In contrast, when the target of the impermissible discrimination is the federal  
20 government itself, or even just a part of it, the danger is at its peak. *See Washington*, 596 U.S.  
21 at 842 (noting the absence of a “ballot-box safeguard” for laws that discriminate solely against  
22 the Federal government); *King Cnty., Washington*, 122 F.4th at 757–58 (“[B]urdening federal  
23 operations, and *only* federal operations . . . violates the anti-discrimination principle[.]”  
24 (citation omitted)). Here too, there is no political check on the unlawful discrimination as long  
25 as frustrating the federal government’s enforcement of its immigration law remains popular  
26

1 with voters of the state. Allowing discrimination of this sort to stand undercuts the Supremacy  
2 Clause by enabling states to thwart federal policy so long as that policy were implemented by  
3 only one federal agency. *See Washington*, 596 U.S. at 841 (explaining that absent the  
4 prohibition on discrimination, nothing prevents a state from imposing unduly high costs on the  
5 federal government for the benefit of the state’s own citizens).

6 Finally, invalidating the discriminatory provisions of California’s CVA would not  
7 create a back-end anticommandeering problem. California cannot seriously contend that  
8 actively discriminating against the federal government is constitutionally protected inaction.  
9 Rather, to the extent California chooses to permit local law enforcement agencies to give other  
10 law enforcement agencies and members of the public access to information, detainees in their  
11 custody, and facilities, they cannot withhold the same from the federal government just  
12 because California disagrees with federal immigration priorities. *See King Cnty., Washington*,  
13 122 F.4th at 758. Just as there is no “threat of unconstitutional commandeering when ICE uses  
14 county highways to transport immigration detainees from one place to another just because the  
15 county owns its highways,” *King Cnty., Washington*, 122 F.4th at 758, there is no such threat  
16 when federal immigration authorities access detainees upon their release from state or local  
17 custody (including in the public lobbies of state and local facilities) or when federal  
18 immigration authorities access information already collected by California or its local law  
19 enforcement agencies.  
20  
21

22 **C. CVA is Conflict Preempted by the Immigration and Nationality Act.**

23 State laws cannot “stand[] as an obstacle to the accomplishment and execution of the  
24 full purposes and objectives of Congress.” *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941). Thus,  
25 state laws are invalid if they “either frustrate[] the purpose of the national legislation or  
26 impair[] the efficiency of th[o]se agencies of the federal government to discharge the duties,

1 for the performance of which they were created.” *Davis v. Elmira Sav. Bank*, 161 U.S. 275,  
2 283 (1896); *see also Crosby v. Nat’l Foreign Trade Council*, 530 U.S. 363, 373 (2000) (“If the  
3 purpose of the [federal law] cannot otherwise be accomplished—if its operation within its  
4 chosen field else must be frustrated and its provisions be refused their natural effect—the state  
5 law must yield[.]” (citation omitted)).

6 Pursuant to its “broad, undoubted power over the subject of immigration and the status  
7 of aliens,” *Arizona v. United States*, 567 U.S. 387, 394 (2012), Congress enacted the INA. The  
8 INA established a “comprehensive federal statutory scheme for regulation of immigration and  
9 naturalization[.]” *Chamber of Com. of United States v. Whiting*, 563 U.S. 582, 587 (2011). To  
10 effectuate that scheme, the INA defines categories of aliens who may not be admitted to the  
11 United States; makes unlawful entry and reentry federal offenses; specifies which aliens may  
12 be removed from the United States and the procedures for such removal; and vests federal  
13 immigration officials with significant discretion, among other things. *See Arizona*, 567 U.S. at  
14 396; *see also Galvan v. Press*, 347 U.S. 522, 531 (1954) (“Policies pertaining to the entry of  
15 aliens and their right to remain here are . . . entrusted exclusively to Congress . . .”); *Truax v.*  
16 *Raich*, 239 U.S. 33, 42 (1915) (“The authority to control immigration—to admit or exclude  
17 aliens—is vested solely in the Federal Government”); *see also Hines*, 312 U.S. at 68 (“[T]he  
18 power to restrict, limit, regulate, and register aliens as a distinct group is not an equal and  
19 continuously existing concurrent power of state and nation, but that whatever power a state  
20 may have is subordinate to supreme national law.”).

23 Because Congress found that “deportable criminal aliens who are not detained continue  
24 to engage in crime and fail to appear for their removal hearings in large numbers,” *Nielsen v.*  
25 *Preap*, 586 U.S. 392, 398 (2019) (citation omitted), Congress requires federal immigration  
26

1 agents to detain criminal illegal aliens immediately upon their release from state or local  
2 custody, pending their removal from the United States. *See, e.g.*, 8 U.S.C. §§ 1226(a), (c),  
3 1231(a). The provisions of the CVA “frustrate[] the purpose” of the INA and “impair[] the  
4 efficiency” of federal immigration authorities “to discharge the duties, for the performance of  
5 which they were created.” *See Davis*, 161 U.S. at 283. Its provisions prohibit local law  
6 enforcement agencies from “[d]etaining an individual on the basis of a hold request;”  
7 “[m]aking or intentionally participating in arrests based on civil immigration warrants;” and  
8 from “[c]ontracting with the federal government for use of law enforcement agency facilities to  
9 house federal immigration detainees.” ECF. No. 34-1 ¶4.28 (quoting Cal. Gov’t Code. §  
10 7284.6(a)(1)(B), (E), (6)). But Congress expressly authorized the very cooperation the CVA  
11 prohibits, including detention on the basis of hold requests, arrests based on civil immigration  
12 warrants, and cooperation in the form of contracts between federal and local authorities to  
13 facilitate the same. *See* 8 U.S.C. §§ 1226, 1357. Accordingly, the INA conflict preempts the  
14 relevant provisions of the CVA.  
15

16 **D. 8 U.S.C. § 1373 Expressly Preempts CVA’s Restrictions on Information**  
17 **Sharing.**

18 Independent of conflict preemption, 8 U.S.C. § 1373(a) expressly preempts CVA’s  
19 restrictions on information sharing. Express preemption occurs when Congress explicitly  
20 precludes state or local regulation in a particular area. *See, e.g., Morales v. Trans World*  
21 *Airlines, Inc.*, 504 U.S. 374, 383 (1992) (finding express preemption where the federal law  
22 provided that “[N]o State . . . shall enact or enforce any law . . . relating to rates, routes, or  
23 services of any air carrier” (49 U.S.C. App. § 1305(a)(1) (1988 ed.)).  
24

25 Section 1373(a)’s preemptive language provides that a “[s]tate . . . or local government  
26 entity or official may not prohibit, or in any way restrict, any government entity or official

1 from sending to, or receiving from, [federal immigration officials] information regarding the  
2 citizenship or immigration status, lawful or unlawful, of any individual.” 8 U.S.C. § 1373(a).  
3 That provision makes clear Congress’s intent that states not stand in the way of the federal  
4 government’s regulation of aliens, thereby codifying the constitutional principles outlined  
5 above. *See also Murphy v. Nat’l Collegiate Athletic Ass’n*, 584 U.S. 453, 478 (2018)  
6 (explaining that “it is a mistake to be confused by the way in which a preemption provision is  
7 phrased,” because “language might appear to operate directly on the States” but in substance  
8 merely prevent the states from obstructing federal regulation of private parties); *see id.*  
9 (discussing 49 U.S.C. app. § 1305(a)(1) (1988)).

10  
11 This type of information-sharing law does not implicate the Tenth Amendment’s  
12 anticommandeering principle. In *Printz*, although the Court held that local law enforcement  
13 officers could not be required to perform background checks to validate the legality of gun  
14 sales under federal law, it distinguished statutes that “require only the provision of information  
15 to the Federal government,” as they “do not involve . . . the forced participation of the States’  
16 executive in the actual administration of a federal program.” *Printz v. United States*, 521 U.S.  
17 898, 918 (1997). The Supreme Court’s Tenth Amendment cases are therefore not properly read  
18 to invalidate reporting requirements, such as the requirement for “state and local law  
19 enforcement agencies to report cases of missing children to the Department of Justice.” *Id.* at  
20 936 (O’Connor, J., concurring) (citing 42 U.S.C. § 5779(a), transferred to 34 U.S.C. § 41307);  
21 *see Reno v. Condon*, 528 U.S. 141, 151 (2000) (Constitution does not prohibit federal  
22 enactments that “do[] not require the States in their sovereign capacity to regulate their own  
23 citizens,” but instead “regulate[ ] the States as the owners of data bases”). Invalidating the  
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1 unconstitutional restrictions on information sharing, thereby giving state officers the choice to  
2 communicate with federal agents, would therefore not violate the Tenth Amendment.

3 Moreover, unlike in *Murphy*, 584 U.S. at 458, where the federal statutory provision at  
4 issue did not “impose any federal restrictions on private actors,” but instead sought to prohibit  
5 states from authorizing sports gambling schemes, *id.* at 480, here, the federal government and  
6 California both seek to regulate private individuals. The issue is therefore not whether the  
7 federal government has commandeered a state, but whether the state’s scheme is preempted  
8 insofar as it poses an obstacle to the effectuation of the federal scheme. And it is precisely  
9 when two regulatory schemes collide in this fashion that the Supremacy Clause prohibits the  
10 State from using its authority to create an obstacle to the functioning of the federal scheme. *See*  
11 *Hodel v. Virginia Surface Min. & Reclamation Ass’n, Inc.*, 452 U.S. 264, 289–90 (1981)  
12 (stating that it “is incorrect” to “assume that the Tenth Amendment limits congressional power  
13 to preempt or displace state regulation of private activities . . .”).

14  
15 Indeed, given its exclusive authority over immigration, Congress could have provided  
16 that it would immediately remove aliens regardless of pending state criminal prosecutions.  
17 Instead, Congress allows states to enforce their criminal laws against aliens before deportation.  
18 But if states choose to do so, they cannot, for example, terminate custody or refuse to  
19 communicate or cooperate in a way that frustrates the federal government in assuming custody  
20 for the purpose of removing the alien. Allowing state criminal custody to continue while  
21 requiring that states take the steps necessary to effect an orderly transfer to federal officers at  
22 the end of such custody does not in any sense “commandeer” the state into enforcing federal  
23 law, but, rather, merely places conditions on the state’s exercise of its own regulatory  
24 authority. *See Hodel*, 452 U.S. at 290–91 (“We fail to see why the Surface Mining Act should  
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1 become constitutionally suspect simply because Congress chose to allow the States a  
2 regulatory role.”). So long as Congress has expressly or implicitly preempted a state from  
3 interfering with federal regulation of private parties, it is not impermissibly regulating the state  
4 directly.

5 Unlike the “commandeering” cases where the Supreme Court was concerned about  
6 political accountability, the federal government here is not requiring California and its  
7 localities to enforce federal law; it does not expect them to arrest particular aliens or extend the  
8 custody of those who would otherwise be released. *See Printz*, 521 U.S. at 926 (citing *New*  
9 *York v. United States*, 505 U.S. 144, 188 (1992)); *see also Murphy*, 584 U.S. at 473. Instead, it  
10 is the federal government that seeks to assume custody, and only of those aliens that California  
11 and its localities have already decided, for their own reasons, to take into custody pursuant to  
12 state and local criminal law. When ICE shows up at a California or local facility to take an  
13 alien into federal custody, there is no question of whom to blame. The federal government  
14 bears sole responsibility for the actions it takes with respect to private individuals pursuant to  
15 its regulatory authority. *Cf.* 8 U.S.C. § 1226(f) (allowing states to sue the federal government  
16 for decisions or failures with respect to the detention of aliens that cause harm to a state or its  
17 residents).

18  
19  
20 Ultimately, the Court must understand the Tenth Amendment in the context of the  
21 Constitution as a whole. Limits on the sovereign powers of the states “are an essential part of  
22 the Framers’ conception of national identity and Union.” *California v. Superior Ct. of*  
23 *California, San Bernardino Cnty.*, 482 U.S. 400, 405 (1987). Writing on the Extradition  
24 Clause, for instance, the Supreme Court noted its “obvious objective” “that no State should  
25 become a safe haven for the fugitives from a sister State’s criminal justice system.” *Id.* at 406.  
26

1 That Clause provides that one state may demand that another state return fugitives to its  
2 custody. *See* U.S. Const. art. IV, § 2; *see also Kentucky v. Dennison*, 65 U.S. 66, 100 (1860)  
3 (“[I]t is manifest that the statesmen who framed the Constitution were fully sensible, that from  
4 the complex character of the Government, it must fail unless the States mutually supported  
5 each other and the General Government[.]”). If one state could demand that another state  
6 release a criminal into its custody without offending the Constitution, it follows that the United  
7 States can do the same.

8  
9 So long as Section 1373 is constitutional—as it is—there is no doubt the CVA violates  
10 it. The statutory text, structure, and purpose of Section 1373 confirm that “information  
11 regarding citizenship or immigration status” also covers aliens’ contact information and release  
12 dates. By its terms, Section 1373(a) applies to any “information *regarding* [an individual’s]  
13 citizenship or immigration status[.]” 8 U.S.C. § 1373(a) (emphasis added). As the Supreme  
14 Court has explained, statutory terms like “regarding” or “related to” have “a broadening effect,  
15 ensuring that the scope of a provision covers not only its subject but also matters relating to  
16 that subject.” *Lamar, Archer & Cofrin, LLP v. Appling*, 584 U.S. 709, 717–18 (2018) (citing  
17 authorities); *see also United States v. California*, 314 F. Supp. 3d 1077, 1104 (E.D. Cal. 2018)  
18 (determining that the phrase “information regarding” should be read to “serve[] a purpose even  
19 when the statute is read narrowly.”), *aff’d in part, rev’d in part and remanded*, 921 F.3d 865  
20 (9th Cir. 2019). The Ninth Circuit eschewed this commonsense approach instead opting to read  
21 the phrase “information regarding” out of the statute entirely. *United States v. California*, 921  
22 F.3d 865, 892 (9th Cir. 2019). That reading of Section 1373(a) is misguided for at least four  
23 reasons.  
24  
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1           *First*, as the Supreme Court has held, reading the term “regarding” to have such a  
2 “broadening effect,” *Lamar, Archer & Cofrin, LLP*, 584 U.S. at 717, is especially appropriate  
3 in this statutory context, because 8 U.S.C. § 1373(c), which establishes federal officials’ duty  
4 to share information with states, does not include the term in requiring federal officials to  
5 provide “the citizenship or immigration status of any individual” to states. Congress’ inclusion  
6 of “regarding” in Section 1373(a), juxtaposed with its omission of such a term in an otherwise-  
7 parallel provision of the same statute, indicates that “Congress intended a difference in  
8 meaning.” *Loughrin v. United States*, 573 U.S. 351, 358 (2014).

9  
10           *Second*, while the applicable context of “regarding” is important, “[p]roper  
11 interpretation [of language in a statute] considers not only the specific context in which the  
12 language is used, but the overall structure of the statute as a whole, as well as its history and  
13 purpose.” *City of Chicago v. Barr*, 961 F.3d 882, 898–99 (7th Cir. 2020). The legislative  
14 history of Section 1373 provides additional insight into the meaning of “regarding” here. *See*  
15 *Arizona*, 567 U.S. at 405 (considering legislative history as part of a conflict-preemption  
16 analysis). Congress enacted Section 1373 to ensure that state and local officials can  
17 “communicate with [federal immigration authorities] regarding *the presence, whereabouts, or*  
18 *activities of illegal aliens*,” not merely their legal classification. H.R. Rep. No. 104-725, at 383  
19 (1996) (emphasis added); *see also* S. Rep. No. 104-249, at 19–20 (1996) (“The acquisition,  
20 maintenance, and exchange of immigration-related information by State and local agencies is  
21 . . . of considerable assistance to . . . achieving of the purposes and objectives of the [INA].”).

22  
23           *Third*, the detention and removal provisions of the INA establish a clear relationship  
24 between an alien’s release date and immigration status. 8 U.S.C. § 1231(a)(4)(A) (providing  
25 that a convicted alien in state criminal custody who is subject to a final removal order may not  
26

1 be removed until “released from imprisonment”). The release date thus dictates when such an  
2 alien must be detained and removed from the United States—a matter directly related to (and  
3 thus “regarding”) the alien’s “immigration status.” Accordingly, Section 1373(a) expressly  
4 preempts the Sanctuary Policies’ restrictions on sharing information about a detainee’s  
5 upcoming release from custody.

6 *Fourth*, contact information, including current addresses, also directly bears on an  
7 alien’s immigration status. Aliens must “notify the [Secretary of Homeland Security] in writing  
8 of each change of address and new address within ten days from the date of such change[.]”  
9 8 U.S.C. § 1305. Failure to comply with that provision is itself grounds for mandatory  
10 detention and removal, unless excused. *See* 8 U.S.C. § 1306. An alien’s current address reveals  
11 whether the alien has complied with the notification requirement, which in turn dictates  
12 whether the alien is subject to detention and removal. Contact information, like release-date  
13 information, is therefore also directly related to the alien’s immigration status.

14  
15 Against that backdrop, California’s restrictions on information sharing are expressly  
16 preempted by Section 1373. The CVA states that local law enforcement agents are not  
17 permitted to “[p]rovid[e] information regarding an individual’s release date” or “[p]rovid[e] an  
18 individual’s home address or other personal information” to immigration authorities. ECF No.  
19 34-1 at 3 (citing Cal. Gov’t Code § 7284.6(a)(1)). Nor can California point to its purported  
20 savings clause to avert the conflict. *See* Cal. Gov’t Code § 7284.6(e) (noting that the CVA  
21 permits local law enforcement agents to undertake those activities “pursuant to Sections 1373  
22 and 1644 of Title 8 of the United States Code”). Section 1373 does not require states and local  
23 governments to share and maintain that information, however, but only prohibits restrictions on  
24 those activities. California has therefore prohibited the sharing of information that federal law  
25  
26

1 expressly contemplates states will share, and so the relevant provisions of the CVA are  
2 expressly preempted.

3 **CONCLUSION**

4 The Supremacy Clause prohibits California from obstructing the federal government’s  
5 ability to enforce laws that Congress has enacted. Neither is California permitted to take  
6 actions entrusted to the federal government by the United States Constitution. California may  
7 not, without running afoul of the Supremacy Clause, enact legislation that places its local law  
8 enforcement officers in the position of obstacles to the execution of federal immigration laws.  
9 Moreover, California’s CVA impermissibly regulates and discriminates against the federal  
10 government. Finally, Congress has expressly preempted the provisions of the CVA that  
11 California imposes on the City of Huntington Beach, its City Council, Police Department,  
12 Police Chief, and Sheriff.  
13

14 Accordingly, the provisions of the CVA that California enforces against the City of  
15 Huntington Beach are themselves unlawful—void ab initio under the Supremacy Clause. This  
16 Court should ultimately find for the Plaintiffs.  
17

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Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is an employee of the United States Department of Justice and is a person of such age and discretion as to be competent to serve papers.

That on June 17, 2025, he electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the attorney(s) of the

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