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20  
21 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY**

22 THE UNITED STATES OF AMERICA,

23 Plaintiff,

24 v.

25 THE STATE OF NEW JERSEY; MIKIE  
26 SHERILL, Governor of New Jersey, in her  
27 official capacity,

28 Defendants.

Civil Case No. 3:26-cv-1770

**COMPLAINT**

1 Plaintiff, the United States of America, by and through its undersigned counsel, brings this  
2 civil action for declaratory and injunctive relief, and alleges as follows:

3 **PRELIMINARY STATEMENT**

- 4 1. Within hours of assuming the Presidency, President Trump took immediate action to  
5 fulfil his campaign promise to the American people and declared that a “national  
6 emergency exists at the southern border of the United States” from the unprecedented  
7 “illegal entry of aliens.” Proclamation 10,886, Declaring a National Emergency at the  
8 Southern Border of the United States, 90 Fed. Reg. 8327, 8327 (Jan. 20, 2025). This  
9 declaration was necessary given the flood of illegal immigration into our Nation under  
10 the prior administration’s open border policies incentivizing disregard for laws passed by  
11 Congress. As a result, millions of illegal aliens settled in American communities in  
12 flagrant violation of federal law, resulting in “significant threats to national security and  
13 public safety” and aliens “committing vile and heinous acts against innocent Americans.”  
14 Exec. Order 14,159, Protecting the American People Against Invasion, 90 Fed. Reg.  
15 8443, 8443 (Jan. 20, 2025).
- 16 2. Despite the ongoing threat to American lives and communities President Trumps seeks  
17 to cure, the State of New Jersey, insists on harboring criminal offenders from federal law  
18 enforcement. Governor Mikie Sherill aims to intentionally obstruct federal law  
19 enforcement and celebrates thwarting the constitutional obligation of the President of the  
20 United States to take care that federal immigration law be faithfully executed. *See* Exec.  
21 Order 14,287, Protecting American Communities From Criminal Aliens, 90 Fed. Reg.  
22 18761 (Apr. 28, 2025). Such blatant disregard for federal laws that have been on the  
23 books for over three decades is not merely a political statement, but is instead deliberate  
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1 action that jeopardizes the public safety of all Americans. But the Supremacy Clause of  
2 the United States Constitution prohibits a state from usurping Congress. Accordingly, the  
3 United States files this action to preserve the integrity of federal law penned by Congress  
4 aimed at preserving the safety and flourishing of our Nation.

5  
6 3. Immediately following President Trump’s declaration of a national emergency at our  
7 Southern border, the U.S. Department of Homeland Security (“DHS”) and its  
8 components U.S. Immigration and Customs Enforcement (“ICE”) and U.S. Customs and  
9 Border Protection (“CBP”) prioritized nationwide efforts to identify and remove criminal  
10 illegal aliens from the United States in accordance with Federal law.

11  
12 4. Federal immigration agents exercise discretion and common sense in carrying out their  
13 duties, including in deciding where arrests and other enforcement actions should be  
14 undertaken to best ensure the safety of the community. *See* Memorandum from former  
15 Acting Secretary of DHS Benjamine Huffman, Enforcement Actions in or Near Protected  
16 Areas (Jan. 20, 2025) (“DHS Memorandum”) (Ex. A); Memorandum from Acting  
17 Director of ICE Todd M. Lyons, Civil Immigration Enforcement Actions In or Near  
18 Courthouses (May 27, 2025) (“ICE Memorandum”) (Ex. B). In other words, there are no  
19 “bright line rules regarding where our immigration laws are permitted to be enforced,”  
20 DHS Memorandum at 1, and instead, the location of a civil enforcement action is  
21 properly determined “on a case-by-case basis considering the totality of the  
22 circumstances,” ICE Memorandum at 2.  
23

24  
25 5. Contrary to this common-sense approach, the State of New Jersey, at the direction of  
26 Governor Mikie Sherill, issued a blanket prohibition in Executive Order No. 12, barring  
27 federal immigration officers from “entering, accessing, or using nonpublic areas” of  
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1 state-owned property to enforce civil immigration law, and prohibiting federal  
2 immigration officers from using state-owned property as a “staging area, processing  
3 location, or operations base” to enforce civil immigration law. (Feb. 11, 2026) (“NJ Exec.  
4 Order No. 12”) (Ex C.).

5  
6 6. Pursuant to the Executive Order, New Jersey executive branch departments and agencies  
7 “shall not permit or consent to federal immigration officers entering, accessing, or using  
8 nonpublic areas of State property for the purpose of facilitating federal enforcement of  
9 civil immigration law.” NJ Exec. Order No. 12, § 2.

10  
11 7. Further, New Jersey executive branch departments and agencies “shall not permit or  
12 consent to federal immigration officers using State property as a staging area, processing  
13 location, or operations base for the purpose of facilitating federal enforcement of civil  
14 immigration law.” NJ Exec. Order No. 12, § 3. This law poses an intolerable obstacle to  
15 federal immigration enforcement and directly regulates and discriminates against the  
16 Federal Government, in contravention of the Supremacy Clause.

17  
18 8. On its face, the Executive Order prevents federal immigration agents from using state-  
19 owned property accessible to local and state law enforcement. The sole reason for the  
20 exclusionary treatment of federal immigration agents enforcing our Nation’s federal  
21 immigration laws is New Jersey’s disagreement with the substance of the laws written  
22 by Congress that have remained on the books and largely unchanged for half a century.

23  
24 9. The State of New Jersey has adopted this policy with the clear objective of obstructing  
25 President Trump from enforcing federal immigration law. The policy is designed to and  
26 in fact does interfere with and discriminate against the Executive’s enforcement of  
27 federal immigration law in violation of the Supremacy Clause.  
28

1 10. The New Jersey Executive Order intentionally discriminates against the Federal  
2 Government by treating federal immigration authorities differently than other law  
3 enforcement agents through access restrictions to property.

4 11. The Supremacy Clause prohibits New Jersey and its officials from singling out the  
5 Federal Government for adverse treatment—as the challenged Executive Order does—  
6 thereby discriminating against the Federal Government. Using publicly owned property  
7 such as a parking lot, office building, or public garage for staging, base operations, or  
8 processing reduces the safety risks to the public, illegal aliens, and law enforcement  
9 officers.  
10

11 12. Through the Executive Order, New Jersey obstructs federal law enforcement and  
12 facilitates the evasion of federal law by dangerous criminals, notwithstanding federal  
13 immigration agents’ statutory mandate to detain and remove illegal aliens. *See, e.g.*,  
14 8 U.S.C. § 1225(b) (requiring the mandatory detention of aliens subject to expedited  
15 removal during the pendency of their proceedings); *id.* § 1226(c) (requiring the  
16 mandatory detention of certain aliens who are removable due to criminal convictions or  
17 terrorist activities); *id.* § 1231(a) (requiring detention and removal of aliens who have a  
18 final order of removal).  
19

20 13. The Executive Order also facially discriminates against federal immigration officials and  
21 treats local and state law enforcement more favorably by providing unrestricted access  
22 to state-owned property.  
23

24 14. As this Court decided in *CoreCivic, Inc. v. Murphy*, “a state law that wholesale deprives  
25 the federal government of its chosen method of detaining individuals for violating federal  
26 law cannot survive Supremacy Clause scrutiny.” *CoreCivic, Inc. v. Murphy*, 690 F. Supp.  
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1 3d 467, 478 (D.N.J. 2023). The Third Circuit affirmed that decision, holding that “the  
2 very essence of supremacy empowers the federal government to remove all obstacles to  
3 its action within its own sphere . . . [and] exempt its own operations from [state]  
4 influence.” *CoreCivic, Inc. v. Governor of NJ*, 145 F.4th 315, 321 (3d Cir. 2025) (internal  
5 quotations and citations omitted).

6  
7 15. Accordingly, the Executive Order is invalid under the Supremacy Clause and must be  
8 enjoined. The United States brings this declaratory and injunctive action to prohibit the  
9 State of New Jersey from enforcing the Executive Order that aims to thwart enforcement  
10 of federal law it disagrees with.

11 **JURISDICTION AND VENUE**

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13 16. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345.

14 17. Venue is proper in this jurisdiction under 28 U.S.C. § 1391(b) because Defendants State  
15 of New Jersey, and its Governor, reside within the District of New Jersey and acts or  
16 omissions giving rise to this Complaint arose from events occurring within this judicial  
17 district.

18  
19 18. The Court has the authority to provide the relief requested under 28 U.S.C. §§ 1651,  
20 2201, and 2202, and its inherent equitable powers.

21 **PARTIES**

22 19. Plaintiff, the United States of America, regulates immigration under its inherent,  
23 constitutional, and statutory authorities, and it enforces federal immigration laws through  
24 its Executive agencies, including the Departments of Justice, State, and Homeland  
25 Security as well as DHS’s component agencies ICE, and CBP.

26  
27 20. Defendant State of New Jersey is a State of the United States of America.  
28

1 21. Defendant Mikie Sherill is the Governor of New Jersey and is being sued in her official  
2 capacity.

3 **FEDERAL IMMIGRATION LAW**

4 22. Stemming from its inherent rights and obligations as an independent Nation, the United  
5 States maintains a duty to control its borders, ensuring the safety and flourishing of its  
6 citizens. *See Fong Yue Ting v. United States*, 149 U.S. 698, 707 (1893); *Ping v. United*  
7 *States*, 130 U.S. 581, 603–04 (1889); *Landon v. Plasencia*, 459 U.S. 21, 34 (1982).

8 23. Pursuant to that authority, the Constitution affords Congress the power to “establish an  
9 uniform Rule of Naturalization,” U.S. Const. art. I, § 8, cl. 4, and to “regulate Commerce  
10 with foreign Nations,” U.S. Const. art. I, § 8, cl. 3, and affords the President of the United  
11 States the authority to “take Care that the Laws be faithfully executed[.]” U.S. Const. art.  
12 II, § 3.

13 24. Based on its inherent and constitutional powers to control and conduct relations with  
14 foreign nations, the United States has broad authority to establish immigration laws, the  
15 execution of which the States cannot obstruct or take discriminatory actions against. *See*  
16 *Arizona v. United States*, 567 U.S. 387, 394–95 (2012); *accord North Dakota v. United*  
17 *States*, 495 U.S. 423, 435 (1990) (plurality); *id.* at 444–47 (Scalia, J., concurring).

18 25. Congress has exercised its authority to make laws governing the entry, presence, status,  
19 and removal of aliens within the United States by enacting various provisions of the  
20 Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*

21 26. These laws confer upon the Executive Branch extensive authority to inspect, investigate,  
22 arrest, detain, and remove aliens who are suspected of being, or found to be, unlawfully  
23 in the United States. *See* 8 U.S.C. §§ 1182, 1225, 1226, 1227, 1228, 1231. That only  
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1 makes sense given every sovereign maintains “complete discretion to determine who it  
2 deems worthy to enter all parts of its political community.” *Qatanani v. Att’y Gen. United*  
3 *States of Am.*, 144 F.4th 485, 507 (3d Cir. 2025) (Matey, J., dissenting).

4 27. Congress has also codified basic principles of cooperation and comity between state and  
5 local authorities and the Federal Government. For example, federal law contemplates that  
6 removable aliens in state custody who have been convicted of state or local offenses will  
7 generally serve their state or local criminal sentences before being subject to removal,  
8 but that they will be taken into federal custody upon the expiration of their state prison  
9 terms. *See* 8 U.S.C. §§ 1226(c), 1231(a)(1)(B)(iii), (a)(4).

10 28. “Consultation between federal and state officials is an important feature of the  
11 immigration system.” *Arizona*, 567 U.S. at 411. Congress has therefore directed that a  
12 federal, state, or local government entity or official may not prohibit, or in any way  
13 restrict, any government entity or official from sending to, or receiving from, DHS  
14 “information regarding the citizenship or immigration status, lawful or unlawful, of any  
15 individual.” 8 U.S.C. § 1373(a); *see id.* § 1644 (same); *see also id.* § 1357(g)(10)(A)  
16 (providing for state and local “communicat[ion] with [DHS] regarding the immigration  
17 status of any individual, including reporting knowledge that a particular alien is not  
18 lawfully present in the United States”). Likewise, “no person or agency may prohibit, or  
19 in any way restrict, a Federal, State, or local government entity from,” among other  
20 things, “[m]aintain[ing]” “information regarding the immigration status, lawful or  
21 unlawful, of any individual,” or “[e]xchang[ing] such information with any other Federal,  
22 State, or local government entity.” *Id.* § 1373(b).

23 29. Congress also authorized states and localities “to cooperate with the [Secretary] in the  
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1 identification, apprehension, detention, or removal of aliens not lawfully present in the  
2 United States.” *Id.* § 1357(g)(10)(B).

3 30. Congress further sought to affirmatively penalize efforts to obstruct immigration  
4 enforcement by, among other things, prohibiting the “conceal[ing], harbor[ing], or  
5 shield[ing] from detection, or attempts to” accomplish the same, of any “alien in any  
6 place, including any building or any means of transportation.” *Id.* § 1324(a)(1)(A)(iii).

7  
8 31. Courts have recognized that ICE may avail itself of publicly owned property. *See United*  
9 *States v. King Cnty., Washington*, 122 F.4th 740, 758 (9th Cir. 2024) (“Requiring this  
10 form of non-discriminatory access to [public] property consistent with the  
11 intergovernmental immunity doctrine does not create a back-end anti-commandeering  
12 problem. [The court] would not perceive a threat of unconstitutional commandeering  
13 when ICE uses county highways to transport immigration detainees from one place to  
14 another just because the county owns its highways.”).

15  
16 **SUPREMACY CLAUSE AND PREEMPTION PRINCIPLES**

17  
18 32. The Supremacy Clause of the Constitution mandates that “[t]his Constitution, and the  
19 Laws of the United States which shall be made in Pursuance thereof . . . shall be the  
20 supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the  
21 Contrary notwithstanding.” U.S. Const. art. VI, cl. 2.

22  
23 33. Thus, a state enactment is invalid if it “stands as an obstacle to the accomplishment and  
24 execution of the full purposes and objectives of Congress,” *Hines v. Davidowitz*, 312  
25 U.S. 52, 67 (1941), or if it “discriminate[s] against the United States or those with whom  
26 it deals,” *South Carolina v. Baker*, 485 U.S. 505, 523 (1988).

27  
28 34. The Constitution’s Supremacy Clause also embodies the doctrine of intergovernmental

1 immunity, which “generally immunizes the Federal Government from state laws that  
2 directly regulate or discriminate against it.” *United States v. Washington*, 596 U.S. 832,  
3 835 (2022) (citing *Baker*, 485 U.S. at 523).

4 35. A State or local law violates this doctrine if it “regulates the United States directly or  
5 discriminates against the Federal Government or those with whom it deals.” *North*  
6 *Dakota*, 495 U.S. at 435. Discrimination occurs when a state or locality “treats someone  
7 else better than” the federal government, *id.* at 438, or singles out the federal government  
8 for “less favorable ‘treatment.’” *Washington*, 596 U.S. at 839.

9  
10 36. The doctrine operates even in the absence of a specific conflicting federal law, ensuring  
11 that “federal officers are immune from state interference with acts ‘necessary and proper’  
12 to the accomplishment of their federal duties.” *United States v. Ferrara*, 847 F. Supp.  
13 964, 968 (D.D.C. 1993) (citing *In Re Neagle*, 135 U.S. 1, 10 (1890), *aff’d*, 54 F.3d 825  
14 (D.C. Cir. 1995)).

15  
16 37. In short, when states “substantially interfere[e] with [the federal government’s]  
17 operations,” they “directly regulate[] the federal government[.]” *Core Civic, Inc. v*  
18 *Murphy*, 145 F.4th at 327.

19  
20 **FACTUAL BACKGROUND**

21 38. On January 20, 2026, the “Safe Communities Act” was signed into law. N.J. 6308 Bill  
22 A6308 Leg., 221 Sess. (2026).

23  
24 39. The Act requires the Attorney General to “create certain model policies protecting  
25 personal freedoms.” *Id.* The Act seeks to designate “schools, hospitals, shelters,  
26 courthouses, and other essential government services” as “safe” spaces. *Id.*

27 40. Directing “State, county, and municipal entities to attend to local priorities rather than  
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1 carrying out federal civil law enforcement initiatives,” the Act’s end is to restrict federal  
2 immigration efforts in certain spaces in the State of New Jersey. *Id.*

3 41. Consistent with the Act, on February 11, 2026, Governor Mikie Sherill issued NJ Exec.  
4 Order No. 12, which prohibits federal immigration officers from using nonpublic areas  
5 of state-owned property to enforce civil immigration law, and prohibits federal  
6 immigration officers from using state-owned property as a staging area, processing  
7 location, or operations base to enforce civil immigration law. NJ Exec. Order No. 12 (Ex.  
8 C).

9  
10 42. Pursuant to the Executive Order, “Except as authorized by a judicial warrant or judicial  
11 order or as authorized under Paragraph 5 of this Order, Executive Branch departments  
12 and agencies shall not permit or consent to federal immigration officers entering,  
13 accessing, or using nonpublic areas of State property for the purpose of facilitating  
14 federal enforcement of civil immigration law.” NJ Exec. Order No. 12, § 2.

15  
16 43. Going further, the Executive Order states: “Except as authorized by a judicial warrant or  
17 judicial order or as authorized under Paragraph 5 of this Order, Executive Branch  
18 departments and agencies shall not permit or consent to federal immigration officers  
19 using State property as a staging area, processing location, or operations base for the  
20 purpose of facilitating federal enforcement of civil immigration law.” NJ Exec. Order  
21 No. 12, § 3.

22  
23 44. The Executive Order broadly defines “State property” as “facilities, premises, and  
24 parcels, or portions thereof, that are owned, operated, leased, or controlled by New Jersey  
25 Executive Branch departments and agencies, including but not limited to office buildings,  
26 parking lots, and parking garages.” NJ Exec. Order No. 12, § 1(a).  
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1 45. The Executive Order broadly defines “Executive Branch departments and agencies” as  
2 “any of the principal departments in the Executive Branch of New Jersey State  
3 government and any agency, authority, board, bureau, commission, division, office, or  
4 other instrumentality within or created by any such department, and any independent  
5 State authority, commission, instrumentality, or agency over which the Governor  
6 exercises executive authority, as determined by the Attorney General.” NJ Exec. Order  
7 No. 12, § 1(b).  
8

9 46. In an accompanying press release parading the Executive Order, the State of New Jersey  
10 identifies federal immigration agents, and ICE in particular, as prohibited from using  
11 State property for immigration operations. State of New Jersey Press Release, *Governor*  
12 *Sherrill Takes Action to Protect New Jerseyans’ Safety, Defend Constitutional Rights*  
13 (Feb. 11, 2026), <https://www.nj.gov/governor/news/2026/20260211a.shtml>.  
14

15 47. The State of New Jersey’s press release specifically addresses restrictions on ICE. *See*  
16 *id.* (“The executive order prohibits ICE agents from entering, accessing, or using  
17 nonpublic areas of State property for their operations unless authorized by a judicial  
18 warrant.”). And revealing the true motive for Executive Order 12, the press release  
19 parrots Governor Sherrill’s accusations that the Executive’s actions are lawless,  
20 unconstitutional, and violent:  
21

22 Today, we are making clear that the Trump’s administration’s lawless  
23 actions will not go unchecked in New Jersey. Given ICE’s willingness  
24 to flout the Constitution and violently endanger communities – detaining  
25 children, arresting citizens, and even killing several innocent civilians –  
I will stand up for New Jerseyans['] right to be safe.

26 *See id.* The Press Release even encourages citizens of the state to engage in monitoring  
27 ICE activity. *See id.* (“As part of the actions announced by Governor Sherrill today, the  
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Office of the Attorney General will launch a portal for New Jersey residents to upload their interactions with ICE in New Jersey.”).

48. Moreover, the language of the Executive Order itself seeks to villainize federal immigration agents by referring to their work as “deeply troubling trends in militarized federal civil immigration enforcement in cities and states across the United States.” NJ Exec. Order No. 12, § 1(b).

49. In restricting federal civil immigration agents from accessing non-public areas of State property and prohibiting certain operational functions on State property, the State of New Jersey is precluding federal immigration agents from conducting safe and effective operations.

**THE CHALLENGED PROVISIONS’ IMPACT ON FEDERAL IMMIGRATION ENFORCEMENT**

50. The Executive Order poses an obstacle to the United States’ enforcement of federal immigration laws and discriminates against federal immigration enforcement officials.

51. The Executive Order impedes federal immigration enforcement in New Jersey by dictating where federal immigration officers can enforce civil immigration laws.

52. All resulting in “undue interference with the implementation of Executive Branch immigration policies” that result in harm to the federal Sovereign. *Ramos v. Att’y Gen. United States*, No. 25-2946, 2025 WL 2950133, at \*6 (3d Cir. Oct. 17, 2025).

*Prohibiting Access to Nonpublic Areas of State Property*

53. The New Jersey Executive Order prohibits New Jersey executive branch departments and agencies from allowing federal immigration officers to enter, access, or use nonpublic areas of State property for the purpose of immigration enforcement. NJ Exec. Order 12, § 2.

1 54. This prohibition will disrupt will “substantially interfere[s]” with DHS’s civil  
2 immigration enforcement operations at both state correctional facilities and courthouses.  
3 *Core Civic, Inc. v Murphy*, 145 F.4th at 327.

4 55. ICE conducts civil immigration enforcement actions in or near courthouses. ICE  
5 Memorandum at 2. That enforcement action targets “national security or public safety  
6 threats;” “specific aliens with criminal convictions;” “gang members;” and other aliens  
7 who are unlawfully present. *Id.*

8 56. For the safety of the public, federal immigration officers, and illegal aliens themselves,  
9 “civil immigration enforcement actions in or near courthouses should, to the extent  
10 practicable, continue to take place in non-public areas of the courthouse, be conducted in  
11 collaboration with court security staff, and utilize the building’s non-public entrances and  
12 exits.” *Id.*

13 57. The New Jersey Executive Order obstructs such operations in at least three ways. *First*,  
14 the New Jersey Executive Order prohibits federal immigration agents from accessing  
15 non-public areas at all. NJ Exec. Order 12, § 2. *Second*, the New Jersey Executive Order  
16 prohibits any court security staff that are members of “Executive Branch departments  
17 and agencies,” *id.* § 1(b), from cooperating with federal immigration agents for the  
18 purpose of civil immigration enforcement, *id.* § 2. *Third*, even as to entering and exiting  
19 the building, federal immigration agents are restricted from accessing non-public  
20 entrances and exits. *Id.* There is no indication on the face of the New Jersey Executive  
21 Order that officials working for the Federal Bureau of Prisons, Drug Enforcement  
22 Administration, Bureau of Alcohol, Tobacco, and Firearms, or the Federal Bureau of  
23 Investigations are subjected to similar regulation and discrimination.  
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1 58. Additionally, though not exhaustively, the New Jersey Executive Order seeks to thwart  
2 ICE’s ability to arrest dangerous criminals who are already in state custody through the  
3 use of immigration detainers authorized under the INA and its implementing regulations.  
4 8 U.S.C. § 1103(a)(3); *see also* 8 C.F.R. § 287.7 (“Any authorized immigration officer  
5 may at any time issue a Form I-247, Immigration Detainer-Notice of Action, to any other  
6 Federal, State, or local law enforcement agency”); *see generally* U.S. Immigration and  
7 Customs Enforcement, *Immigration Detainers*, [https://www.ice.gov/immigration-](https://www.ice.gov/immigration-detainers)  
8 [detainers](https://www.ice.gov/immigration-detainers) (last accessed: Feb. 21, 2026).  
9

10 59. “An immigration detainer is a request from ICE that asks a federal, state or local law  
11 enforcement agency—including jails, prisons or other confinement facilities—to: Notify  
12 the requesting agency as early as possible before they release a removable alien; [h]old  
13 the alien for up to 48 hours beyond the time they would ordinarily release them so DHS  
14 has time to assume custody in accordance with federal immigration law.” *Id.*  
15

16 60. The reason for immigration detainers is simple but consequential. “It’s safer to assume  
17 custody of removable aliens in a secure, private environment.” *Id.* When states refuse to  
18 honor immigration detainers, ICE is left with no other mechanism to detain such criminal  
19 removable aliens other than at-large arrests in local communities. Such arrests “are  
20 unpredictable and can be dangerous to the public, aliens and federal law enforcement  
21 officers.” *Id.*  
22

23 61. By prohibiting access to “nonpublic areas of State Property for the purpose of facilitating  
24 federal enforcement of civil immigration law[,]” NJ Exec. Order 12, § 2, New Jersey  
25 effectively denies any and all immigration detainers issued to its “executive Branch  
26 departments and agencies[,]” *id.*, such as the New Jersey Department of Corrections.  
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1 State of New Jersey, Department of Corrections, *About Us*,  
2 <https://www.nj.gov/corrections/pages/aboutUs.html> (“The New Jersey Department of  
3 Corrections is comprised of 9 correctional facilities, 11 Residential Community Release  
4 Programs, and 1 Assessment Center.”). Since state prison officials are prohibited by the  
5 New Jersey Executive Order from allowing federal immigration officials into nonpublic  
6 areas of state prisons and correctional facilities, ICE is unable to “take the alien into  
7 custody in the facility’s safe setting.” U.S. Immigration and Customs Enforcement,  
8 *Immigration Detainers*, <https://www.ice.gov/immigration-detainers> (last accessed: Feb.  
9 21, 2026).

10  
11  
12 62. By obstructing and prohibiting arrests in nonpublic areas of state prisons, correctional  
13 facilities, and state courthouses, the New Jersey Executive Order “directly regulates the  
14 federal government by substantially interfering with a core federal function.” *CoreCivic,*  
15 *Inc.*, 145 F.4th at 327.

16 *Prohibiting Operations on State Property*

17  
18 63. To enforce the Executive Order, the State of New Jersey directs Executive Branch  
19 departments and agencies to preclude federal immigration officers from using State  
20 property as a staging area, processing location, or operations base for the purpose of  
21 facilitating federal enforcement of civil immigration law. Notably, the Executive Order  
22 precludes *only* federal immigration agents from accessing these areas.

23  
24 64. DHS, through ICE and CBP regularly use state-owned property accessible to the public  
25 for certain immigration activities now prohibited by the Executive Order: staging, base  
26 operations, and processing.

27  
28 65. DHS, through ICE and CBP, performs significant law enforcement activities in New

Jersey. For example, staging, operations including custodial transfers, and processing.

66. Although the Executive Order was recently issued, Courts have stated “that Plaintiffs need not wait until an enforcement action is initiated against them to demonstrate irreparable harm.” *New Jersey Civ. Just. Inst. v. Grewal*, No. CV 19-17518, 2021 WL 1138144, at \*7 (D.N.J. Mar. 25, 2021).

67. The Third Circuit in *CoreCivic, Inc.* acknowledged that “‘the very essence of supremacy’ empowers the federal government to ‘remove all obstacles to its action within its own sphere . . . [and] exempt its own operations from [state] influence.’” *CoreCivic, Inc.*, 145 F.4th at 321 (citing *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 427 (1819)).

**CLAIMS FOR RELIEF**

**COUNT ONE – VIOLATION OF THE SUPREMACY CLAUSE (PREEMPTION)**

68. Plaintiff hereby incorporates paragraphs 1 through 67 of the Complaint as if fully stated herein.

69. The United States Constitution, and the Supremacy Clause, provides that “Laws of the United States . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. Const. art. VI, cl. 2.

70. The Courts have decided “it is necessary for uniformity that the laws of the United States be dominant over those of any state.” *Mayo v. United States*, 319 U.S. 441, 445 (1943). That principle is only strengthened in the immigration context. *See* U.S. Const. art. I, § 8, cl. 4.

71. The State of New Jersey’s Executive Order creates burdensome obstacles to the enforcement of federal immigration law. The Executive Order “stand[s] as an obstacle to the accomplishment and execution” of federal immigration law. *Arizona*, 567 U.S. at

406.

72. The State of New Jersey’s Executive Order is therefore invalid due to conflict preemption and the Supremacy Clause. The Executive Order attempts to severely restrict the locations in which federal immigration agents can perform their duties. The strict limitations thus impede the federal immigration agents’ ability to engage in civil immigration enforcement according to the laws of the United States. *See, e.g.*, 8 U.S.C. §§ 1226a, 1226(c), 1231(a), 1357; *see also* 18 U.S.C. §§ 372, 1071. The Executive Order violates the Supremacy Clause because it “stands as an obstacle to the accomplishment and execution of the full purposes and objective of Congress.” *United States v. Locke*, 529 U.S. 89, 109 (2000).

73. Federal immigration law therefore preempts the challenged the State of New Jersey’s Executive Order.

74. Accordingly, the State of New Jersey’s Executive Order as applied to the Federal Government violates the Supremacy Clause and is thus invalid.

**COUNT TWO – VIOLATION OF THE SUPREMACY CLAUSE**  
**(UNLAWFUL DISCRIMINATION AGAINST THE FEDERAL GOVERNMENT)**

75. Plaintiff hereby incorporates paragraphs 1 through 74 of the Complaint as if fully stated herein.

76. Defendants’ enforcement of the challenged Executive Order also discriminates against the Federal Government as it only applies to federal authorities enforcing federal immigration law. It has no application to any other citizen, state, or federal entity.

77. The Executive Order singles out federal immigration officials, expressly and implicitly, for unfavorable and uncooperative treatment when no other member of the public or law

1 enforcement is so treated. This is an undue and burdensome regulation specifically aimed  
2 at impeding the Federal Government.

3 78. The intergovernmental immunity doctrine dictates that discriminatory targeting of the  
4 Federal Government is unlawful. *See, e.g., Washington*, 596 U.S. at 839 (“[S]tate law  
5 discriminates against the Federal Government . . . if it ‘singles them out’ for less  
6 favorable ‘treatment’ or if it regulates them unfavorably on some basis related to their  
7 governmental ‘status.’” (citations and alterations omitted)).

8  
9 79. Accordingly, the Executive Order violates the doctrine of Intergovernmental Immunity  
10 and therefore alternatively is invalid on that basis.

11 **COUNT THREE – VIOLATION OF THE SUPREMACY CLAUSE**

12 **(UNLAWFUL REGULATION OF FEDERAL GOVERNMENT)**

13  
14 80. Plaintiff hereby incorporates paragraphs 1 through 79 of the Complaint as if fully stated  
15 herein.

16 81. Lastly, Defendants’ enforcement of the challenged Executive Order effects direct  
17 regulation of the Federal Government by eliminating nonpublic spaces of State property  
18 as permissible locations for facilitating federal enforcement of civil immigration law, and  
19 by eliminating State property as a staging area, processing location, or operations base  
20 for the purpose of facilitating federal enforcement of civil immigration law.  
21

22 82. Under the Supremacy Clause, “the activities of the Federal Government are free from  
23 regulation by any state.” *Mayo*, 319 U.S. at 445.

24 83. Accordingly, the challenged Executive Order violates the doctrine of Intergovernmental  
25 Immunity alternatively on that basis and thus is invalid.  
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**PRAYER FOR RELIEF**

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WHEREFORE, the United States respectfully requests the following relief:

1. That this Court enter a judgment declaring that the challenged Executive Order violates the Supremacy Clause and is therefore invalid;
2. That this Court issue a permanent injunction that prohibits Defendants as well as their successors, agents, and employees, from enforcing or implementing the challenged Executive Order;
3. That this Court award the United States its costs and fees in this action; and
4. That this Court award any other relief it deems just and proper.

DATED: February 23, 2026

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**LOCAL CIVIL RULE 101.1(f) DESIGNATION**

The United States designates the United States Attorney's Office to receive notices and papers at the following address: Civil Chief, U.S. Attorney's Office 970 Broad Street, 8th Floor, Newark, NJ 07102.

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