

IN THE DISTRICT COURT OF RED WILLOW COUNTY, NEBRASKA

DiAnna Schimek, Catherine
McDowell, Dale Dueland, Jon
Graff, Linda Graff, Matt Sehnert,
Mary Dueland, Peter Mark Graff,
Ronda Graff, Will Branham,
Bruce Hoffman, Kaye Beick,
Connie Haller, and Bruce
McDowell

Plaintiffs,

v.

James Pillen, in his official
capacity, as Governor of
Nebraska and Rob Jeffreys, in
his official capacity as Director of
the Nebraska Department of
Correctional Services

Defendants.

Case No. CI 25-____

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND
PRAECIPE**

COMES NOW the Plaintiffs, by and through their attorneys of record,
who allege as follows:

PRELIMINARY STATEMENT

1. On August 19, 2025, Defendants announced their intention to repurpose the Work Ethic Camp (“WEC”) in McCook, Nebraska as a “detention facility for [non-citizens] awaiting deportation and other immigration proceedings.” Press Release, Office of Governor Jim Pillen, [*Gov. Pillen Partners With President Trump, DHS, ICE on National Security Efforts*](#), (Aug. 19, 2025).

2. Defendant Pillen, on September 4th, 2025, stated that, within 45 to 60 days, the WEC would be vacant and used to detain non-citizens. Press Release, Office of Governor Jim Pillen, [*Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today*](#) (Sept. 4, 2025). The 168 current WEC inmates will be discharged, placed on parole, or transferred to other Nebraska Department of Correctional Services ("NDCS") facilities. *Id.*
3. The Defendants intend to sign an Intergovernmental Service Agreement ("IGSA") to this effect and, as of September 12, were working on formal contract language. Press Release, Nebraska Dep't of Corr. Servs., [*NDCS responds to City of McCook leaders' questions*](#), (Sept. 12, 2025).
4. According to Defendant Jeffreys, the WEC will continue to be state-owned and operated and several modifications will be made to the facility. *Id.*
5. These modifications include a new perimeter fence, an intruder detection system, and 65 new state positions at the WEC that include armed patrols and medical staff. *Id.* Staff will require "orientation" specific to ICE standards. Press Release, Office of Governor Jim Pillen, [*Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today*](#) (Sept. 4, 2025).
6. On September 2, 2025, consistent with these objectives, NDCS agreed via contract with Outback Fence Co LLC ("Outback") to pay \$750,000 to install a 12-foot, razor wire topped fence at the WEC. [*NDCS & Outback Fence LLC Co. Contract*](#), Contract #114270 O4.
7. Plaintiffs challenge the Defendants' authority to repurpose the WEC buildings to detain non-citizens in removal processes, or

enter and execute any contract to that effect, because it violates Nebraska's separation of powers doctrine in two independent and distinct ways.

8. Nebraska's Constitution creates three separate branches of government and prohibits any one branch from exercising the powers of another branch unless directed or permitted by the Constitution. art. II, § 1.
9. First, the Nebraska Constitution provides that "the general management, control and government of all state charitable, mental, reformatory, and penal institutions shall be vested as determined by the Legislature." art. IV, § 19.
10. The Legislature has vested no state agency with the power to operate any charitable, mental, reformatory, or penal institution for the purpose of detaining non-citizens in civil removal proceedings.
11. Regarding state correctional facilities, NDCS is vested with the power to "fulfill those functions of *state government*." Neb. Rev. Stat. § 83-922 (emphasis added).
12. Immigration removal proceedings, and related detainment, are civil in nature and functions of the federal government, not state government.
13. Defendants' operation of an immigration detainment facility, or any contract to that effect, therefore, is *ultra vires* and violates Nebraska's separation of powers doctrine.
14. Second, the Defendant's violate separation of powers because the powers to legislate and appropriate public funds are vested in the Legislature. Neb. Const. art. III, § 1; art. III, § 22.

15. Appropriation bills are law, adopted by a bill, and require the necessary votes on final passage. *State ex rel. Meyer v. State Bd. of Equalization & Assessment*, 185 Neb. 490, 495 (1970).
16. Under Neb. Rev. Stat. § 72-801, “no [public] building shall be changed or diverted from the use or purpose, kind, or class of building from that for which the appropriation was originally made.”
17. The WEC buildings are public buildings, erected by legislative appropriation.
18. The purpose of the WEC buildings are, and have been, criminal rehabilitation during incarceration and the reduction of prison overcrowding, not the detainment of non-citizens in civil removal proceedings.
19. Repurposing the WEC buildings requires an affirmative legislative act.
20. Therefore, the Defendants expenditure of public funds to repurpose the WEC buildings for civil immigration detainment is *ultra vires*, as it is prohibited by Neb. Rev. Stat. § 72-801, and violates Nebraska’s separation of powers doctrine.
21. The Plaintiffs are requesting declaratory judgment, as well as preliminary and permanent injunctive relief, to halt these unlawful actions and public expenditures by the Defendants.

PARTIES

22. Plaintiff DiAnna Schimek is a resident of Lancaster County, Nebraska and former state senator. She owns property in Lancaster County and pays a variety of state and local taxes,

including property and sales. *See* Affidavit of DiAnna Schimek.

23. Plaintiff Catherine McDowell is a 20-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Catherine McDowell
24. Plaintiff Dale Dueland is a 37-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property and sales. *See* Affidavit of Dale Dueland.
25. Plaintiff Jon Graff is a 48-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Jon Graff.
26. Plaintiff Linda Graff is a 30-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Linda Graff.
27. Plaintiff Matt Sehnert is a 56-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Matt Sehnert.
28. Plaintiff Mary Dueland is a 37-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property and sales. *See* Affidavit of Mary Dueland.
29. Plaintiff Peter Mark Graff is a 42-year resident of Red Willow County, Nebraska, owns property in the county, and pays a

variety of state taxes, including property, income, and sales. *See* Affidavit of Peter Mark Graff.

30. Plaintiff Ronda Graff is a 30-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Ronda Graff.
31. Plaintiff Will Branham is a 2-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Will Branham.
32. Plaintiff Bruce Hoffman is a resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property and sales. *See* Affidavit of Bruce Hoffman.
33. Plaintiff Kaye Beick is a resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Kaye Beick.
34. Plaintiff Connie Haller is a resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Connie Haller.
35. Plaintiff Bruce McDowell is a 20-year resident of Red Willow County, Nebraska, owns property in the county, and pays a variety of state taxes, including property, income, and sales. *See* Affidavit of Bruce McDowell.
36. Defendant James Pillen is the Governor of Nebraska and has a duty to ensure the laws are “faithfully executed and the affairs

of the state efficiently and economically administered.” Neb. Const. art. IV, § 6. Defendant Pillen is sued in his official capacity.

37. Defendant Rob Jeffreys is the director of NDCS and has “oversight and general control of all state adult correctional institutions” in the state. Neb. Rev. Stat. § 83-905. This includes the WEC. § 83-4,142 *et seq.* Defendant Jeffreys is sued in his official capacity.

38. Defendant James Pillen has his office at 1445 K St., Lincoln, NE 68508.

39. Defendant Rob Jeffreys has his office at 801 W Prospector Pl Bldg 1, Lincoln, NE 68522.

JURISDICTION AND VENUE

40. The Court has subject matter jurisdiction over this action for declaratory judgment under Neb. Rev. Stat. § 24-302, and the Nebraska Uniform Declaratory Judgments Act, § 25-21,149 *et seq.*

41. The Court also has subject matter jurisdiction over this action for injunctive relief pursuant to Neb. Rev. Stat. §§ 25-1062 to 25-1080.

42. Venue is proper in Red Willow County pursuant to Neb. Rev. Stat. § 25-403.01.

BACKGROUND

The Work Ethic Camp

43. The Work Ethic Camp was created after the Nebraska Legislature passed Legislative Bill (“L.B.”) 882 in 1997. L.B. 882 required the director of NDCS to “develop and implement an incarceration work camp ... for adult criminal offenders to be placed in as a condition of a sentence of probation.” [L.B. 882, 95th Leg. 1st Sess. \(Neb. 1997\) \(slip law\)](#).
44. L.B. 882 vested courts with the authority to place criminal offenders in the incarceration camp if certain conditions, such as being an adult, non-violent offender who is medically and mentally fit, are met. *Id.* at § 3.
45. The Legislature intended that the “incarceration work camp serve to reduce prison overcrowding and to make prison bed space available for violent offenders.” *Id.* at § 2.
46. The Legislature further intended that the camp “serve the interests of society by promoting the rehabilitation of offenders and by deterring offenders from engaging in further criminal activity. To accomplish these goals the incarceration work camp shall provide regimented, structured, disciplined programming including all of the following: work programs; vocational training; behavior management and modification; money management; substance abuse awareness, counseling, and treatment; and education, programming needs, and aftercare planning.” *Id.*
47. The Legislature intended that only criminal inmates to be placed in the WEC during their term of incarceration. L.B. 882, 95th Leg. 1st Sess. (Neb. 1997) ([Introducer’s Statement of Intent](#)).
48. To fulfill these legislative requirements, L.B. 882A appropriated \$5,885,614 of the required \$6,662,501 “for site acquisition, site development, design, and construction of a one-hundred-bed,

stand-alone incarceration work camp facility.” [L.B. 882A, 95th Leg. 1st Sess. \(Neb. 1997\) \(slip law\)](#).

49. In 1999, the Legislature passed L.B. 878 to appropriate the final \$776,887 and reaffirmed the L.B. 882A directive. [L.B. 878, 96th Leg. 1st Reg. Sess. \(Neb. 1999\) \(slip law\)](#).
50. The L.B. 882A and L.B. 878 legislative appropriations were used to construct at least two buildings in McCook, Nebraska, that became known as the Work Ethic Camp.
51. The Work Ethic Camp is classed as a 3B correctional facility.
Affidavit of Victor Rountree.
52. In 2007, the Legislature passed L.B. 83 which vested the Board of Parole with the power to place felony offenders currently housed at other NDCS facilities, prior to their release on parole, if certain conditions related to being an adult, non-violent offender who is medically and mentally fit, were met. [L.B. 83, 100th Leg. 1st Reg. Sess. \(Neb. 2007\) \(slip law\)](#).
53. In 2009, the Legislature passed L.B. 274 to permit the director of NDCS to assign, with some exceptions, a felony offender to the WEC if it was in the best interests of the felony offender and society. [L.B. 274, 101st Leg. 1st Reg. Sess. \(Neb. 2009\) \(slip law\)](#).
54. L.B. 274 did not authorize the director to place a person in the WEC if a criminal sentence had been completed or if detained for civil removal proceedings under federal law.
55. The Legislature has continued to appropriate funds to maintain and repair the WEC buildings so they may serve their statutory purpose. [L.B. 198, 103rd Leg. 1st Reg. Sess. \(Neb. 2013\) \(slip law\)](#) (see § 30 appropriating funds in 2013 to make modifications to the control centers of Buildings A and C).

56. The purpose of the WEC and its buildings remain codified in statute. *See* Neb. Rev. Stat. § 83-4,142 *et seq.*
57. The Legislature has passed no law, nor made any appropriation, permitting the WEC's buildings to be used as an immigration detention facility.
58. Furthermore, the Governor, along with the Board of Control, was divested of the power to manage, control, and govern state charitable, mental, reformatory, and penal institutions by constitutional amendment in 1958. *Am. Fed'n of State, Cty. & Mun. Emp. v. Dep't of Pub. Inst. State Hosp.*, 195 Neb. 253, 258 (1976).

FACTUAL ALLEGATIONS

Defendants' unlawful actions to repurpose the WEC for the detainment of non-citizens in removal proceedings

59. Defendants have spent public time and money to create a state owned and operated immigration detention facility and repurpose the WEC for that aim.
60. On August 19, 2025, Defendants announced their intention to utilize the WEC as a "future detention facility for [non-citizens] awaiting deportation and other immigration proceedings." Press Release, Office of Governor Jim Pillen, [*Gov. Pillen Partners With President Trump, DHS, ICE on National Security Efforts*](#), (Aug. 19, 2025).
61. Defendant Pillen, on September 4th, 2025, stated that, within 45 to 60 days, the WEC would be vacant and used to detain non-citizens. Press Release, Office of Governor Jim Pillen, [*Executive*](#)

[Members from Gov. Pillen's Team Meet with Judiciary Committee Today](#) (Sept. 4, 2025).

62. The WEC was voluntarily offered by Nebraska to the federal government to be used for this purpose. *See* Affidavit of Victor Rountree.
63. In a September 12, 2025 press release, Defendant Pillen stated that the repurposed WEC would “be state-owned and operated.” Press Release, Office of Governor Jim Pillen, [Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today](#) (Sept. 4, 2025).
64. The repurposed WEC will hold 300 non-citizens for an average stay of five to 45 days. Press Release, Nebraska Dep't of Corr. Servs., [NDCS responds to City of McCook leaders' questions](#), (Sept. 12, 2025).
65. These 300 non-citizens would be classified as Level 1 Immigration and Customs Enforcement (“ICE”) detainees with “minor criminal records and non-violent felonies.” Press Release, Office of Governor Jim Pillen, [Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today](#) (Sept. 4, 2025).
66. The detainment of these non-citizens will be the “sole function” of the WEC. Press Release, Office of Governor Jim Pillen, [Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today](#) (Sept. 4, 2025).
67. The repurposed WEC would operate as a centralized hub for non-citizens detained outside the state of Nebraska. *See* Affidavit of Victor Rountree.

68. The 168 WEC inmates housed in the WEC as of September 4, 2025, will either be discharged, placed on parole, or transferred to other NDCS facilities. Press Release, Office of Governor Jim Pillen, [*Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today*](#) (Sept. 4, 2025).
69. The Defendants have already begun the process of transferring WEC inmates out of the facility. *See* Affidavit of Victor Rountree.
70. In Defendant Pillen's press statement of September 4, he states "The NDCS will enter into an Intergovernmental Service Agreement with [the United States Department of Homeland Security], which will designate the WEC as an IGSA facility whose sole function is to house ICE detainees." Press Release, Office of Governor Jim Pillen, [*Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today*](#) (Sept. 4, 2025).
71. Furthermore, in Defendant Pillen's press statement of September 4, he states "[t]hrough the Intergovernmental Service Agreement (IGSA), WEC will continue to be a state-owned and operated facility. Public servants currently assigned to the WEC will remain." *Id.*
72. Consistent with that intent, NDCS issued a press release stating, "up to 65 staff positions will be added at WEC. These will be state positions and include additional medical personnel." Press Release, Nebraska Dep't of Corr. Servs., [*NDCS responds to City of McCook leaders' questions*](#), (Sept. 12, 2025).
73. Nebraska staff at the repurposed WEC will require "orientation" specific to ICE standards. Press Release, Office of Governor Jim

Pillen, [Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today](#) (Sept. 4, 2025).

74. Additionally, “an armed, patrolled perimeter . . . maned by NDCS staff” will be added at the WEC.” *Id.*
75. Beyond staffing, the WEC’s “[m]ultipurpose spaces within the facility will be re-purposed to accommodate additional beds.” *Id.*
76. Space within the WEC will also be modified to host immigration hearings for non-citizens in removal proceedings. Affidavit of Victor Rountree.
77. Defendants are consulting with engineers to repurpose the WEC’s interior spaces. *Id.*
78. Additionally, “a perimeter fence and intruder detection system will be added at the facility.” Press Release, Office of Governor Jim Pillen, [Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today](#) (Sept. 4, 2025).
79. Consistent with these objectives, on September 2, 2025, NDCS agreed via contract to pay \$750,000 to Outback, a Lincoln based fencing company, to install a 12-foot, razor wire topped fence “in an emergency timeline ... [by] 10/31/2025 or sooner at the NDCS Work Ethic Camp location.” [NDCS & Outback Fence LLC Co. Contract](#), Contract #114270 O4.
80. The contract required Outback to begin construction of the fence on September 2, 2025 and required a 25% payment from NDCS to Outback on September 9, 2025. *Id.*
81. Defendant Jeffreys and his staff, by the terms of the Outback Contract, have expended at least \$187,500 in public funds for

the purpose of erecting a new perimeter fence around the WEC so that it may be repurposed for immigration detainment. *Id.*

82. Defendant Jeffreys and his staff are also spending public time and money to formalize a contract with DHS so that the WEC may be repurposed to detain non-citizens, to develop plans to repurpose the WEC's interior spaces for immigration detainment, and further coordinate with DHS representatives in these efforts. Press Release, Nebraska Dep't of Corr. Servs., [*NDCS responds to City of McCook leaders' questions*](#), (Sept. 12, 2025).

83. Defendant Pillen and his staff are spending public time and money to formalize a contract with DHS so that the WEC may be repurposed to detain non-citizens, develop plans to repurpose the WEC's interior spaces for immigration detainment, and further coordinate with DHS representatives in these efforts. Press Release, Office of Governor Jim Pillen, [*Executive Members from Gov. Pillen's Team Meet with Judiciary Committee Today*](#) (Sept. 4, 2025); Press Release, Office of Governor Jim Pillen, [*Gov. Pillen Partners With President Trump, DHS, ICE on National Security Efforts*](#), (Aug. 19, 2025).

84. Prior to the commencement of this suit, the attorneys for the Plaintiffs sent each of the Defendant's a demand to immediately cease their unlawful expenditure of public funds to repurpose the WEC in McCook, Nebraska for civil immigration detainment and enter or execute any contract to that effect.

PLAINTIFFS DIANNA SCHIMEK ET AL.

85. All Plaintiffs are people as defined by the Nebraska Declaratory Judgment Act. Neb. Rev. Stat. § 25-21,149 *et seq.*

86. All Plaintiffs are residents of Lancaster or Red Willow Counties.
87. All Plaintiffs pay a variety of state taxes. *See* Affidavits of DiAnna Schimek, Catherine McDowell, Dale Dueland, Jon Graff, Linda Graff, Matt Sehnert, Mary Dueland, Peter Mark Graff, Ronda Graff, Will Branham, Bruce Hoffman, Kay Beick, Connie Haller, and Bruce McDowell.
88. The Plaintiffs' rights, status, or other legal relations are burdened by the Defendants' actions to operate a state-owned immigration detainment facility, repurpose the WEC buildings for that effort, and their expenditure of public funds for those purposes.
89. Plaintiffs have an interest in restraining the use of public time and money used for these unlawful purposes.
90. Plaintiffs have no adequate remedy at law but for a declaratory judgment to challenge the Defendants' unlawful expenditure of public funds.
91. Neither the state of Nebraska, the federal government, nor any other entity has an incentive, or is better positioned, to litigate this matter.
92. As the Defendants have already expended public funds in the form of public time, public money, and the Outback contract, there exists an active case and controversy.
93. The Defendants' actions and the unlawful expenditure of public funds constitute irreparable harm.
94. Plaintiffs seek a declaration from the Court that Defendants' efforts to create a state owned and operated immigration detainment facility, and any agreement to that effect, violate

separation of powers, and the expenditure of public funds for this purpose is unlawful.

95. Plaintiffs seek a declaration from the Court that Defendants' efforts to repurpose the WEC for immigration detainment, and any agreement to that effect, is a violation of Nebraska's separation of powers doctrine, and the expenditure of public funds for this purpose is unlawful.
96. Issuance of injunctive relief to restrain the Defendants from opening a state owned and operated immigration detainment facility and repurposing the WEC in that effort, by agreement or otherwise, and expending public funds for that purpose, serves the public interest.
97. Without an injunction, the Plaintiffs will suffer substantial, irreparable harm which is a hardship that outweighs any hardship the Defendants may face.
98. An injunction is in the public interest because the Defendants' actions undermine the structure of government.
99. As demonstrated here, and by the brief to support their motion for preliminary injunctive relief, the Plaintiffs are likely to succeed on the merits of their claims.
100. Plaintiffs have standing to bring this suit because they are alleging both an unlawful expenditure of public funds and a matter of great public concern.
101. "A resident taxpayer, without showing any interest or injury peculiar to itself, may bring an action to enjoin the illegal expenditure of public funds raised for governmental purposes." *Chambers v. Lautenbaugh*, 263 Neb. 920, 922-23 (2002).

102. Plaintiffs, as resident taxpayers, issued a demand letter demanding that the Defendants cease expending public funds for their unlawful purpose, but that demand was unsuccessful.
103. Plaintiffs are alleging a matter of great public concern because the Defendants' actions usurp the Legislature's powers and nullify a constitutional amendment; their actions, therefore, undermine the fundamental structure of Nebraska's government.

COUNT I: SEPARATION OF POWERS & NEB CONST. ART. IV, § 19

104. Plaintiffs incorporate herein, as fully set forth, paragraphs 1 through 103.
105. The Nebraska Constitution provides that the "powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution." art. II, § 1.
106. Article IV, § 19 further provides that "the general management, control and government of all state charitable, mental, reformatory, and penal institutions shall be vested as determined by the Legislature."
107. In 1958, the Governor, along with the Board of Control, was divested of the power to manage, control, and govern state charitable, mental, reformatory, and penal institutions by constitutional amendment. *Am. Fed'n of State, Cty. & Mun. Emp. v. Dep't of Pub. Inst. State Hosp.*, 195 Neb. 253, 258 (1976).

108. The Governor may not vest in NDCS the power to operate a state-owned immigration detainment facility.
109. The Legislature vested NDCS with the power to “fulfill those functions of *state government*. Neb. Rev. Stat. § 83-922 (emphasis added).
110. Immigration removal proceedings, and related detainment, are civil in nature and functions of the federal government, not the state government.
111. Operating an immigration detainment facility to detain non-citizens in civil removal proceedings is an exercise of management, control and government of a state charitable, mental, reformatory, or penal institution not vested in the Defendants by the Legislature under Neb. Const. art. IV, § 19 and that any agreement between the Defendants and DHS to do so is *ultra vires* as it violates Nebraska’s separation of powers doctrine, and public funds expended for this purpose is unlawful.
112. As such, the Plaintiffs actions and public expenditures to create a state owned and operated immigration detainment facility, or any agreement to that effect, is *ultra vires* in violation of Nebraska’s separation of powers doctrine and the expenditure of public funds for that purpose is unlawful.

**COUNT II: SEPARATION OF POWERS AND
NEB. REV. STAT. § 72-801.**

113. Plaintiffs incorporate herein, as fully set forth, paragraphs 1 through 112.
114. Plaintiffs challenge the Defendant’s repurposing of the WEC buildings for civil immigration detainment as an additional separation of powers violation.

115. The Constitution vests the power to make appropriations in the Legislature. Neb. Const. art. III, § 22.
116. “An appropriation is a law and may be adopted only through a bill. A bill is not passed until it receives the necessary affirmative vote on final passage. An appropriation bill is no different in this respect than any other bill before the Legislature.” *State ex rel. Meyer v. State Bd. of Equalization & Assessment*, 185 Neb. 490, 495 (1970).
117. Neb. Rev. Stat. § 72-801 provides that “[a]ny public building that is erected or repaired and for which an appropriation is made by the Legislature shall be constructed or repaired in a complete manner within the limits of such appropriation. Except as provided in sections 72-811 to 72-818 and 79-11,109, no building shall be changed or diverted from the use or purpose, kind, or class of building from that for which the appropriation was originally made.”
118. The WEC was created in statute when the Legislature passed L.B. 882 in 1997. [L.B. 882, 95th Leg. 1st Sess. \(Neb. 1997\) \(slip law\)](#).
119. L.B. 882A and L.B. 878 appropriated \$6,662,501 over three fiscal years “for site acquisition, site development, design, and construction of a one-hundred-bed, stand-alone incarceration work camp facility.” [L.B. 882A, 95th Leg. 1st Sess. \(Neb. 1997\) \(slip law\)](#); [L.B. 198, 103rd Leg. 1st Reg. Sess. \(Neb. 2013\) \(slip law\)](#).
120. The purpose of erecting these buildings is, and has been, the detainment of people criminally incarcerated for the purpose of rehabilitation and the reduction of prison overcrowding. [L.B. 882, 95th Leg. 1st Sess. \(Neb. 1997\) \(slip law\)](#).

121. Although the Legislature expanded WEC eligibility from inmates placed in the facility by court sentence to inmates made eligible by the Board of Parole in 2007 by L.B. 83 or transfer by NDCS in 2009 by L.B. 274, the purpose of erecting these buildings was not to detain non-citizens in civil immigration proceedings. [L.B. 83, 100th Leg. 1st Reg. Sess. \(Neb. 2007\) \(slip law\)](#); [L.B. 274, 101st Leg. 1st Reg. Sess. \(Neb. 2009\) \(slip law\)](#).
122. The Defendants actions and public expenditures to repurpose the WEC for the detainment of non-citizens in removal proceedings, or any agreement to that effect, is *ultra vires* as it violates Nebraska's separation of powers doctrine and any public funds expended for that purpose is unlawful.

REQUEST FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that the Court issue the following:

- A. A temporary restraining order prohibiting the Defendants from creating a state owned and operated immigration detainment facility, entering and / or executing any agreement to that effect, and expending public funds for that purpose, until the Court can conduct a hearing on the Plaintiffs' Motion for a Temporary Injunction.
- B. A temporary restraining order prohibiting the Defendants from repurposing the WEC as an immigration detainment facility. This should include repurposing the WEC buildings for immigration detainment, transferring current WEC inmates to other NDCS facilities in order to make space for non-citizens, housing non-citizens in the WEC detained for immigration violations and removal processes, entering and / or executing any agreement to that, or expending public funds for these

purposes until the Court can conduct a hearing on the Plaintiffs' Motion for a Temporary Injunction.

- C. A temporary and permanent injunction consistent with paragraph (A).
- D. A temporary and permanent injunction consistent with paragraph (B).
- E. A declaration declaring that the creation of a state owned and operated immigration detention facility, and any agreement to that effect, is *ultra vires* under Nebraska's separation of powers doctrine because the Legislature has not vested in the Defendants the power to manage, control, or govern an immigration detention facility under Neb. Const. art. IV, § 19, and declare the expenditure of public funds for this purpose as unlawful.
- F. A declaration declaring, as *ultra vires*, the repurposing of the WEC buildings for immigration detention, and any agreement to that effect, as a violation of Nebraska's separation of powers doctrine because the Defendants lack the authority to do so, and declare the expenditure of funds for this purpose as unlawful.
- G. Award such other and further relief as the Court finds just, equitable, and proper.

BY:

/s/ Nicholas Grandgenett
NEBRASKA APPLESEED
CENTER FOR LAW IN THE
PUBLIC INTEREST
Nicholas Grandgenett, #27323

Robert McEwen, #24817
James Goddard, #24150
Nebraska Appleseed Center for
Law
In the Public Interest
PO Box 83613
Lincoln, NE 68501-3613
(402) 438-8853
ngrandgenett@neappleseed.org
rmcewen@neappleseed.org
jgoddard@neappleseed.org

Attorneys for Plaintiffs

**PRAECIPE
TO THE CLERK OF THE DISTRICT COURT OF RED WILLOW
COUNTY**

Please issue summons in the above captioned and deliver, with a copy of the Complaint for Declaratory and Injunctive Relief, to the following Defendants in their official capacities by the Lancaster County Sherriff: Rob Jeffreys, as Director of the Nebraska Department of Correctional Services, and James Pillen as Governor of Nebraska. Each defendant can be served at the office of the Nebraska Attorney General at 1445 K Street, Room 2115, Lincoln, NE 68508 during their usual business hours.

In addition to the summons, please include:

1. Plaintiffs' Complaint for Declaratory and Injunctive Relief;
2. Plaintiffs' List of Exhibits in Support of their Complaint for Declaratory and Injunctive Relief and Motion For A Temporary Injunction and Temporary Restraining Order;
3. Plaintiffs' Motion for a Temporary Restraining Order and Temporary Injunction;
4. Plaintiffs' Brief in Support of Motion for Restraining Order and Temporary Injunction; and
5. Plaintiffs' Proposed Order Sustaining their Motion for a Temporary Restraining Order.

DATED this 15th day of October, 2025.

BY:

/s/ Nicholas Grandgenett
NEBRASKA APPLESEED
CENTER FOR LAW IN THE
PUBLIC INTEREST
Nicholas Grandgenett, #27323
Nebraska Appleseed Center for
Law
In the Public Interest
PO Box 83613
Lincoln, NE 68501-3613
(402) 438-8853
ngrandgenett@neappleseed.org

Attorneys for Plaintiffs