

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

STATE OF MINNESOTA, by and
through its Attorney General Keith
Ellison, CITY OF MINNEAPOLIS,
and CITY OF SAINT PAUL,

PLAINTIFFS,

v.

KRISTI NOEM, *in her official capacity as
Secretary of the U.S. Department of
Homeland Security*; JOHN CONDON, *in
his official capacity as Acting Executive
Associate Director of Homeland Security
Investigations; U.S. Department of
Homeland Security*; TODD LYONS, *in
his official capacity as Acting Director of
U.S. Immigration and Customs
Enforcement*; MARCOS CHARLES, *in
his official capacity as Acting Executive
Associate Director, Enforcement and
Removal Operations; U.S. Immigration
and Customs Enforcement*; RODNEY
SCOTT, *in his official capacity as
Commissioner of U.S. Customs and
Border Protection; U.S. Customs and
Border Protection*; GREGORY BOVINO,
*in his official capacity as Commander of
the U.S. Border Patrol; U.S. Border
Patrol*; DAVID EASTERWOOD, *in his
official capacity as Acting Director, Saint
Paul Field Office, U.S. Immigration and
Customs Enforcement*,

DEFENDANTS.

Court File No. 0:26-cv-00190-KMM-DJF

**[PROPOSED] BRIEF OF THE
STATES OF CALIFORNIA,
ARIZONA, COLORADO,
CONNECTICUT, DISTRICT OF
COLUMBIA, DELAWARE,
HAWAI'I, ILLINOIS, MAINE,
MARYLAND, MASSACHUSETTS,
MICHIGAN, NEW JERSEY, NEW
MEXICO, NEW YORK, NEVADA,
OREGON, VERMONT,
WASHINGTON, AND WISCONSIN,
AS AMICUS CURIAE IN SUPPORT
OF PLAINTIFFS' MOTION FOR
INJUNCTIVE RELIEF**

TABLE OF CONTENTS

	Page
Introduction And Interest of Amici	1
Argument	2
I. The Sovereignty of States Is Fundamental to Our Constitutional Order.....	2
II. Defendants’ Extreme Conduct Harms Minnesota’s Sovereign Interests and the Public	4
Conclusion	9

TABLE OF AUTHORITIES

	Page
CASES	
<i>Alfred L. Snapp & Son, Inc. v. P.R. ex rel. Barez</i> 458 U.S. 592 (1982)	3
<i>Barbier v. Connolly</i> 113 U.S. 27 (1884)	3
<i>Berman v. Parker</i> 348 U.S. 26 (1954)	4
<i>California v. Trump</i> 963 F.3d 926 (9th Cir. 2020)	4
<i>Gregory v. Ashcroft</i> 501 U.S. 452 (1991)	2
<i>Heath v. Alabama</i> 474 U.S. 82 (1985)	3
<i>Jacobson v. Commonwealth of Massachusetts</i> 197 U.S. 11 (1905)	4
<i>Medtronic, Inc. v. Lohr</i> 518 U.S. 470 (1996)	4
<i>Nebbia v. People of New York</i> 291 U.S. 502 (1934)	4
<i>Printz v. U.S.</i> 521 U.S. 898 (1997)	2, 3
<i>United States v. Lopez</i> 514 U.S. 549 (1995)	3
<i>United States v. Morrison</i> 529 U.S. 598 (2000)	3
STATUTES	
Insurrection Act.....	1

TABLE OF AUTHORITIES
(continued)

	Page
Minn. Stat. § 120A.22 subd. 5	3
RCW 28A.150.200(1).....	3
CONSTITUTIONAL PROVISIONS	
Ariz. Const. Article XI, §§ 1, 6	3
Cal. Const. Article I, § 28	3
Cal. Const. Article IX, §§ 1, 5	3
N.Y. Const. Article XI, § 1	3
Haw. Const. Article X, § 1.....	3
Mass. Const., pt. II, c. 5, § 2, Amendment Articles CXXI and XLIV	3
Md. Const. Article VIII, § 1.....	3
Minn. Const. Article XIII, § 1.....	3
Wash. Const. Article IX, § 1	3
OTHER AUTHORITIES	
Anna Giaritelli, <i>Tom Homan Offers to Pull ICE from Minneapolis 'Real Quick' Upon Access to Jails</i> , Washington Examiner (Jan. 15, 2026).....	8
Ariel Edwards-Levy, “ <i>Half of Americans Think ICE is Making US Cities Less Safe, CNN Poll Finds</i> ,” CNN (Jan. 14, 2026).....	6
Ashley Carnahan, <i>Second Largest Minnesota School District Offers Temporary Virtual Learning Amid ICE Operations</i> , FOX News (Jan. 15, 2026).....	7
Billal Rahman, “ <i>DHS Responds After ICE Drags Woman Shouting ‘I’m Disabled’ From Car</i> ,” Newsweek (Jan. 14, 2026)	6
Brittney Ermon, <i>Spanish Immersion Schools Feeling Impact of Immigration Enforcement</i> , KSTP Eyewitness News (Jan. 14, 2026)	8

TABLE OF AUTHORITIES
(continued)

	Page
Corin Hoggard, <i>ICE Surge Hits Twin Cities Businesses, 50-80% Revenue Loss Reported</i> , FOX-9 KMSP (Jan. 12, 2026).....	8
Elizabeth Shockman, <i>Minneapolis Schools Cancel Classes After Border Patrol Clash Disrupts Dismissal at Roosevelt</i> , Minnesota Public Radio News (Jan. 8, 2026).....	7
Greg Wehner, <i>Taxpayer-Funded Minnesota Charter School Shuts Down In-Person Learning Amid ICE Raids</i> , FOX News (Jan. 14, 2026).....	7
Helene Cooper, <i>Pentagon Tells 1,500 Troops to Prepare for Possible Deployment to Minnesota</i> , New York Times (January 18, 2025).....	1
Letter from Superintendent Teri Staloch, <i>Update: Federal ICE activity within the district</i> , Robbinsdale Area Schools (Jan. 14, 2026)	7
Mariana Alfaro, “ <i>Native Americans Are Being Swept Up by ICE in Minneapolis, Tribes Say</i> ,” The Washington Post (Jan. 15, 2025).....	6
Minho Kim, <i>'Hundreds More' Federal Agents to Be Deployed to Minneapolis</i> , Noem Says, The New York Times (Jan. 11, 2026)	6
Natasha Korecki, <i>'It Feels Like an Invasion': Minnesotans Stunned as Federal Officers Flood Their State</i> , NBC News (Jan. 15, 2026).....	5
<i>Press Conference: Donald Trump Leads the Press Briefing at the White House</i> (January 20, 2026).....	5
Rachel Leingang & Maanvi Signh, <i>'Make No Mistake, This Is an Occupation': ICE's Deadly Presence Casts Long Shadow Over Minneapolis</i> , The Guardian (Jan. 17, 2026).....	8
Reg Chapman, “ <i>Minneapolis Couple Says ICE Released Tear Gas Under Their Family Vehicle With 6 Children Inside</i> ,” CBS News (Jan. 15, 2026).....	5
Steve Karnowski, et al., <i>Trump Threatens To Use The Insurrection Act To End Protests In Minneapolis</i> , AP News (Jan. 15, 2026).....	5

TABLE OF AUTHORITIES
(continued)

	Page
Steve Karnowski, et al., <i>Trump Threatens To Use The Insurrection Act To End Protests In Minneapolis</i> , AP News (January 15, 2025).....	1
“ <i>Video Shows Minneapolis City Council President Assaulted by Immigration Agent</i> ,” YouTube (Jan. 13, 2026).....	6

INTRODUCTION AND INTEREST OF AMICI

Amici¹ submit this brief in support of Plaintiffs. Amici have a strong interest in ensuring that federal immigration enforcement is not used as an excuse to infringe the sovereignty of the States. Under the claimed auspices of carrying out immigration enforcement, the federal government has seriously undermined state and local authorities and made it impossible for the public to go about their day-to-day activities because they fear being stopped, tear gassed, or worse. If left unchecked, the federal government will no doubt be emboldened to continue its unlawful conduct in Minnesota and to repeat it elsewhere.

Over the course of just a few weeks, the Department of Homeland Security (DHS) has sent more than 3,000 federal agents into the Minneapolis area, a federal force that exceeds the combined police departments of the Twin Cities of Minneapolis and Saint Paul—Minnesota’s two largest cities. DHS has set in motion an extraordinary campaign of recklessness and disregard for norms of constitutional policing and the sanctity of life. This has resulted in federal agents that have fatally shot one resident, seriously wounded others, tear gassed an infant and other children, attacked peaceful protestors, and systematically conducted illegal stops and arrests. When tragedy has struck and public outcry rung out, the response has been a promise to deliver more of the same. Indeed, just days ago, President Trump threatened to invoke the Insurrection Act, and it is reported that the Pentagon is preparing 1,500 troops to possibly deploy to Minnesota, reflecting the Administration’s desire to further escalate tensions and put the military into an unlawful domestic role.²

¹ Amici are California, Arizona, Colorado, Connecticut, District Of Columbia, Delaware, Hawai‘I, Illinois, Massachusetts, Maryland, Maine, Michigan, New Jersey, New Mexico, Nevada, New York, Oregon, Vermont, Washington, Wisconsin.

² Steve Karnowski, et al., *Trump Threatens To Use The Insurrection Act To End Protests In Minneapolis*, AP News (January 15, 2025), <https://apnews.com/article/immigration-crackdown-minnesota-shootings-renee-good-a0c368079c106b599245996fded8c1b9>; Helene (continued...)

Amici write for two reasons here. One is to emphasize the state sovereignty and federalism principles that are central to our nation’s constitutional framework. The other is to emphasize that the balance of the equities and public interest lies with Plaintiffs, who are watching with shock, concern, and fear of what has already occurred and what more could lie ahead in Minnesota and beyond.

ARGUMENT

I. THE SOVEREIGNTY OF STATES IS FUNDAMENTAL TO OUR CONSTITUTIONAL ORDER

The Constitution establishes a system of dual sovereignty. *Printz v. U.S.*, 521 U.S. 898, 918 (1997) (citing *Gregory v. Ashcroft*, 501 U.S. 452, 457 (1991)). Under this “‘constitutionally mandated balance of power’ between the States and the Federal Government,” *Gregory*, 501 U.S. at 458, States retain “a residuary and inviolable sovereignty that is reflected throughout the Constitution’s text.” *Printz*, 521 U.S. at 919 (quoting *The Federalist* No. 39, at 245). The separation of authority—what James Madison referred to as our “double security”—is one of the Constitution’s structural protections of liberty. *Id.* at 922 (quoting *The Federalist* No. 51, at 323). This framework serves as a critical check and balance, ensuring that “a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.” *Id.* at 921. By dividing sovereign power between two distinct levels of government, our system ensures that no single entity gains absolute control over all aspects of daily life. *Id.* at 920 (“The great innovation of this design was that our citizens would have two political capacities, one State and one federal, each protected from incursion by the other”) (quoting *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 838 (1995) (Kennedy, J., concurring)).

Cooper, *Pentagon Tells 1,500 Troops to Prepare for Possible Deployment to Minnesota*, New York Times (January 18, 2025), <https://www.nytimes.com/2026/01/18/us/politics/pentagon-troops-minnesota.html>.

In keeping with the dual system of “distinct and independent” sovereigns, *id.*, the Supreme Court has identified several spheres over which States have primary and sometimes sole responsibility. *See United States v. Lopez*, 514 U.S. 549, 566-68 (1995). Often referred to as the State’s “police powers,” these include the general authority “to prescribe regulations to promote the health, peace, morals, education and good order of the people[.]” *Barbier v. Connolly*, 113 U.S. 27, 31 (1884).

While police powers go far beyond “policing” as the term is commonly understood, a fundamental police power is the authority and duty to “create and enforce a criminal code.” *Heath v. Alabama*, 474 U.S. 82, 93 (1985); *see also Alfred L. Snapp & Son, Inc. v. P.R. ex rel. Barez*, 458 U.S. 592, 601 (1982) (“[T]he exercise of sovereign power . . . involves the power to create and enforce a legal code.”). In general, each State has the authority to pass and enforce criminal laws within its borders, and each State has a system involving state, city, county, or district law enforcement officers who may make arrests, file charges, and prosecute crimes in local courts. This is because policing is first and foremost a function and responsibility of the States. *United States v. Morrison*, 529 U.S. 598, 618 (2000) (“[W]e can think of no better example of the police power, which the Founders denied the National Government and reposed in the States, than the suppression of violent crime and vindication of its victims.”).

Among other sovereign “powers” that the Constitution “reserve[s] to the States” is the ability to regulate the education of their citizens. *See Lopez*, 514 U.S. at 580, 589 (Kennedy, J., concurring) (“[I]t is well established that education is a traditional concern of the States.”). Pursuant to their well-established sovereign powers, several State constitutions require them to provide a system of free public schools. *See, e.g.*, Minn. Const. art. XIII, § 1; Minn. Stat. § 120A.22 subd. 5; Cal Const. Article IX, §§ 1, 5; Cal. Const., art. I, § 28; Ariz. Const. art. XI, §§ 1, 6; Mass. Const., Part II, c. 5, § 2, amend. arts. CXXI and XLIV; Md. Const. art. VIII, § 1; N.Y. Const. Article XI, § 1; Haw. Const. art X, § 1; Wash. Const. art. IX, § 1; RCW 28A.150.200(1).

More broadly, States’ sovereign interests—and indeed, their duties—encompass the whole of promoting public health, safety, and welfare, which are among the more “conspicuous examples of the traditional application of the police power.” *Berman v. Parker*, 348 U.S. 26, 32 (1954). “States traditionally have had great latitude under their police powers to legislate as to the protection of the lives, limbs, health, comfort, and quiet of all persons.” *Medtronic, Inc. v. Lohr*, 518 U.S. 470, 475 (1996) (citation and internal quotation marks omitted). States thus legislate for their residents over wide-ranging matters that touch every aspect of life from work to health and family matters. *See, e.g., Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11, 38 (1905) (upholding Massachusetts’ authority to enforce vaccination laws, explaining that “[t]he safety and the health of the people of Massachusetts are, in the first instance, for that commonwealth to guard and protect”); *Nebbia v. People of New York*, 291 U.S. 502, 537 (1934) (explaining that “a state is free to adopt whatever economic policy may reasonably be deemed to promote public welfare, and to enforce that policy by legislation adapted to its purpose”). But state authority does not end with legislation. States are entitled also to carry out their laws and policies and to fulfill the duties they owe as sovereigns to their people. *See, e.g., California v. Trump*, 963 F.3d 926, 936 (9th Cir. 2020) (concluding States had standing to challenge Federal actions that would “cause particularized and concrete injuries in fact to the environment and wildlife of their respective states as well as to their sovereign interests in enforcing their environmental laws”).

II. DEFENDANTS’ EXTREME CONDUCT HARMS MINNESOTA’S SOVEREIGN INTERESTS AND THE PUBLIC

Beginning in December 2025, Defendants began to threaten an enforcement action in the Twin Cities area dubbed “Operation Metro Surge.” The operation began with 100 U.S. Immigration and Customs Enforcement (“ICE”) and Homeland Security Investigations (“HSI”) agents. Since then, public reporting has indicated that Defendant

Noem has deployed as many as 3,000 federal officers to Minneapolis. Of that number, more than 2,000 are ICE personnel, hundreds are Customs and Border Protection (“Border Patrol”) agents operating hundreds of miles from the border, and others are from Justice Department agencies.³ President Trump has openly blasted the “corrupt politicians of Minnesota” in justifying the incursion and proclaimed that he will “quickly put an end to the travesty” in the State.⁴

Local law enforcement agencies have had to divert large portions of their limited resources and personnel to respond to unrest caused by the federal officers. Approximately 95 Minneapolis Police Department (“MPD”) officers responded to the scene of a federal agent’s fatal shooting of Renee Good, rendering those MPD officers unable to “respond to other 911 calls, investigate reports of crimes, or fulfill other law enforcement duties for the communities MPD serves.” ECF 8 (“TRO”) at 19. Since the filing of Plaintiffs’ complaint, the violence has only escalated. For example, ICE agents also exploded a tear gas cannister underneath a car carrying a couple and six children, trapping them inside their vehicle, rendering a six-month old unconscious, and requiring a mother to administer CPR to the infant child.⁵ A video shows an agent assaulting

³ Natasha Korecki, *'It Feels Like an Invasion': Minnesotans Stunned as Federal Officers Flood Their State*, NBC News (Jan. 15, 2026), <https://www.nbcnews.com/news/us-news/minneapolis-residents-say-feels-are-invasion-federal-agents-flood-city-rcna254061>.

⁴ Karnowski, et al., *supra* note 2; *Press Conference: Donald Trump Leads the Press Briefing at the White House* (January 20, 2026), <https://rollcall.com/factbase/trump/transcript/donald-trump-press-conference-briefing-room-january-20-2026/> (President Trump contends that “[t]he Somalians, you know what they're good at. That's about the only thing they're good at is they're good at pirating ships at sea, big ships.”); *id.* (discussing “Somalians” in Minnesota, the President stated, “[t]hey’ve taken it, Somalians. Can you imagine? And they don't do it. *A lot of very low IQ people, they don't do it.* Other people work it out and they get them money, and they go out and buy Mercedes-Benzes. And they come from here. They have no money. They never had money. They never had a life.”) (emphasis added).

⁵ Reg Chapman, *“Minneapolis Couple Says ICE Released Tear Gas Under Their Family Vehicle with 6 Children Inside,”* CBS News (Jan. 15, 2026), <https://www.cbsnews.com/minnesota/news/ice-tear-gassed-family-vehicle-with-6-children-inside/?ftag=CNM-00-10aac3a>.

Minneapolis City Council President Elliot Payne while he was acting as a legal observer.⁶ Another video shows several agents dragging a woman, who can be heard identifying herself as autistic and disabled and attempting to reach a medical appointment, out of her car.⁷ Native American leaders report that Indigenous people are being “stopped, questioned, harassed and, in some cases, detained solely on the basis of their skin color or names.”⁸ And Defendants are doubling down. Amid nationwide protests against Defendants’ militarized tactics, and a majority of Americans expressing the view that “ICE enforcement actions were making cities less safe,” Defendant Noem announced that “hundreds more” federal agents are being sent to Minneapolis.⁹

As a result of the federal government’s actions, diminished numbers of local law enforcement agencies are available to address their ordinary responsibilities. In a single week, Minneapolis received more than eighty 911 calls about federal immigration enforcement actions. TRO at 17. As of the filing of Plaintiffs’ complaint, MPD officers had been forced to work more than 3,000 hours of overtime since January 7, 2026, due to the need to be available to respond to and deescalate any tensions surrounding Defendants’ purported immigration enforcement activities. TRO at 24. State agencies have similarly had to divert personnel and resources towards emergency preparedness, and away from their ordinary but critical duties. TRO at 35. Adding to the problems they are causing, DHS agents have hidden their identities and affiliations—via masks and

⁶ “Video Shows Minneapolis City Council President Assaulted by Immigration Agent,” YouTube (Jan. 13, 2026), https://www.youtube.com/watch?v=ENdgg2e_uj4.

⁷ Billal Rahman, “DHS Responds After ICE Drags Woman Shouting ‘I’m Disabled’ From Car,” Newsweek (Jan. 14, 2026), <https://www.newsweek.com/dhs-responds-ice-drags-woman-disabled-car-minneapolis-11360131>.

⁸ Mariana Alfaro, “Native Americans Are Being Swept Up by ICE in Minneapolis, Tribes Say,” The Washington Post (Jan. 15, 2025), <https://www.washingtonpost.com/politics/2026/01/15/native-americans-ice-minneapolis/>.

⁹ Ariel Edwards-Levy, “Half of Americans Think ICE is Making US Cities Less Safe, CNN Poll Finds,” CNN (Jan. 14, 2026), <https://www.cnn.com/2026/01/14/politics/ice-minnesota-cnn-poll>; Minh Kim, ‘Hundreds More’ Federal Agents to Be Deployed to Minneapolis, Noem Says, The New York Times (Jan. 11, 2026), <https://www.nytimes.com/2026/01/11/us/politics/federal-agents-minnesota-ice-shooting.html?smid=nytcare-ios-share>.

inconsistent uniforms with inconsistent identification—and refuse to identify themselves. TRO at 20. Sometimes, the federal agents’ efforts to conceal their affiliations makes them indistinguishable from Saint Paul Police Department (“SPPD”) officers. *Id.* This diminishes community trust that SPPD has worked hard to build over the years through community-oriented policing, and the harm to this trust, in turn, makes community members less likely to report criminal activity and less likely to cooperate as witnesses. TRO at 23.

As another direct result of Defendant’s actions, learning and education has been disrupted across the State. On January 8, at a Minneapolis high school, armed agents tackled people, handcuffed two staff members, and released chemical weapons on bystanders on school property during dismissal.¹⁰ Following that harrowing incident, more than 100 schools were shut down in the Minneapolis Public School system, affecting 30,000 children. TRO at 15. Since Plaintiffs’ complaint was filed, ICE agents detained a parent while waiting at a school bus stop with their child.¹¹ Student absenteeism is climbing “because families and students are too scared to come to school.” TRO at 39. Saint Paul Public Schools as well as other Minnesota schools have had to begin to offer temporary virtual learning programs for students who do not feel safe going to school in person.¹² Leaders from at least four Spanish immersion schools across

¹⁰ Elizabeth Shockman, *Minneapolis Schools Cancel Classes After Border Patrol Clash Disrupts Dismissal at Roosevelt*, Minnesota Public Radio News (Jan. 8, 2026), <https://www.mprnews.org/story/2026/01/08/after-border-patrol-clash-at-roosevelt-minneapolis-schools-cancel-classes>.

¹¹ Letter from Superintendent Teri Staloch, *Update: Federal ICE activity within the district*, Robbinsdale Area Schools (Jan. 14, 2026), <https://www.rdale.org/discover/news/article/~board/district-news/post/update-federal-ice-activity-within-the-district>.

¹² Ashley Carnahan, *Second Largest Minnesota School District Offers Temporary Virtual Learning Amid ICE Operations*, FOX News (Jan. 15, 2026), <https://www.foxnews.com/us/second-largest-minnesota-school-district-offer-temporary-virtual-learning-amid-ice-operations>; Greg Wehner, *Taxpayer-Funded Minnesota Charter School Shuts Down In-Person Learning Amid ICE Raids*, FOX News (Jan. 14, 2026), <https://www.foxnews.com/us/taxpayer-funded-minnesota-charter-school-shuts-down-person-learning-ice-raids>.

Minnesota have had to cut hours or temporarily close because “employees are afraid to come to work, worried they could be detained even when they are in the country legally.”¹³ Nearly half the staff at one school has stopped coming to work out of fear, and preschool classrooms that would normally be filled with children now sit unused.¹⁴

Defendants’ extreme and unlawful conduct is ripping at the fabric of our society. Every aspect of daily life for Minnesotans is being affected. Pregnant women are afraid to go to their prenatal appointments for fear that they or their loved ones will be detained by federal agents.¹⁵ Vibrant shopping areas have turned into ghost towns, and businesses report 50 to 80% in revenue losses due to the presence of immigration officers.¹⁶

To be clear, Amici do not contend that Defendants’ conduct infringes on state sovereignty because it reflects an increase in purported immigration enforcement. Defendants’ conduct infringes on state sovereignty because, as set forth above and in Plaintiffs’ motion, Defendants’ actions have the purpose and effect of inflicting maximal harm on state, city, and community institutions. Moreover, Defendants’ own statements indicate that they will continue to employ violent and chaotic tactics until and unless Minnesota alters its sovereign policy decisions.¹⁷

Through their statements and actions, Defendants are sending a message not only to Minnesota but also to other jurisdictions: If a state or city adopts disfavored policies,

¹³ Brittney Ermon, *Spanish Immersion Schools Feeling Impact of Immigration Enforcement*, KSTP Eyewitness News (Jan. 14, 2026), <https://kstp.com/kstp-news/top-news/spanish-immersion-schools-feeling-impact-of-immigration-enforcement/>.

¹⁴ *Id.*

¹⁵ Rachel Leingang & Maanvi Signh, *‘Make No Mistake, This Is an Occupation’: ICE’s Deadly Presence Casts Long Shadow Over Minneapolis*, The Guardian (Jan. 17, 2026), <https://www.theguardian.com/us-news/2026/jan/17/minneapolis-twin-cities-ice-dispatch>.

¹⁶ Corin Hoggard, *ICE Surge Hits Twin Cities Businesses, 50-80% Revenue Loss Reported*, FOX-9 KMSP (Jan. 12, 2026), <https://www.fox9.com/news/ice-surge-hits-twin-cities-businesses-revenue-loss-reported-jan-2026>.

¹⁷ See, e.g., Anna Giaritelli, *Tom Homan Offers to Pull ICE from Minneapolis ‘Real Quick’ Upon Access to Jails*, Washington Examiner (Jan. 15, 2026), <https://www.washingtonexaminer.com/watch/2475252/> (“‘Minnesota, the mayor and the governor, could fix this real quick,’ Homan said during a telephone town hall with Rep. Tony Gonzales (R-TX) ‘Let us in the jail. Stop being a sanctuary jurisdiction, sanctuary state, sanctuary city.’”)

Defendants may launch a similar militaristic operation in which federal officers disturb the functioning of schools and other basic services, deploy chemical weapons in public areas in ways that endanger public health, frighten and provoke residents in a manner that requires state and local law enforcement to respond and de-escalate, and create a climate of anxiety and fear. Defendants' actions infringe on Minnesota's sovereignty and send a message that reverberates across the country.

Amici are deeply troubled by the escalating violence and needless devastation unfolding in Minnesota. Today, the federal government's unlawful conduct harms Minnesota and infringes upon its constitutionally-guaranteed state sovereignty. Absent injunctive relief, there is no telling how much more terror and chaos Defendants will inflict on Minnesota, its cities, and their communities in the coming days and months. Tomorrow, without legal intervention, the federal government will no doubt threaten other States and local communities across the nation. Amici urge swift intervention by the Court.

CONCLUSION

For the foregoing reasons, Amici support Plaintiffs' request to enjoin the federal defendants' extreme conduct.

Dated: January 22, 2026

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