

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PADRES UNIDOS DE TULSA, *et al.*

Plaintiffs,

v.

GENTNER DRUMMOND, *et al.*

Defendants.

Case No. 5:24-cv-00511-J

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER OR,
IN THE ALTERNATIVE, A PRELIMINARY INJUNCTION
AND MEMORANDUM OF LAW IN SUPPORT**

**MOTION FOR A TEMPORARY RESTRAINING ORDER OR, IN THE
ALTERNATIVE, A PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs hereby respectfully move the Court for a temporary restraining order and preliminary injunction restraining Defendants from enforcing any provision of House Bill 4156 (“H.B. 4156”) (codified at Okla. Stat. tit. 21, § 1795), which regulates the entry, presence, and expulsion from Oklahoma of noncitizens who have entered the United States without inspection. As this Court previously found, H.B. 4156 violates the Supremacy Clause of the United States Constitution. And as explained in the supporting brief, H.B. 4156 also violates the Commerce Clause and, absent expedited and preliminary injunctive relief, Plaintiffs will suffer immediate and irreparable harm. The United States has dismissed its action against Oklahoma, and Oklahoma has begun enforcing H.B. 4156. Accordingly, Plaintiffs respectfully request that the Court expedite a ruling on this motion.

INTRODUCTION

This Court enjoined H.B. 4156 as a policy that impermissibly “undermine[s] federal law.” *United States v. Oklahoma*, 739 F. Supp. 3d 985, 1007 (W.D. Okla. 2024) (quoting *Arizona v. United States*, 567 U.S. 387, 400–02 (2012)).

Oklahoma appealed this Court’s injunction. Before the Court of Appeals for the Tenth Circuit could consider the appeal, a new Administration voluntarily dismissed the United States’s action against H.B. 4156. *See* Notice of Voluntary Dismissal, *United States v. Oklahoma*, No. 5:24-cv-00511-J (W.D. Okla. Mar. 14, 2025), ECF No. 50. The Tenth Circuit dismissed the appeal as moot and canceled argument. *See* Ord. at 2, *United States v. Oklahoma*, No. 24-6144 (10th Cir. Mar. 25, 2025). Oklahoma has taken that as license to begin enforcing H.B. 4156.¹ *See, e.g., Oklahoma v. Falcon-Romo*, OKLA. STATE COURT NETWORK, <https://perma.cc/QX3P-EYFJ> (last visited May 9, 2025) (Case No. CM-2025-264, first charges filed under H.B. 4156).

The law has not changed, however. H.B. 4156 is the same law that this Court enjoined. Moreover, since this Court’s decision, courts across the country have unanimously struck down laws like H.B. 4156, reaffirming 150 years of Supreme Court precedent that immigration is an *exclusively* federal power. *See United States v. Iowa*, 126 F.4th 1334, 1353 (8th Cir. 2025) (affirming the district court’s injunction against S.F. 2340), *vacated on other grounds*, No. 24-2265, 2025 WL 1140834 (8th Cir. Apr. 15, 2025); *Idaho Organization of Resource Councils v. Labrador*, No. 1:25-CV-00178-AKB,

¹ Plaintiffs do not concede that this Court’s injunction is no longer in place.

2025 WL 1237305, at *20 (D. Idaho Apr. 29, 2025) (enjoining the Idaho ICE Act); Omnibus Ord. at 36-37, 47, *Fla. Immigrant Coal. v. Uthmeier*, No. 1:25-cv-21524-KMW (S.D. Fla. Apr. 29, 2025), ECF No. 67 (“Florida Ord.”).

H.B. 4156 is creating chaos and enormous harms. Oklahomans, like Plaintiffs Barbara Boe and Christopher Coe²—long-time residents of Oklahoma who are undocumented and face arrest, prosecution, and expulsion from the State under H.B. 4156—and Padres Unidos de Tulsa (“Padres Unidos”) and League of United Latin American Citizens Oklahoma City (“LULAC OKC”), organizations whose members are confronted with the same dangers, bring this case on behalf of a putative class. Many Oklahomans who have spent most of their lives in the State will suddenly face prosecution and banishment. They will be uprooted from the communities they have nurtured and separated from their families and loved ones.

Accordingly, Plaintiffs ask the Court to issue a preliminary injunction on an expedited basis.

STANDARD OF REVIEW

A preliminary injunction should issue where Plaintiffs can demonstrate that (1) they are “likely to succeed on the merits,” (2) they are “likely to suffer irreparable harm in the absence of preliminary relief,” (3) “the balance of equities tips in [their] favor,” and (4) “an injunction is in the public interest.” *Denver Homeless Out Loud v. Denver*, 32 F.4th 1259, 1277 (10th Cir. 2022) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555

² Plaintiffs move to proceed in pseudonym, and a motion is forthcoming.

U.S. 7, 20 (2008)).

ARGUMENT

I. Plaintiffs Have Standing to Challenge H.B. 4156.

As a threshold matter, Plaintiffs have standing to challenge H.B. 4156. *See* Ord. at 2, *United States v. Oklahoma*, No. 24-6144 (10th Cir. Sept. 6, 2024) (granting prior individual plaintiffs’ and Padres Unidos’s motion to intervene); *United States v. Iowa*, 737 F. Supp. 3d 725, 740-45 (S.D. Iowa 2024) (similar plaintiffs showed standing); *Idaho*, 2025 WL 1237305, at *2-8 (same); Florida Ord. at 512 (same).

Individual Plaintiffs Barbara Boe and Christopher Coe demonstrate an injury-in-fact as required for standing because (1) they have “an intention to engage in a course of conduct arguably affected with a constitutional interest,” (2) their intended future conduct is “arguably . . . proscribed by the statute,” and (3) “the threat of future enforcement . . . is substantial.” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 160-64 (2014). They are “among the direct targets of” H.B. 4156, *Initiative & Referendum Inst. v. Walker*, 450 F.3d 1082, 1097 (10th Cir. 2006), falling squarely within the “illegal entry” and “illegal reentry” crimes, respectively, *see* Ex. A, Declaration of Barbara Boe ¶¶ 5, 7; Ex. B, Declaration of Christopher Coe ¶ 5.

Plaintiffs Padres Unidos and LULAC OKC also have associational standing. For both organizations, at least one of their members is directly affected by H.B. 4156 and would therefore have standing to sue in their own right, the interest the organizations seek to protect are germane to their purposes, and neither the claims asserted nor relief requested requires the members to participate in the lawsuit. *See Speech First, Inc. v.*

Shrum, 92 F.4th 947, 949 (10th Cir. 2024) (citing *Friends of the Earth v. Laidlaw*, 528 U.S. 167, 181 (2000)); *see also* Ex. C, Declaration of Michelle Lara ¶¶ 4, 9, 10-11 (“Padres Unidos Decl.”); Ex. D, Declaration of Nicole Maldonado ¶¶ 5, 12, 13-14 (“LULAC OKC Decl.”).

II. This Court Has Already Found Plaintiffs Are Likely to Succeed on the Merits.

This Court found that Oklahoma “may not pursue policies that undermine federal law” and therefore enjoined Oklahoma from enforcing H.B. 4156. *Oklahoma*, 739 F. Supp. 3d at 1007. Nothing has changed since the Court’s decision. Thus, Plaintiffs are likely to succeed on the merits of their claims.

A. H.B. 4156 violates the Supremacy Clause.

This Court has already held that H.B. 4156 is likely field and conflict preempted. *See United States v. Oklahoma*, 739 F. Supp. 3d 985, 1002, 1004 (W.D. Okla. 2024).

H.B. 4156 is likely field preempted because the unlawful entry and reentry provisions of H.B. 4156, §§ 2(C) and 2(D), criminalize the same conduct already proscribed under federal law, namely under 8 U.S.C. §§ 1325 and 1326. *See id.* at 997-98. This Court found the Supreme Court’s ruling in *Arizona v. United States*—where the Supreme Court struck down S.B. 1070 because its noncitizen registration requirement intruded on a field occupied by federal law—instructive. *See id.* at 998 (citing *Arizona*, 567 U.S. at 400-02). Citing other circuit courts that extended *Arizona*’s reasoning to preclude state attempts to criminalize activities comprehensively regulated under federal law, this Court found that Congress similarly “legislated so comprehensively in the field

of noncitizen entry and reentry that it left no room for . . . Oklahoma’s attempt to parallel federal law” *See id.* at 999 (citing *Ga. Latino All. for Hum. Rts. v. Governor of Ga.*, 691 F.3d 1250, 1263–64 (11th Cir. 2012); *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1024–26 (9th Cir. 2013); *United States v. South Carolina*, 720 F.3d 518, 531–32 (4th Cir. 2013)).

The same is true for H.B. 4156’s expulsion penalty. *See Oklahoma*, 739 F. Supp. 3d at 999. This Court found that, even though H.B. 4156 mandates expulsion only from Oklahoma, rather than from the United States, Oklahoma “cannot . . . be allowed to undermine the long-standing, comprehensive federal framework that defines immigration policy” and that “[s]ensitive matters of immigration policy ‘must be made with one voice.’” *See id.* at 999-1002 (citing *United States v. Alabama*, 691 F.3d 1269, 1294 (11th Cir. 2012); *Lozano v. City of Hazleton*, 620 F.3d 170, 179 (3d Cir. 2010), *judgment vacated on other grounds sub nom. City of Hazleton, Pa. v. Lozano*, 563 U.S. 1030 (2011); *Biden v. Texas*, 597 U.S. 785, 805-06 (2022); *Arizona*, 567 U.S. at 400).

This Court also found that H.B. 4156 is likely conflict preempted. *See id.* at 1004. This is because H.B. 4156 conflicts with the federal system, where “there are mechanisms . . . that allow unlawfully present noncitizens to remain in the United States—whether in Oklahoma or elsewhere.” *Id.* at 1003. Moreover, “H.B. 4156 would grant state officials broad power to unilaterally arrest, prosecute, and punish noncitizens for immigration offenses ‘absent any request, approval, or other instruction from the Federal Government[,]’” which “is not the system Congress created[.]” *Id.* at 1004 (citing *Arizona*, 567 U.S. at 408, 410).

B. H.B. 4156 violates the Commerce Clause.

Because this Court has already found that H.B. 4156 is likely preempted under the Supremacy Clause, it need not address the likelihood of prevailing under the Commerce Clause. *See id.* at 1005 n.9. Nevertheless, H.B. 4156 also violates the Commerce Clause.

The Constitution provides that Congress may “regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” U.S. Const. art. I, § 8, cl. 3. The Commerce Clause also has a dormant component that prevents a State “from retreating into economic isolation” by passing laws that discriminate against interstate commerce. *Dep’t of Revenue of Ky. v. Davis*, 553 U.S. 328, 338 (2008) (citation omitted); *see Ore. Waste Sys., Inc. v. Dep’t of Env’t Quality of Ore.*, 511 U.S. 93, 99 (1994).

“The clearest example of [discriminatory] legislation is a law that overtly blocks the flow of interstate commerce at a State’s borders.” *City of Philadelphia v. New Jersey*, 437 U.S. 617, 624 (1978); *see also Baldwin v. G.A.F. Seelig, Inc.*, 294 U.S. 511, 521 (1935) (states cannot “set a barrier to traffic between one state and another”). The Supreme Court has thus repeatedly invalidated laws that constitute an “attempt by one State to isolate itself from a problem common to many by erecting a barrier against the movement of interstate trade.” *See City of Philadelphia*, 437 U.S. at 627-28 (collecting cases).

“[P]recedents firmly establish[] that the federal commerce power surely encompasses the movement in interstate commerce of *persons* as well as commodities.” *United States v. Guest*, 383 U.S. 745, 758-59 (1966) (emphasis added). Thus, it is interstate commerce for a person to travel from one state to another. *See Covington & C.*

Bridge Co. v. Commonwealth of Kentucky, 154 U.S. 204, 218 (1894) (explaining that “to travel in person from Cincinnati to Covington” constitutes interstate commerce); *Hoke v. United States*, 227 U.S. 308, 320 (1913) (similar).

Recognizing that the movement of persons into and out of a state is interstate commerce, the Supreme Court held in *Edwards v. California* that the Commerce Clause was violated where California attempted to “fenc[e] out indigent immigrants”—that is, people seeking to move there from out of state. *City of Philadelphia*, 437 U.S. at 627 (citing *Edwards*, 314 U.S. 160, 173-74 (1941)). There, California “assert[ed] that the huge influx of migrants into California in recent years has resulted in problems of health, morals, and especially finance.” *Edwards*, 314 U.S. at 173. California thus contended “that a State may close its borders to the interstate movement of paupers.” Respondent’s Br., 1941 WL 52964, at *2 (1941). But the Supreme Court concluded that California’s statute violated the Commerce Clause’s “prohibition against attempts on the part of any single State to isolate itself from difficulties common to all of them by restraining the transportation of persons and property across its borders.” *Edwards*, 314 U.S. at 173.

So too here. H.B. 4156 “overtly blocks the flow of interstate commerce at a State’s borders,” *City of Philadelphia*, 437 U.S. at 624, by banning certain noncitizens—namely those who irregularly entered the United States—from the State of Oklahoma. The statute reinforces that ban by forcing any noncitizen convicted of violating the statute to leave the state within three days of their conviction. Because H.B. 4156 discriminates against interstate commerce by banning certain categories of immigrants from entering Oklahoma, H.B. 4156 is “virtually per se invalid” under the Commerce Clause. *Ore.*

Waste Sys., Inc., 511 U.S. at 99.

Like California, Oklahoma asserts that problems are caused by migration into the State. *See* H.B. 4156 § 1 (referring to “fentanyl distribution” and other issues).³ Even if there were merit to Oklahoma’s concerns, H.B. 4156 is not a constitutional way to address them. Oklahoma cannot penalize crossing state lines or expel people from the State in order “to isolate itself from difficulties common to” the country as a whole. *Edwards*, 314 U.S. at 173.

Because H.B. 4156 discriminates against interstate commerce by banning certain categories of immigrants from entering Oklahoma, H.B. 4156 is “virtually per se invalid” under the Commerce Clause. *Ore. Waste Sys., Inc.*, 511 U.S. at 99.

III. Plaintiffs Will Suffer Irreparable Injury Absent an Injunction.

Absent an injunction, the individual plaintiffs and members of Padres Unidos and LULAC OKC will suffer irreparable harm by being placed at risk of arrest, prosecution, and detention under a state statute preempted by federal law. It is well established that

³ Oklahoma’s attempt to blame these problems on undocumented people is factually baseless. For example, fentanyl overwhelmingly enters the United States through ports of entry, not through irregular migration, and is smuggled by U.S. citizens, not migrants. *See* David Bier, *Fentanyl Is Smuggled for U.S. Citizens by U.S. Citizens, Not Asylum Seekers*, Cato Inst. (Sept. 14, 2022) (“[F]entanyl is smuggled through official crossing points specifically because it is easier to conceal it on a legal traveler or in legal goods than it is to conceal a person crossing the border illegally.”), <https://perma.cc/8RTW-MENH>; *see* U.S. Sent’g Comm’n, *Quick Facts: Fentanyl Trafficking Offenses* (2022), <https://perma.cc/XDY9-S49M>; Statement of Brian Sulc, Executive Director, Transnational Organized Crime Mission Center, Office of Intelligence and Analysis, Department of Homeland Security (May 18, 2022), <https://perma.cc/76WQ-4YTU>. In any event, the State cannot demonstrate that H.B. 4156’s entry ban serves any “legitimate local purpose” that “cannot be adequately served by reasonable nondiscriminatory alternatives.” *Ore. Waste Sys., Inc.*, 511 U.S. at 101.

“the threat of criminal prosecution” under a preempted state law “constitutes irreparable harm for purposes of a preliminary injunction.” *Farmworker Ass’n of Fla., Inc. v. Moody*, No. 23-CV-22655, 2024 WL 2310150, at *17 (S.D. Fla. May 22, 2024) (citation omitted); *see also, e.g., GLAHR* 691 F.3d at 1269; *Valle del Sol*, 732 F.3d at 1029; *Ga. Latino All. for Hum. Rts. v. Deal*, 793 F. Supp. 2d 1317, 1339 (N.D. Ga. 2011); *Villas at Parkside Partners v. City of Farmers Branch*, 577 F. Supp. 2d 858, 878 (N.D. Tex. 2008). That harm is exacerbated by the statute’s removal provision, which further threatens to banish Plaintiffs and others like them. They would face the trauma of being separated from their families, who would lose needed medical care and financial support, and communities. *See* Boe Decl. ¶¶ 6-9; Coe Decl. ¶¶ 8-10; Padres Unidos Decl. ¶¶ 10-11; LULAC OKC Decl. ¶¶ 13-14.

Preventing people from caring for themselves and their families constitutes irreparable injury. *See Evans v. Utah*, 21 F. Supp. 3d 1192, 1210 (D. Utah 2014). Each threatened injury to Plaintiffs’ family unity, health, educational opportunity, and loss of home, standing alone, would warrant a finding of irreparable harm. *See Reiland v. Indep. Sch. Dist. No. 11 of Tulsa Cnty., Oklahoma*, No. 22-CV-484, 2022 WL 20689737, at *4 (N.D. Okla. Nov. 1, 2022) (preventing plaintiff from attending child’s school activities constituted irreparable injury); *Brown v. Day*, 434 F. Supp. 2d 1035, 1039 (D. Kan. 2006) (risk of deprivation of basic life necessities constitutes irreparable injury); *Heartland Acad. Cmty. Church v. Waddle*, 335 F.3d 684, 690 (8th Cir. 2003) (irreparable harm based on the risk of “trauma to already troubled children”).

IV. The Balance of Equities and Public Interest Support an Injunction.

The balance of equities tips decisively in favor of the Plaintiffs, and an injunction is strongly in the public interest. When the Defendants are governmental actors, the third and fourth factors merge. *See Nken v. Holder*, 556 U.S. 418, 435 (2009). In contrast to the real and severe harms faced by Plaintiffs explained above, this Court found that the State can claim “no harm from the state’s nonenforcement of invalid legislation[.]” and “[f]rustration of federal statutes and prerogatives are not in the public interest[.]” *Oklahoma*, 739 F. Supp. 3d at 1007 (citing *Alabama*, 691 F.3d at 1301; *Texas*, 97 F.4th at 296; *South Carolina*, 720 F.3d at 533).

Additionally, H.B. 4156 will erode the public trust that law enforcement has worked to create with immigrant communities that is integral to public safety. Indeed, the Oklahoma Association of Chiefs of Police and Metro Law Enforcement Agency Leaders has stated that H.B. 4156 “places crime victims at risk by increasing the fear of reporting to law enforcement” and threatens to “deteriorate public trust in law enforcement in already vulnerable communities, ultimately resulting in increased public safety concerns.”⁴ The Association warned that H.B. 4156 will “destroy the connections and relationships we have built within our local immigrant communities and set us back for many years to come.” *Id.*, see also *Texas*, 2024 WL 861526, at *40 (“Because SB 4 authorizes state police officers to arrest many unauthorized noncitizens, victims of abuse or human trafficking will risk arrest and removal if they report their crimes,” making

⁴ KOKH Staff, *Oklahoma Association of Chiefs of Police Release Joint Statement on HB 4156*, OKC Fox 25 (May 14, 2024), <https://perma.cc/PR5E-L4F6>.

“noncitizen crime victims less likely to report violent crimes.”); *Make the Rd. N.Y. v. Pompeo*, 475 F. Supp. 3d 232, 270 (S.D.N.Y. 2020) (enjoining public charge rule due to its chilling effect on immigrants seeking services).

To be sure, Oklahoma has concerns about immigration. But under our constitutional structure, that “is not a controversy between equals,” *Texas*, 2024 WL 861526, at *40, for “state and local interests are subservient to those of the nation at large” when it comes to the government’s sovereign immigration power, *Texas*, 97 F.4th at 296. As this Court held, “Oklahoma may have understandable frustrations with the problems caused by . . . immigration, but the State may not pursue policies that undermine federal law.” *Oklahoma*, 739 F. Supp. 3d at 1007 (quoting *Arizona*, 567 U.S. at 416) (internal quotations omitted).

V. This Court Should Grant an Injunction That Extends to All Members of the Provisional Class or, in the Alternative, a Statewide Injunction.

Plaintiffs have concurrently filed a motion for class certification establishing their compliance with the requirements of Rule 23. Plaintiffs reincorporate those arguments here and request this Court issue provisional class certification. This Court should grant provisional class certification and issue a temporary restraining order and preliminary injunction that protects all members of the provisional class, as courts regularly do in these circumstances, and as two courts that recently considered laws similar to H.B. 4156 have done. *See Idaho*, 2025 WL 1237305, at *1 (granting preliminary injunction and provisionally certifying two classes of Plaintiffs for this purpose); *See Florida Ord.* at 36-37, 47 (same); *see also Kansas Health Care Ass’n, Inc. v. Kansas Dep’t of Soc. & Rehab.*

Servs., 31 F.3d 1536, 1548 (10th Cir. 1994) (affirming preliminary injunction to putative class and holding that a class certification was not necessary).

Even without a class, a statewide injunction would still be necessary to protect the Plaintiffs. The Tenth Circuit and other circuit courts have upheld statewide injunctions covering non-parties where an injunction was necessary to ensure complete relief. *See Kansas Health Care*, 31 F.3d at 1538, 1542, 1548 (affirming preliminary injunction applying to all Medicaid-participating nursing homes in Kansas in a case brought by about half of the state’s nursing homes); *see also E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 680 (9th Cir. 2021) (issuing statewide injunction where it is “necessary to provide complete relief to the plaintiffs”); *Labrador v. Poe*, 144 S. Ct. 921, 923 (2024) (relief extends no further than “necessary to redress the plaintiff’s injuries”) (Gorsuch, J., concurring) (cleaned up). A statewide injunction is necessary to provide complete relief to Plaintiffs in this case. Plaintiff organizations Padres Unidos and LULAC OKC have many individual members across the state who will be affected by H.B. 4156, and there is no easy way of verifying membership during, for example, a traffic stop. *See Padres Unidos Decl.* ¶¶ 7-8; *LULAC OKC Decl.* ¶ 12; *see also Easyriders Freedom F.I.G.H.T. v. Hannigan*, 92 F.3d 1486, 1501–02 (9th Cir. 1996) (granting statewide injunction because a limited injunction, where officers would have to determine plaintiff status or membership on the fly during fast-moving interactions like traffic stops, would be impracticable); *Koe v. Noggle*, 688 F. Supp. 3d 1321, 1362 (N.D. Ga. 2023) (granting statewide injunction because a limited injunction would compromise the plaintiffs’ anonymity). Thus, the Court should issue statewide relief.

VI. Bond Should Be Waived.

The Court should dispense with any bond requirement in granting Plaintiffs classwide interim relief. The Court of Appeals for the Tenth Circuit “ha[s] held that a trial court may, in the exercise of discretion, determine a bond is unnecessary to secure a preliminary injunction” *Coquina Oil Corp. v. Transwestern Pipeline Co.*, 825 F.2d 1461, 1462 (10th Cir. 1987). This is especially true where, as in this case, a “case seeks to enforce a constitutional right against the government.” *Rocky Mountain Gun Owners v. Polis*, 685 F. Supp. 3d 1033, 1061 (D. Colo. 2023), *rev’d on other grounds*, 121 F.4th 96 (10th Cir. 2024).

CONCLUSION

For the foregoing reasons, the Court should issue a temporary restraining order or, in the alternative, a preliminary injunction to a provisionally certified class.

Dated: May 13, 2025

Elissa Stiles (OK Bar. No. 34030)
Rivas and Associates
P.O. Box 470348
Tulsa, OK 74147
T: (918) 419-0166
F: (918) 513-6724
estiles@rivasassociates.com

Respectfully submitted,

/s/ Devraat Awasthi
Devraat Awasthi (OK Bar. No. 35544)
Megan Lambert (OK Bar. No. 33216)
American Civil Liberties Union of
Oklahoma Foundation
P.O. Box 13327
Oklahoma City, OK 73113
T: (405) 525-3831
mlambert@acluok.org
dawasthi@acluok.org

Spencer Amdur*
Oscar Sarabia Roman*
Cody Wofsy*
American Civil Liberties Union
Foundation, Immigrants' Rights Project
425 California Street, 7th Floor
San Francisco, CA 94104
T: (415) 343-0770
samdur@aclu.org
osarabia@aclu.org
cwofsy@aclu.org

Noor Zafar*
Omar Jadwat*
Grace Choi**
American Civil Liberties Union
Foundation, Immigrants' Rights Project
125 Broad Street, 18th Floor
New York, NY 10004
T: (212) 549-2660
nzafar@aclu.org
ojadwat@aclu.org
gchoi@aclu.org

Attorneys for Plaintiffs

** Admitted pro hac vice*

***Pro hac vice application filed*

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2025, I filed a true and correct copy of the foregoing using the CM/ECF system, which will serve the filing on all counsel of record.

/s/ Devraat Awasthi
Devraat Awasthi

EXHIBIT 1

DECLARATION OF BARBARA BOE

I, Barbara Boe,¹ hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge, except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Mexico. I am 51 years old.

3. I currently have two jobs. I work at a manufacturing company and a restaurant. Working two jobs takes up most of my day, but in the past, I played a lot of soccer with friends. I cannot play soccer anymore due to some past work-related injuries and my hypertension.

4. I have not been convicted of any crimes.

5. I first entered the United States in 2000 without inspection. I was 27 years old. I have not left since I entered. I moved to Oklahoma immediately. It is my home.

I have paid my taxes every year since 2001.

6. I currently live in Tulsa, Oklahoma. I am single and have no children. I am a member of the LGBTQ community. I came to the United States to escape the oppression, discrimination, and abuse I was experiencing in Mexico due to my sexual orientation.

¹ Barbara Boe is a pseudonym.

7. I have family that live in New Jersey and North Carolina. I travel to those states often to see them and spend holidays with them. I love my family. I am especially proud of my niece in North Carolina who is a former marine.

8. I am worried that I will be arrested and convicted under H.B. 4156 and ordered to leave Oklahoma. Oklahoma is my home, and I fear being returned to a country where people like me who are gay suffer discrimination and harassment. In Tulsa, I have been accepted for who I am and have been able to form relationships and live freely as I am.

9. I also fear being banished from Oklahoma to another state because I purchased a home in Oklahoma and have a long-term job here. I fear losing everything I have worked very hard for if I had to leave the state.

10. If H.B. 4156 goes into effect, it will cause significant harm to me and others like me, who came to the United States to work and contribute to our communities.

11. I want to be a representative plaintiff in this case. I understand that if the Court grants the motion for class certification, I will represent a large number of people who, like me, would be affected by this law.

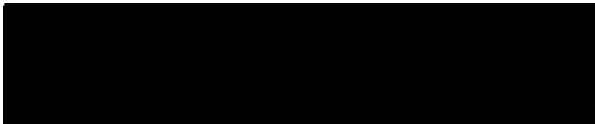
12. I understand that, as a class representative, it would be my responsibility to represent the interests of all the class members in this lawsuit, and not just my own personal interests. I also understand the need to stay informed about what is happening in the case.

13. I understand that I agree to represent many others like me. I believe it is important to help others remain here in Oklahoma, their home.

14. I am scared about my identity and participation in this lawsuit being made public because I fear for my safety. I fear that certain individuals will retaliate against me because of my participation in this lawsuit. I have heard about the current Administration or supporters retaliating against people who sue or speak out against the Administration.

I declare under penalty of perjury under the laws of the United States of America that the information provided above is true and correct.

Executed on May 9, 2025, in Tulsa, Oklahoma.

A large black rectangular redaction box covering the signature of Barbara Boe.

Barbara Boe

EXHIBIT 2

DECLARATION OF CHRISTOPHER COE

I, Christopher Coe,¹ hereby declare under the penalty of perjury under the laws of the United States of America:

1. I make this declaration based on my personal knowledge, except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am a citizen of Mexico. I am 37 years old.

3. I currently work for a construction company, helping build homes. I have been working at this company for more than 10 years.

4. I have not been convicted of any crimes, just been given a couple of traffic citations.

5. I first entered the United States without inspection in 2007. I remained in the U.S. until 2010 when I was detained by ICE, while working near the Canada border. I was returned to Mexico and remained there until 2012 when I attempted to reenter the United States without inspection. I was captured at the border, detained for 15 days, and ordered removed and returned to Mexico. Another 15 days later, I reentered the United States without inspection successfully and have lived here since then.

6. I currently live in Broken Arrow, Oklahoma, along with my wife and stepdaughter. My wife was a victim of a crime in Oklahoma and suffered trauma as a result of it.

¹ Christopher Coe is a pseudonym.

7. Because of her victimization and cooperation with authorities, we are in the process of gaining our lawful status, but we still are not lawful permanent residents.

8. I am worried that I will be arrested and convicted under H.B. 4156 and ordered to leave Oklahoma. Oklahoma is my home that I share with my wife and stepchild. I am their only primary provider and protector. I fear being separated from them and the home we have created.

9. If H.B. 4156 goes into effect, it will cause significant harm to me and others like me, who came to the United States to work and contribute to our families and communities.

10. Being removed from Oklahoma would be extremely disruptive for my family and would devastate their well-being.

11. I want to be a representative plaintiff in this case. I understand that, if the Court grants the motion for class certification, I would represent a large number of people who, like me, would be affected by this law.

12. I understand that, as a class representative, it would be my responsibility to represent the interests of all the class members in this lawsuit, and not just my own personal interests. I also understand the need to stay informed about what is happening in the case.

13. I understand that I agree to represent many other families like ours. I believe it is important to help families like ours.

14. I am scared about my identity and participation in this lawsuit being made public because I fear for my and my family's safety. I fear that certain individuals would

retaliate against us because of my participation in the lawsuit. I have heard about the current Administration or supporters retaliating against people who sue or speak out against the Administration.

I declare under penalty of perjury under the laws of the United States of America that the information provided above is true and correct.

Executed on May 2, 2025, in Tulsa, Oklahoma.

A solid black rectangular box used to redact the signature of Christopher Coe.

Christopher Coe

EXHIBIT 3

**DECLARATION OF MICHELLE LARA, EXECUTIVE DIRECTOR OF PADRES
UNIDOS**

I, Michelle Lara, pursuant to 28 U.S.C. § 1746, declare that the following statements are true and correct to the best of my knowledge and belief:

1. I make this declaration based on personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully.

2. I have been a member of Padres Unidos de Tulsa (“Padres Unidos”) since its founding in 2022. I currently serve as Founding Executive Director and point of contact for the organization.

3. Padres Unidos is a membership-based advocacy organization founded in 2022 in Tulsa, Oklahoma. The organization consists of students, parents, and teachers seeking to advocate for a quality education for Latinx immigrant students and Spanish-speaking Tulsa Public School System students.

Padres Unidos’ Mission & Programs

4. Padres Unidos’ mission is to amplify the voices of students and families to increase access to meaningful educational opportunities for immigrant students and all community members in the Tulsa Public School System.

5. Padres Unidos builds advocacy skills and organizes members of the Latinx immigrant and Spanish-speaking community to ensure access to the full range of high-quality educational services, including mental health resources, meal assistance, special education services, and reading and math achievement. The organization works

collectively to ensure that schools, school boards, and superintendents provide equitable resources and support to their students and children.

6. The organization empowers members to engage in this work by hosting in person learning sessions, more frequent virtual sessions, and supporting individual meetings with school officials to promote the educational success of Latinx immigrant and Spanish speaking students and families.

Padres Unidos' Membership

7. Padres Unidos is a membership-based organization. Membership is based on letting us know they would like to join the group and participating in our learning sessions and advocacy efforts.

8. Padres Unidos currently has over 100 members. Our members include students, parents, and educators with diverse immigration histories and statuses.

Effect of H.B. 4156 on Padres Unidos and Its Members

9. Padres Unidos serves members who will be directly affected by H.B. 4156 and the disruption, uncertainty, and fear it will create for immigrants in Oklahoma. Members who entered the United States without inspection or who previously left and reentered without authorization may be arrested and prosecuted under H.B. 4156's "Illegal Entry" or "Illegal Reentry" provisions.

10. For example, one member, Danny Doe,¹ is a 47-year-old Guatemala national who entered the United States without inspection in 2001 and has never left. He lives in

¹ Danny Doe is a pseudonym.

Tulsa with his U.S.-citizen wife and their two U.S.-citizen children. He travels outside of Oklahoma regularly for family-related travel. One of his sons has already seen a counselor due to his sadness and anxiety from worrying about his dad's immigration status. Danny works in commercial cleaning and is the primary financial provider for his family. Danny fears being criminalized for simply continuing to live in Oklahoma, where his family and life are rooted.

11. Another member, Mario Moe,² is a 39 old Salvadoran national who resides in Oklahoma with his wife and four U.S.- citizen children, including a child with a serious medical condition. He first entered the United States without inspection in 2001, receive voluntary departure in 2007, reentered in 2008, and was removed in 2013 following a reduced charge for public intoxication. He reentered that same year and has lived in Oklahoma ever since. Mario currently has a pending U visa, as he was a victim of a crime, and has received a bona fide determination. Mario is a dedicated father and active community member. He fears being arrested and separated from his children under H.B. 4156.

12. Padres Unidos has already seen a chilling effect among our members due to fear of enforcement. If H.B. 4156 is allowed to take effect, we anticipate a sharp decline in member participation in school meetings, advocacy, and public programs. Members will be less likely to attend in-person sessions or speak with public officials if they fear arrest under the new law.

² Mario Moe is a pseudonym.

I hereby declare under penalty of perjury that the foregoing is true and correct.
Executed on May 12, 2025, in Tulsa, Oklahoma.



Michelle Lara

EXHIBIT 4

**DECLARATION OF NICOLE MALDONADO, PRESIDENT OF LEAGUE OF
UNITED LATIN AMERICAN CITIZENS OKLAHOMA CITY**

I, Nicole Maldonado, pursuant to 28 U.S.C. § 1746, declare that the following statements are true and correct to the best of my knowledge and belief:

1. I am the President of League of United Latin American Citizens Oklahoma City (“LULAC OKC”), a position I have held since March 7, 2025. In my role as President, I represent LULAC OKC in building partnerships, community outreach, coalition-making, and community-based projects that are relevant to the Hispanic community to help them achieve their full potential.

2. LULAC is a nationwide, non-profit, non-partisan, membership-based organization with 535 councils (local chapters) and over 325,000 members. LULAC was established in 1929 and has its headquarters in Washington, D.C.

3. LULAC OKC is the LULAC local chapter in Oklahoma City, council number 19002. It was established in 2001. As of May 6, 2025, LULAC OKC has 34 members. LULAC OKC carries out LULAC’s mission and activities, detailed below, in the Oklahoma City area.

LULAC’s Mission and Activities

4. LULAC is the largest and oldest Latino civil rights organization in the United States. LULAC’s mission is to improve the lives of Latino families throughout the United States and to protect their civil rights in all aspects.

5. LULAC advances the economic condition, educational attainment, political influence, housing, health, and civil rights of Hispanic Americans through community-based programs operating at more than 535 LULAC councils nationwide.

6. LULAC has a national board, president, and professional staff, as well as several issue-specific committees.

7. LULAC provides citizenship application assistance and civics and citizenship education to its members, many of whom are immigrants.

8. LULAC and its affiliates provide approximately one million dollars in scholarships to Hispanic students each year. LULAC Institute programs include citizenship and voter registration drives as well as education and health events and programs that empower the Hispanic community at the local, state and national level.

9. In addition, LULAC offers educational programming to disadvantaged youth which impacts more than 18,000 Hispanic students per year at fourteen regional centers. LULAC affiliates, including LULAC's employment arm, provide job skills and literacy training to the Hispanic community through more than forty-eight employment training centers located throughout the United States. The LULAC Corporate Alliance, an advisory board of Fortune 500 companies, fosters stronger partnerships between Corporate America and the Hispanic community.

10. LULAC Oklahoma City strives to advance the economic condition, educational attainment, and health of Latino Americans through community-based programs and partnerships with local supporters. The organization involves and serves all

Latino nationality groups and welcomes individuals of all origins.

LULAC's Membership

11. LULAC's members include U.S. citizens and immigrants who are both documented and undocumented. LULAC's members have a wide range of immigration statuses and histories. For example, LULAC members include: naturalized citizens, asylees, lawful permanent residents ("LPR"), humanitarian parole recipients, recipients of Deferred Action for Childhood Arrivals ("DACA"), holders of Temporary Protected Status ("TPS"), recipients of Special Immigrant Juvenile Status ("SIJS"), former unaccompanied minors who were released to relatives or sponsors and were permitted to stay in the U.S. under the custody of the Office of Refugee Resettlement ("ORR"), federal protection beneficiaries, such as persons covered under the Violence Against Women Act ("VAWA"), holders of a visa for Victims of Human Trafficking ("T visa"), holders of a visa for Victims of Criminal Activity ("U visa"), and persons possessing orders to withhold and/or defer their removal. LULAC members also include people who have submitted applications for a wide range of immigration benefits that have yet to be resolved, people who are currently in removal proceedings, people who have been released from federal custody with and without federal notices to appear, and people who entered unlawfully and have not subsequently had contact with federal immigration authorities.

12. Our membership changes on a weekly basis, as new members join and, sometimes, existing members leave. Maintaining and updating our membership lists is an

ongoing, resource-intensive process. Given our limited capacity, it sometimes takes up to a week before a new member is reflected in our systems. We also have no existing process to confirm a person's current membership in LULAC for outside entities, and setting up and deploying that kind of system would seriously strain LULAC's resources. Many of LULAC's members will be directly harmed by H.B. 4156, as they entered the United States without inspection. Thus, they would be subject to H.B. 4156's Illegal Entry or Illegal Reentry provisions any time they enter Oklahoma, such as when they are traveling back into Oklahoma following seasonal work or vacation elsewhere.

H.B. 4156 Affects LULAC's Members

13. For example, one LULAC member, Ronaldo Roe,¹ is a Mexican national who entered the United States without inspection in 2007. He regularly travels throughout Oklahoma for work and occasionally travels out of state for personal reasons, including attending a recent wedding in Florida. He fears being arrested under H.B. 4156 and worries that this would prevent him from continuing his critical caregiving responsibilities for his brother, who requires daily dialysis, as well as for his parents and two nephews for whom he is a legal guardian, causing significant hardship to his family.

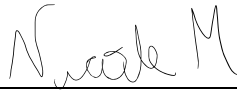
14. Another LULAC member, Soto Soe,² entered the United States without inspection in 2002. He received a voluntary departure order in 2008. He re-entered the United States without inspection in 2009, until 2014 when he received another voluntary

¹ Ronaldo Roe is a pseudonym.

² Soto Soe is a pseudonym.

departure order. After attempting to enter the United States again in 2014, he was stopped at the border and issued a removal order. He last re-entered the United States in 2015 and he has been here ever since. He is married and has a child, and though he is separated from his wife, both his wife and son are U.S. citizens. He has a pending application for lawful permanent residence under the Violence Against Women Act. He dedicates his time to caring for his son. He fears that if he is arrested or punished under H.B. 4156, he won't be able to provide and care for his son.

I hereby declare under penalty of perjury that the foregoing is true and correct.



Nicole Maldonado

Executed on this 6th day of May 2025.