

Recent court decisions relating to ICE detainers

Morales v. Chadbourne, 996 F. Supp. 2d 19 (District of Rhode Island, 2014), *affirmed on appeal*, --- F.3d ----, 2015 WL 4385945 (1st Circuit, July 17, 2015)

- [District court](#): The district court held that the plaintiff, a U.S. citizen, stated a viable Fourth Amendment claim against both ICE and Rhode Island officials where she was held for 24 hours on an ICE detainer.
- [First Circuit Court of Appeals](#): The ICE defendants appealed, arguing that they were entitled to qualified immunity because it was not clear whether the Fourth Amendment applied. The First Circuit rejected the ICE defendants' argument, affirmed the district court, and held that it was clearly established in 2009 that ICE detainers cause seizures that must comply with the Fourth Amendment. The case is now proceeding to summary judgment.

Galarza v. Szalczyk, 2012 WL 1080020 (Eastern District of Pennsylvania, 2012), *reversed in part on appeal*, 745 F.3d 634 (3rd Circuit, 2014)

- [District court](#): The district court held that the plaintiff, a U.S. citizen, stated a viable Fourth Amendment claim against both ICE and local law enforcement officials where he was held for 3 days after posting bail based on an ICE detainer. After the district court's decision, most of the defendants [settled](#): the federal defendants paid the plaintiff \$25,000, and the City of Allentown also paid the plaintiff \$25,000. However, the district court dismissed the plaintiff's claims against Lehigh County, reasoning that ICE detainers were mandatory orders from the federal government and that Lehigh County could not be held liable for enforcing them. The plaintiff appealed that portion of the district court's decision.
- [Third Circuit Court of Appeals](#): On appeal, the Third Circuit reversed the district court's decision as to Lehigh County, holding that ICE detainers are merely non-binding requests, not orders, and that Lehigh County could be held liable for its policy of detaining people on that basis. After the Third Circuit's decision, Lehigh County [settled](#) the case for \$95,000 in damages and attorneys' fees, and agreed to adopt a policy of no longer honoring ICE detainers without a court order.

Miranda-Olivares v. Clackamas County, 2014 WL 1414305 (District of Oregon, 2014)

- The [district court](#) held that the plaintiff, who was held on an ICE detainer after she would otherwise have been released on bond, was entitled to summary judgment against Clackamas County for a violation of her Fourth Amendment rights. The court explained that summary judgment was appropriate because "[t]here is no genuine dispute of material fact that the County maintains a custom or practice in violation of the Fourth Amendment to detain individuals over whom the County no longer has legal authority based only on an ICE detainer which provides no probable cause for detention." Rather than proceeding to trial on the amount of damages owed, the County [settled](#) with the plaintiff for \$30,100.

Mendoza v. Osterberg, 2014 WL 3784141 (District of Nebraska, 2014)

- The district court held that the plaintiff, a U.S. citizen, stated a viable Fourth Amendment claim against ICE officials where he was held on an ICE detainer for four days after posting bond. (The plaintiff also sued County officials, who moved to dismiss only on statute of limitations grounds. The court denied their motion in a separate order. *See Mendoza v. Osterberg*, 2014 WL 3784122 (D. Neb. July 31, 2014).) The case is now proceeding to summary judgment.

Villars v. Kubiowski, 45 F.Supp.3d 791 (Northern District of Illinois, 2014)

- The district court held that the plaintiff stated a viable Fourth Amendment claim against both ICE and local officials where he was held on an ICE detainer. Subsequently, on September 2014, the plaintiff settled his claims against the local defendants for an undisclosed amount. The case is proceeding against the ICE defendants.

Uroza v. Salt Lake County, 2013 WL 653968 (District of Utah, 2013)

- The district court held that the plaintiff stated a viable Fourth Amendment claim against ICE officials where he was held on an ICE detainer after he posted bail. The court also denied the ICE defendants' second motion to dismiss. *See Uroza v. Salt Lake County*, 2014 WL 4457300 (D. Ut. Sept. 10, 2014). The plaintiff also sued County officials for Fourth Amendment violations, but they did not move to dismiss. In August 2014, the plaintiff [settled](#) his claims against Salt Lake County for \$75,000 in damages and attorney's fees, along with policy changes. In November 2014, the plaintiff also settled his claims against the federal defendants.

Other notable detainer cases that ended in settlement

Del Agua v. Jones, No. 15-0185 (Eastern District of California, settled in 2015)

- The plaintiff, who was held in Sacramento County jail for three days on an ICE detainer, sued the Sheriff of Sacramento County for Fourth Amendment and state-law violations. The County [settled](#) with the plaintiff for \$25,000 on in March 2015.

Valdez-Sandoval v. Walcher (District of Colorado, settled before lawsuit filed)

- The plaintiff, who was held in Arapahoe County jail for three days on an ICE detainer, notified the County of her intent to sue for violations of her Fourth Amendment rights. In June 2014, the Sheriff's Office agreed to an out-of-court [settlement](#) of \$30,000 and announced that the County will no longer hold people on the basis of ICE detainers.

Quezada v. Mink, No. 10-0879 (District of Colorado, settled in 2011)

- The plaintiff, who was held in Jefferson County jail for several weeks on an ICE detainer, sued both ICE and local officials for Fourth Amendment violations. The case [settled](#) in May 2011 for \$40,000 from the local defendants, and \$50,000 from the United States.

Harvey v. City of New York, No. 07-0343 (Eastern District of New York, settled in 2009)

- The plaintiff, who was held in New York City's custody twice on ICE detainers, sued the City for Fourth Amendment violations. The case [settled](#) in June 2009 for \$145,000.