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23 **UNITED STATES DISTRICT COURT FOR THE  
24 CENTRAL DISTRICT OF CALIFORNIA**

25 THE UNITED STATES OF AMERICA,

26 Plaintiff,

27 v.

28 STATE OF CALIFORNIA; GAVIN  
NEWSOM, Governor of California, in his  
Official Capacity; ROBERT BONTA,  
Attorney General of California, in his  
Official Capacity,

Defendants.

No. 2:25-cv-10999

**COMPLAINT**

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

3 **PRELIMINARY STATEMENT**

4 1. When President Trump took office, “[o]ur southern border [was] overrun by cartels,  
5 criminal gangs, known terrorists, human traffickers, smugglers, unvetted military-age  
6 males from foreign adversaries, and illicit narcotics that harm Americans.” Proclamation  
7 10,866, Declaring a National Emergency at the Southern Border of the United States, 90  
8 Fed. Reg. 8327 (Jan. 20, 2025).

9 2. Under his leadership—and in response to the electoral mandate—the Federal Government  
10 is employing its available legal measures to end that crisis in accordance with its well-  
11 established, preeminent, and preemptive authority to regulate immigration matters. This  
12 authority derives from the United States Constitution, numerous acts of Congress, and  
13 binding United States Supreme Court precedent. *See, e.g., Arizona v. United States*, 567  
14 U.S. 387, 394–95 (2012).

15 3. California Governor Gavin Newsom has vowed to “push[] back”<sup>1</sup> against the President’s  
16 commitment to enforcing our Nation’s immigration laws. His latest resistance—imposing  
17 a mask ban and identification requirement on federal agents operating in California—  
18 violates the United States Constitution, as even Governor Newsom apparently appreciated  
19 when he acknowledged in discussing the mask ban that “[i]t appears we don’t have the  
20 legal authority for federal agents.”<sup>2</sup>

21 4. Nevertheless, Governor Newsom signed the “No Secret Police Act” (Senate Bill 627) into  
22 law on September 20, 2025. The Act, which takes effect on January 1, 2026, criminalizes  
23 federal law enforcement officers’ wearing masks in the performance of their duties in  
24 California. The Act also requires federal law enforcement agencies operating in the State

25 <sup>1</sup> Ashleigh Fields, *Newsom signs legislation banning ICE agents from wearing masks in*  
26 *California*, The Hill (Sep. 20, 2025, 19:37 ET), <https://perma.cc/CSY7-6HCA>.

27 <sup>2</sup> Lindsey Holden, *California lawmakers pass bill to ban ICE agents from wearing masks*, Politico  
(Sep. 11, 2025, 21:15 ET), <https://perma.cc/EAL3-ETZR>.

1 to adopt and publicly post a written policy regarding the use of masks by July 1, 2026.

2 5. The same day, Governor Newsom signed the “No Vigilantes Act” (Senate Bill 805),  
3 which requires, as of January 1, 2026, that non-uniformed federal law enforcement  
4 officers in California visibly display identification that includes their agency and either a  
5 name or badge number, or both, when performing their enforcement duties. Like the No  
6 Secret Police Act, the No Vigilantes Act imposes criminal penalties on federal officers for  
7 noncompliance. It further requires federal law enforcement agencies operating in  
8 California to maintain and publicly post a written policy on the visible identification of  
9 sworn personnel by January 1, 2026.

10 6. Both laws violate long-settled principles of the Supremacy Clause, under which States  
11 have no power to “in any manner control[] the operations of” the Federal Government.  
12 *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 436 (1819); *see also Mayo v. United*  
13 *States*, 319 U.S. 441, 445 (1943) (“[T]he activities of the Federal Government are free  
14 from regulation by any state.”).

15 7. The intergovernmental immunity doctrine is an outgrowth of this principle, and a state  
16 law violates intergovernmental immunity if it “regulates the United States directly or  
17 discriminates against the Federal Government or those with whom it deals.” *See North*  
18 *Dakota v. United States*, 495 U.S. 423, 435 (1990) (plurality opinion).

19 8. The No Secret Police Act and No Vigilantes Act directly regulate the Federal Government  
20 by dictating permissible uniforms for federal agents and forcing federal agencies to adopt  
21 specified policies. But the Federal Government, not California, has authority to control its  
22 own agents and activities. *See, e.g.*, 5 U.S.C. § 301 (authorizing the head of an Executive  
23 or military department to “prescribe regulations for the government of his department  
24 [and] the conduct of its employees”); 28 U.S.C. § 509 (vesting all functions of other  
25 officers, agencies, and employees of the Department of Justice in the Attorney General);  
26 8 U.S.C. § 1103(a)(2) (giving the Secretary of Homeland Security the power to “control,

1 direct[], and supervis[e]” all DHS employees).<sup>3</sup>

2 9. The No Secret Police Act also discriminates against the Federal Government by applying  
3 its requirements to federal law enforcement officers but not California State officers. *See*  
4 *United States v. City of Arcata*, 629 F.3d 986, 991 (9th Cir. 2010) (“A state or local law  
5 discriminates against the Federal Government if ‘it treats someone else better than it  
6 treats’ the government.” (quoting *North Dakota*, 495 U.S. at 438)).

7 10. Moreover, if enforced against the Federal Government, the laws would recklessly  
8 endanger the lives of federal agents and their family members and compromise the  
9 operational effectiveness of federal law enforcement activities.

10 11. Accordingly, the Federal Government does not intend to comply with the challenged laws.

11 12. Law enforcement officers thus face a real threat of criminal liability from state officials  
12 who have made clear their intent to target federal officers and disrupt federal law  
13 enforcement activities, including federal immigration enforcement.

14 13. The United States therefore brings this declaratory and injunctive action to enjoin  
15 Defendants from enforcing the unconstitutional No Secret Police Act and the No  
16 Vigilantes Act against the Federal Government.

17 **JURISDICTION AND VENUE**

18 14. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1335.

19 15. Because the Federal Government does not intend to comply with the challenged laws and  
20 because California officials have expressed their intent to target federal officials and  
21 subject them to criminal liability for any noncompliance, the United States has standing  
22 to bring this lawsuit in accordance with the pre-enforcement standing principles  
23 articulated by the Ninth Circuit in *Thomas v. Anchorage Equal Rts. Comm'n*, 220 F.3d  
24 1134, 1139 (9th Cir. 2000) (en banc). *See also Susan B. Anthony List v. Driehaus*, 573

25 <sup>3</sup> *See also* 5 U.S.C. § 5901 (directing the head of each federal agency to furnish its employees a  
26 uniform or an allowance for a uniform); 29 U.S.C. § 668 (requiring heads of federal agencies to,  
27 as part of their occupational safety and health programs, acquire, maintain, and require the use of  
safety equipment, personal protective equipment, and devices reasonably necessary to protect  
employees).

1 U.S. 149, 161–64 (2014).

2 16. Venue is proper in this District under 28 U.S.C. § 1331(b)(2) because a substantial part of  
3 Defendants' acts or omissions giving rise to this Complaint concern and impact federal  
4 law enforcement activities in this District, and throughout the State of California.  
5 17. The Court has the authority to provide the relief requested under 28 U.S.C. §§ 1651, 2201,  
6 and 2202, and its inherent equitable powers.

7 **PARTIES**

8 18. Plaintiff, the United States of America, enforces federal laws through its Executive  
9 agencies, including the Department of Justice and its component agencies—the Federal  
10 Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA)—as well  
11 as the Department of Homeland Security (DHS) and its component agencies—U.S.  
12 Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection  
13 (CBP).  
14 19. Defendant State of California is a state of the United States.  
15 20. Defendant Gavin Newsom is the Governor of California and is being sued in his official  
16 capacity.  
17 21. Defendant Robert Bonta is the Attorney General of California and is being sued in his  
18 official capacity.

19 **THE SUPREMACY CLAUSE**

20 22. The Supremacy Clause of the United States Constitution mandates that “[t]his  
21 Constitution, and the Laws of the United States which shall be made in Pursuance  
22 thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or  
23 Laws of any State to the Contrary notwithstanding.” U.S. Const. art. VI, cl. 2. Thus, a  
24 state enactment is invalid if it “stands as an obstacle to the accomplishment and execution  
25 of the full purposes and objectives of Congress,” *Hines v. Davidowitz*, 312 U.S. 52, 67  
26 (1941), or if it “regulat[es] the United States directly or discriminat[es] against the Federal  
27  
28

1 Government or those with whom it deals,” *United States v. Washington*, 596 U.S. 832,  
2 838 (2022) (citation omitted).

3 **FEDERAL LAW ENFORCEMENT**

4 23. The President has a constitutional duty to “take Care that the Laws be faithfully executed,”  
5 U.S. Const. art. II § 3.

6 24. Subordinate officers in various federal agencies assist the President in discharging that  
7 duty. *See Seila L. LLC v. Consumer Fin. Prot. Bureau*, 591 U.S. 197, 203–04 (2020); *see*  
8 *also Tennessee v. Davis*, 100 U.S. 257, 263 (1879) (stating that the Federal Government  
9 “can act only through its officers and agents”).

10 25. Because the authority to execute the laws “extend[s] over the whole territory of the Union,  
11 acting upon the States and upon the people of the States,” federal officers and agents “must  
12 act within the States.” *Davis*, 100 U.S. at 263.

13 26. Accordingly, federal law enforcement activities take place within the several States,  
14 including California.

15 27. For example, DHS, through ICE and CBP, is principally responsible for enforcing the  
16 nation’s immigration laws.

17 28. Those laws are primarily contained in the Immigration and Nationality Act (INA), and,  
18 pursuant to Congress’s power to “establish a uniform Rule of Naturalization,” U.S. Const.  
19 art. I § 8, cl. 4, make up the framework for the “governance of immigration and alien  
20 status,” *see Arizona*, 567 U.S. at 395.

21 29. The INA confers upon the Executive Branch broad authority to inspect, investigate, arrest,  
22 detain, and remove aliens who are unlawfully in the United States. *See, e.g.*, 8 U.S.C.  
23 §§ 1182, 1225–29a, 1231.

24 30. As another example, the DEA enforces the nation’s controlled substances laws. *See*  
25 *generally* The Controlled Substances Act (CSA), codified as amended at 21 U.S.C.  
26 §§ 801, *et seq.*

1 31. In carrying out that mission, the DEA investigates and aids in the prosecution of major  
2 violators of controlled substances laws; seizes and forfeits assets derived from illicit drug  
3 trafficking; and manages a national drug intelligence program in cooperation with federal,  
4 state, local, and foreign officials. *See* 28 C.F.R. § 0.100–0.101.<sup>4</sup>

5 32. Finally, the FBI is charged with rooting out violent crime, defending the homeland against  
6 terrorist attacks, and investigating and combating cybercrime, among other duties. It  
7 carries out this mission through numerous operations throughout the country and in  
8 partnership with state and local officials. *See id.* § 0.85.<sup>5</sup>

9 33. The above federal agencies perform a significant portion of their law enforcement  
10 activities in the State of California.

#### **FACTUAL BACKGROUND**

11 34. On a single day, Governor Newsom signed into law two bills that purport to regulate  
12 “federal law enforcement agenc[ies]” operating in the State. *See* No Secret Police Act  
13 §§ 2(d)(2)(C), 3(e); *see also* No Vigilantes Act §§ 2(c)(2)(C), 10(d)(2). The Acts prohibit  
14 officers of those agencies from wearing facial coverings in the performance of their duties,  
15 *see* No Secret Police Act § 3, require officers who are not in uniform to visibly display  
16 identification, *see* No Vigilantes Act § 10, and direct the agencies to adopt written policies  
17 on the use of facial coverings and identification, *see* No Secret Police Act § 2; *see also*  
18 No Vigilantes Act § 2. Governor Newsom called both laws a “direct response”<sup>6</sup> to recent  
19 immigration enforcement activities in California.

#### **The No Secret Police Act**

21 35. The No Secret Police Act (Senate Bill 627), which was signed into law on September 20,  
22 2025 and takes effect on January 1, 2026, bans certain law enforcement officers from  
23 “wear[ing] a facial covering that conceals or obscures their facial identity in the

25 <sup>4</sup> *See also* DEA Mission Statement, DEA, <https://perma.cc/99W4-98GL>.

26 <sup>5</sup> *See also* FBI, About, Mission and Priorities, <https://www.fbi.gov/about/mission> (last visited Nov. 14, 2025).

27 <sup>6</sup> Miranda Jeyaretnam, *California Bans ICE Agents From Wearing Masks to Conceal Identity*, TIME (Sep. 22, 2025, 5:00 ET), <https://perma.cc/GS9L-EWT8>.

1 performance of their duties,” No Secret Police Act § 3, and requires law enforcement  
2 agencies operating in California to maintain and publicly post a written policy on the use  
3 of facial coverings by July 1, 2026, *id.* § 2.

4 36. The law broadly defines facial covering to mean “any opaque mask, garment, helmet,  
5 headgear, or other item that conceals or obscures the facial identity of an individual” but  
6 does not include translucent face shields, N95 or medical masks, head devices necessary  
7 for underwater use, motorcycle helmets, or eyewear necessary to protect from retinal  
8 weapons. *Id.* § 3.

9 37. For purposes of the policy requirement, “law enforcement agency” means any entity of a  
10 city, county, or other local agency that employs a peace officer<sup>7</sup>; any law enforcement  
11 agency of another state; or any federal law enforcement agency. *Id.* § 2(d)(2). This  
12 definition does not include any California State agency.

13 38. The policy must include a purpose statement affirming the agency’s commitment to  
14 transparency, accountability, and public trust; a restriction on the use of facial coverings  
15 to specific, limited circumstances; and the principle that generalized and undifferentiated  
16 fear about officer safety shall not be sufficient to justify the use of facial coverings.  
17 *Id.* § 2(b)(1).

18 39. The policy must prohibit sworn personnel from using a facial covering when performing  
19 their duties, subject to “narrowly tailored exemptions” to include active undercover  
20 operations; tactical operations where protective gear is required for physical safety;  
21 applicable law governing occupational health and safety; protection of identity during  
22 prosecution; and applicable law governing reasonable accommodations. *Id.* § 2(b)(2)–(3).

23 40. The mask ban applies to any “law enforcement officer,” meaning “a peace  
24 officer . . . employed by a city, county, or other local agency” and “any officer or agent of  
25 a federal law enforcement agency or any law enforcement agency of another state,”

26  
27 <sup>7</sup> Under California law, peace officers are public servants who enforce the law and have arrest  
28 authority. *See Cal. Penal Code § 830, et seq.*

1 including any person acting on behalf of a federal or out-of-state law enforcement agency.

2 *Id.* § 3(e). As with the policy requirement, that definition excludes California State  
3 officers. *See id.*

4 41. The mask ban’s “narrowly tailored exemptions” include the exemptions identified above,  
5 *see supra* ¶39, as well as active Special Weapons and Tactics (SWAT) team duties. *Id.*  
6 § 3(c).

7 42. Willful and knowing violations of the mask ban are “punishable as an infraction or a  
8 misdemeanor.” *Id.* § 3(d). Those criminal penalties do not apply to law enforcement  
9 officers whose agency maintains and publicly posts a written policy on the use of face  
10 coverings compliant with the Act. *Id.* § 3(f).

11 43. Any law enforcement officer who commits an assault, battery, false imprisonment, false  
12 arrest, abuse of process, or malicious prosecution while wearing a facial covering in  
13 violation of the Act “shall not be entitled to assert any privilege or immunity for their  
14 tortious conduct against a claim of civil liability, and shall be liable to that individual for  
15 the greater of actual damages or statutory damages of not less than ten thousand dollars  
16 (\$10,000), whichever is greater.” *Id.* § 3(g).

17 **The No Vigilantes Act**

18 44. The No Vigilantes Act, which was also signed into law on September 20, 2025, and in  
19 relevant part takes effect on January 1, 2026, requires non-uniformed law enforcement  
20 officers operating in California to visibly display identification—which must include their  
21 agency and either a name or badge number, or both a name and badge number—when  
22 performing enforcement duties. No Vigilantes Act § 10.

23 45. The Act also requires law enforcement agencies operating in the State to maintain and  
24 publicly post a written policy on the visible identification of sworn personnel. *Id.* § 2.

25 46. The policy requirement applies to any law enforcement agency, department, or other entity  
26 of the state or any political subdivision thereof that employs a peace officer; any law  
27 enforcement agency of another state; and any federal law enforcement agency. *Id.*

§ 2(c)(2).

47. The policy must include a purpose statement affirming the agency's commitment to transparency, accountability, and public trust, *see id.* § 2(a)(1), and “[a] list of narrowly tailored exemptions” that includes undercover officers; officers engaged in plainclothes operations working with specified state agencies or the federal equivalents of those state agencies; officers wearing personal protective equipment (PPE) that prevents display; and exigent circumstances, *id.* § 2(a)(3)(A)–(D). An exemption is also permitted when there is a specific, articulable, and particularized reason to believe identification would pose a significant danger to the physical safety of the officer. *Id.* § 2(a)(3)(E).
48. The identification requirement applies to peace officers under California law and any federal law enforcement officer engaged in enforcement duties, meaning “active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.” *Id.* § 10(d)(1)–(2).
49. The identification requirement contains exceptions, including for active undercover operations or investigative activities; plainclothes operations undertaken for certain state agencies and their federal equivalents; operations requiring PPE that prevents display; exigent circumstances; and active SWAT or tactical team duties. *Id.* § 10(b)(1)–(5).
50. A willful and knowing violation of the identification requirement is punishable as a misdemeanor under California law. *Id.* § 10(c). Criminal penalties for not displaying identification do not apply to personnel of an agency that maintains a written policy compliant with the Act. *Id.* § 10(e).

## **The United States Will Not Comply with Either Law**

51. Federal law enforcement agencies cannot and will not comply with the challenged Acts, which are unconstitutional and recklessly disregard officers' safety and federal operational needs.
52. Now is an extraordinarily dangerous time to serve in federal law enforcement.

1 53. ICE officers alone “are facing a more than 1000% increase in assaults against them”<sup>8</sup> and  
2 “an 8,000% increase in death threats against them.”<sup>9</sup> These threats are coming from  
3 rioters, illegal aliens, as well as “highly sophisticated gangs like Tren de Aragua and MS-  
4 13, criminal rings, murderers, and rapists.”<sup>10</sup>

5 54. The threats to federal officers are serious and potentially deadly. They range from  
6 taunting, online doxxing, and stalking, to “vehicles being used as weapons towards”  
7 officers<sup>11</sup> and even bounties being “placed on their heads for their murders.”<sup>12</sup>

8 55. For instance, during ICE enforcement actions, individuals can be heard threatening to  
9 doxx and find out who officers and their family members are and where they live.

10 56. There are even public websites that seek and publish personal information about ICE and  
11 other federal officers to harass and threaten them and their families.

12 57. Officers are therefore facing an intensely hostile environment that jeopardizes their safety  
13 and that of their families. Indeed, there have been multiple instances where ICE officers  
14 have been followed, and their families have been contacted and threatened by individuals  
15 who uncovered their personal information.<sup>13</sup>

16 58. In October, a Halloween display in Houston included “a mock execution ground” with  
17 figures depicting ICE agents hanging by their necks “from homemade gallows with zip  
18 ties in their pockets” and “surrounded by coffins [and] barbed wire.”<sup>14</sup>

19  
20  
21 <sup>8</sup> Press Release, DHS, Despite 1000% Increase in Assaults on ICE Officers, Governor Newsom  
22 Signs Unconstitutional Law to Ban Law Enforcement Officer Protections (Sep. 22, 2025),  
<https://perma.cc/K3P9-K4H9> [hereinafter Press Release, 1,000% Increase in Assaults].

23 <sup>9</sup> Press Release, DHS, 8000% Increase in Death Threats Against DHS, ICE Law Enforcement as  
24 They Risk Their Lives to Remove the Worst of the Worst (Oct. 30, 2025),  
<https://perma.cc/VXK9-MSBQ> [hereinafter Press Release, 8000% Increase in Death Threats].

25 <sup>10</sup> See Press Release, 1,000% Increase in Assaults, *supra* note 8.

26 <sup>11</sup> See *id.*

27 <sup>12</sup> See Press Release, 8000% Increase in Death Threats, *supra* note 9.

<sup>13</sup> See *id.*; see also Press Release, DHS, DHS Condemns Dangerous Doxxing and Escalating  
Threats Against Federal Law Enforcement Officers (Oct. 9, 2025), <https://perma.cc/86TM-H9ZE>  
[hereinafter Press Release, DHS Condemns Dangerous Doxxing].

<sup>14</sup> Press Release, DHS Condemns Dangerous Doxxing, *supra* note 13.

1 59. Also in October, an illegal alien was arrested by DHS “after he posted on TikTok in  
2 Spanish soliciting the murder of ICE agents.”<sup>15</sup>

3 60. Some doxxing and harassment incidents in California have resulted in federal charges. A  
4 man was arrested in September for posting an ICE attorney’s personal information online  
5 and urging others to harass her.<sup>16</sup> And three women were indicted by a federal grand jury  
6 that month for livestreaming their pursuit of an ICE agent to his home and then posting  
7 his home address on Instagram.<sup>17</sup>

8 61. Sadly, the violent rhetoric, doxxing, harassment, and threats have also led to direct  
9 violence against federal officers. Earlier this month, shots were fired at CBP agents while  
10 conducting immigration enforcement operations in Chicago.<sup>18</sup> And on September 24, a  
11 sniper fired indiscriminately at an ICE facility in Dallas, killing several detainees.<sup>19</sup> Bullet  
12 casings found at the scene read: “Anti-ICE.”<sup>20</sup>

13 62. The Ninth Circuit in *Newsom v. Trump*, 141 F.4th 1032, 1041 (9th Cir. 2025) found that  
14 the violence against federal officers and attempts to impede federal law enforcement were  
15 so severe in Los Angeles to justify deploying the National Guard.

16 63. Given the personal threats and violence that agents face, federal law enforcement agencies  
17 allow their officers to choose whether to wear masks to protect their identities and provide  
18 an extra layer of security.

19 64. Denying federal agencies and officers that choice would chill federal law enforcement and  
20 deter applicants for law enforcement positions.

21 65. The challenged laws would also compromise federal agencies’ operational effectiveness.

22 <sup>15</sup> See Press Release, 8000% Increase in Death Threats, *supra* note 9.

23 <sup>16</sup> See ICE, California man accused of doxxing ICE employee now in custody (Sep. 26, 2025),  
<https://perma.cc/F9YE-EU73>.

24 <sup>17</sup> Associated Press, *Federal prosecutors charge 3 activists with ‘doxing’ of ICE agent in Los*  
*Angeles*, PBS (Sep. 29, 2025 14:15 ET), <https://perma.cc/55RN-PP5H>; see also Press Release,  
DHS Condemns Dangerous Doxxing, *supra* note 13.

25 <sup>18</sup> Homeland Security (@DHSgov), X (Nov. 8, 2025, 14:27 ET), <https://perma.cc/J35L-MJE3>.

26 <sup>19</sup> See Press Release, DHS, DHS Issues Statement on Targeted Attack on Dallas ICE Facility  
(Sep. 24, 2025), <https://www.dhs.gov/news/2025/09/24/dhs-issues-statement-targeted-attack-dallas-ice-facility>.

27 <sup>20</sup> *Id.*

1 66. If federal agents were forced to comply with the challenged laws, the laws would thwart  
2 plainclothes surveillance—the whole point of which is not to reveal officers' identities to  
3 mitigate the risk of evasion by targets. The challenged provisions would also enable  
4 suspects to identify officers who may be involved in future enforcement actions, including  
5 undercover operations. Because suspects who recognize officers may take preemptive  
6 actions to evade apprehension and obstruct enforcement efforts, masking is critical for  
7 maintaining operational effectiveness, especially in areas where repeat offenders or  
8 organized criminal networks are prevalent.

9 67. Finally, the threat of criminal liability for noncompliance will only further exacerbate the  
10 chilling effect of these laws.

11 68. The threat of prosecution is not merely hypothetical. Federal agencies will not comply  
12 with these unconstitutional and dangerous laws. As a result, individual officers face the  
13 risk of criminal prosecution by California officials: Representatives Nancy Pelosi and  
14 Kevin Mullin released an official statement declaring that "state and local authorities may  
15 arrest federal agents if they break California law" and federal officers will not have  
16 immunity.<sup>21</sup> And San Francisco District Attorney Brooke Jenkins said she was open to  
17 charging federal officers for violations of California law.<sup>22</sup>

18 69. California presumably would not have expressly included federal law enforcement in the  
19 Acts' coverage if the State intended otherwise.

20 70. Thus, the No Secret Police Act and No Vigilantes Act have the purpose and likely effect  
21 of impeding federal law enforcement in the State of California. Indeed, as the politicians  
22 that sponsored these laws made clear, undermining federal law enforcement of which they  
23 disapprove is the whole point.<sup>23</sup>

24 <sup>21</sup> Press Release, Congresswoman Nancy Pelosi, Pelosi, Mullin Statement on Reports of Planned  
25 Federal Immigration Operation in Bay Area (Oct. 22, 2025), <https://perma.cc/FJX9-JY24>.

26 <sup>22</sup> Heather Knight and Kellen Browning, *Pelosi Says Police May Arrest Federal Agents Who  
Violate California Law*, New York Times (Oct. 22, 2025), <https://perma.cc/D2L5-3XVK>.

27 <sup>23</sup> See Miranda Jeyaretnam, *supra* note 6; Press Release, Scott Wiener Representing Senate  
District 11, Governor Newsom Signs Senator Wiener's Ban On Extreme Masking By ICE &  
Other Law Enforcement (Sep. 20, 2025), <https://perma.cc/W9LR-ZL84>.

## **CLAIMS FOR RELIEF**

## **COUNT ONE – VIOLATION OF THE SUPREMACY CLAUSE**

## (UNLAWFUL REGULATION OF THE FEDERAL GOVERNMENT)

71. Plaintiff hereby incorporates paragraphs 1 through 70 of the Complaint as if fully stated herein.
72. Defendants' enforcement of the challenged provisions of the No Secret Police Act and the No Vigilantes Act constitutes unlawful regulation of the Federal Government.
73. The No Secret Police Act purports to ban federal agents from wearing certain masks while performing their duties in California and subjects those agents to criminal liability for noncompliance.
74. The No Vigilantes Act purports to require non-uniformed federal agents to display visible identification while performing their duties in California, and it, too, carries criminal penalties for noncompliance.
75. The challenged laws also purport to require federal law enforcement agencies to issue a mask policy by July 1, 2026 and a visible identification policy by January 1, 2026.
76. The No Secret Police Act and the No Vigilantes Act therefore purport to directly regulate the Federal Government in violation of the intergovernmental immunity doctrine.
77. The Federal Government would be harmed if forced to comply with either Act, and also faces harm from the real threat of criminal liability for noncompliance.
78. Accordingly, the challenged laws are invalid under the Supremacy Clause and their application to the Federal Government should be preliminarily and permanently enjoined.

## COUNT TWO – VIOLATION OF THE SUPREMACY CLAUSE

## **(UNLAWFUL DISCRIMINATION AGAINST THE FEDERAL GOVERNMENT)**

79. Plaintiff hereby incorporates paragraphs 1 through 78 of the Complaint as if fully stated herein.
80. The challenged provisions of the No Secret Police Act unlawfully discriminate against the Federal Government.

- 1 81. Those provisions apply to federal law enforcement officers and agencies but not
- 2 California State officers or agencies.
- 3 82. The challenged provisions therefore subject federal officers to unfavorable and
- 4 uncooperative treatment as compared to their State counterparts in California.
- 5 83. The No Secret Police Act thereby constitutes unlawful discrimination against the Federal
- 6 Government in violation of the intergovernmental immunity doctrine.
- 7 84. The Federal Government would be harmed if forced to comply with the Act, and also
- 8 faces harm from the real threat of criminal liability for noncompliance.
- 9 85. Accordingly, the challenged provisions of the No Secret Police Act are invalid under the
- 10 Supremacy Clause and their application to the Federal Government should be
- 11 preliminarily and permanently enjoined.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, the United States respectfully requests the following relief:

- 14 1. That this Court enter a judgment declaring that the challenged provisions of the No Secret
- 15 Police Act and the No Vigilantes Act violate the Supremacy Clause and are therefore
- 16 invalid as applied to federal agencies and officers;
- 17 2. That this Court issue preliminary and permanent injunctions that prohibit Defendants, as
- 18 well as their successors, agents, and employees, from enforcing the challenged provisions
- 19 of the No Secret Police Act and the No Vigilantes Act against federal agencies and
- 20 officers;
- 21 3. That this Court award the United States its costs and fees in this action; and
- 22 4. That this Court award any other relief it deems just and proper.

23 DATED: November 17, 2025

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