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13 *forthcoming*

14 **UNITED STATES DISTRICT COURT**  
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 ROCÍO SANCHEZ PONCE,

18 Plaintiff,

19 v.

20 KATHY A. BARAN, Director, California  
21 Service Center; KEVIN MEDLOCK,  
22 Associate Director, California Service Center;  
23 SUSAN M. CURDA, District Director;  
24 DONALD W. NEUFELD, Associate Director,  
25 Service Center Operations; and LEÓN  
26 RODRÍGUEZ, Director, U.S. Citizenship &  
27 Immigration Services,

28 Defendants.

CASE NO.

**COMPLAINT**

1 Plaintiff Rocío Sanchez Ponce, by and through her counsel, alleges the following on  
2 information and belief:

### 3 INTRODUCTION

4 This action challenges the U.S. Department of Homeland Security's ("DHS") unlawful  
5 revocation of the employment authorization of Plaintiff Rocío Sanchez Ponce—a young California  
6 resident who has lived in the Bay Area virtually her entire life—which was done solely on the basis  
7 of a preliminary injunction entered by a U.S. District Court in Brownsville, Texas. *Texas v. United*  
8 *States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015), *aff'd*, 809 F.3d 134 (5th Cir. 2015), *aff'd by an equally*  
9 *divided court*, 136 S. Ct. 2271 (2016) (per curiam). The preliminary injunction in *Texas v. United*  
10 *States*, upon which Defendants relied in revoking Ms. Sanchez Ponce's employment authorization,  
11 was unlawfully broad, as Texas and the other plaintiffs in that case lacked standing to obtain, and  
12 the district court lacked jurisdiction or remedial authority to enter, a preliminary injunction reaching  
13 California. Ms. Sanchez Ponce is not and has never been a party to the *Texas v. United States*  
14 lawsuit, she did not have a full and fair opportunity to defend her interests in that action, and no  
15 other party there adequately represented them. Defendants' revocation of Ms. Sanchez Ponce's  
16 employment authorization violated her rights under the Administrative Procedure Act, 5 U.S.C. §  
17 551 *et seq.*

18 Ms. Sanchez Ponce came to the United States from Mexico at age six and has lived in the  
19 Bay Area since, for nearly 17 years. Ms. Sanchez Ponce considers the Bay Area her only home.  
20 This is where she's made a life with her partner, who is a U.S. citizen, and her two young U.S.  
21 citizen children, ages 3 and 4 months.

22 In December 2014, Ms. Sanchez Ponce submitted her application for Deferred Action for  
23 Childhood Arrivals ("DACA"), a federal initiative providing temporary relief from deportation that  
24 DHS established in 2012. DHS received her application on December 22, 2014, and approved it on  
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1 February 11, 2015.

2 Pursuant to a November 20, 2014 announcement, which expanded the period of deferred  
3 action and employment authorization under DACA from two years to three, Defendants approved  
4 Ms. Sanchez Ponce’s DACA application and employment authorization for a three-year period.  
5 Several months later, on May 1, 2015, DHS sent Ms. Sanchez Ponce a letter stating that her three-  
6 year period of employment authorization had been revoked and replaced by an employment  
7 authorization valid for just two years. The sole ground given for this action was the preliminary  
8 injunction issued in *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015).

9  
10 The government’s reliance on the unlawfully broad *Texas v. United States* preliminary  
11 injunction was legally erroneous. Ms. Sanchez Ponce asks this Court to: (1) declare that the  
12 February 2015 preliminary injunction entered in *Texas v. United States* does not apply to California  
13 residents such as herself; (2) declare unlawful Defendants’ revocation of her employment  
14 authorization; (3) vacate and set aside the unlawful revocation, and order reinstatement of Ms.  
15 Sanchez Ponce’s three-year employment authorization; and (4) enjoin Defendants from revoking  
16 her employment authorization on the basis of the preliminary injunction entered in *Texas v. United*  
17 *States*.

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19 **JURISDICTION AND VENUE**

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21 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as this case arises  
22 under the United States Constitution and the Administrative Procedure Act (“APA”), 5 U.S.C. § 551 *et seq.*  
23 This Court has remedial authority pursuant to the APA, *id.* § 706, as well as the Declaratory Judgment Act,  
24 28 U.S.C. §§ 2201-02.

25 2. Venue is proper in the Northern District of California because Plaintiff resides in the district.  
26 28 U.S.C. § 1391(e)(1). Venue also properly lies in the Northern District of California because a substantial  
27 part of the events or omissions giving rise to this action occurred in the district. *Id.* § 1391(b).

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**PARTIES**

3. Plaintiff Rocío Sanchez Ponce (“Rocío Sanchez Ponce” or “Ms. Sanchez Ponce”) is a recipient of Deferred Action for Childhood Arrivals (“DACA”). She resides in Hayward, California.

4. Defendant Kathy Baran is the Director of the California Service Center of the United States Citizenship and Immigration Services (“USCIS”), a component agency of DHS. She is sued in her official capacity.

5. Defendant Donald W. Neufeld is the Associate Director for Service Center Operations of USCIS. He is sued in his official capacity.

6. Defendant Kevin Medlock is the Associate Director of the California Service Center of USCIS. He is sued in his official capacity.

7. Defendant Susan M. Curda is a District Director of USCIS. She is sued in her official capacity.

8. Defendant León Rodríguez is the Director of USCIS. He is sued in his official capacity.

**STATEMENT OF FACTS**

**USCIS Issuance of Employment Authorization to DACA Recipients**

9. By statute, USCIS may grant employment authorization to certain classes of noncitizens. 8 U.S.C. § 1324a(h)(3)(B). One such class is individuals “who ha[ve] been granted deferred action, an act of administrative convenience to the government which gives some cases lower priority, if the alien establishes an economic necessity for employment.” 8 C.F.R. § 274a.12(c)(14).

10. USCIS grants employment authorization to DACA recipients, including Ms. Sanchez Ponce, under this category. When USCIS grants employment authorization, it issues to the recipient an Employment Authorization Document (“EAD”).

11. Employment authorization is essential to DACA recipients who are trying to build their lives in the United States. It allows them to raise funds for post-secondary education or professional training, participate in the workforce, pay for necessary health care costs, support themselves and their families, and save for the future.

1           12. Under USCIS regulations, the agency has discretion to grant or deny employment  
2 authorization applications and to establish the initial period of employment authorization.

3           13. Once the agency exercises its discretion and grants employment authorization, however,  
4 federal regulations limit USCIS' authority to revoke the authorization. *See* 8 C.F.R. § 274a.14(b).

5           14. Revocation is permissible only when a condition upon which employment authorization was  
6 granted has not been met or ceases to exist; upon a showing that the information in the application is not true  
7 and correct; or for "good cause shown." *Id.* § 274a.14(b)(1).

8           15. None of these circumstances or enumerated grounds for revocation applied to Ms. Sanchez  
9 Ponce.

10           16. Additionally, if USCIS seeks to revoke a non-citizen's authorization to work, regulations  
11 require USCIS to provide written notice of intent before revoking employment authorization. *Id.* §  
12 274a.14(b)(2). The notice must state the grounds upon which revocation is warranted, and once served, the  
13 regulations provide the affected party fifteen days to submit countervailing evidence. *Id.*

14           17. Defendants failed to provide Ms. Sanchez Ponce with a written notice of intent prior to  
15 revoking her employment authorization.

16           18. The regulations further provide that an affected party may not appeal the agency's  
17 determination to revoke employment authorization. *Id.*

18           19. USCIS is bound by these regulations, which constrain its power to revoke employment  
19 authorization for the period of time granted. Accordingly, these regulations create a legal right to a proper  
20 process for revocation and a legitimate claim of entitlement to employment authorization once granted. *See*  
21 *id.* § 274a.14(b).

22           20. Under the original 2012 DACA guidance, USCIS grants deferred action and employment  
23 authorization for a period of two years, subject to renewal for additional two-year periods. Mem. of Janet  
24 Napolitano, Sec'y of Homeland Security, to Alejandro Mayorkas, Director, USCIS, *Exercising Prosecutorial*  
25 *Discretion with Respect to Individuals Who Came to the United States as Children*, June 15, 2012 ("2012  
26 DACA Memorandum") (attached hereto as Exhibit A). Pursuant to the 2012 DACA Memorandum,  
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1 individuals who came to the United States as children, lack a serious criminal history, attend school, and  
2 meet other criteria may request that the DHS Secretary grant them deferred action for a two-year period.  
3 Those granted deferred action in this manner are also eligible for employment authorization and a Social  
4 Security card. *See id.*

5 21. On November 20, 2014, President Obama and Secretary of Homeland Security Jeh Johnson  
6 announced a series of further executive actions for immigration relief, including the creation of the Deferred  
7 Action for Parents of Americans and Lawful Permanent Residents (“DAPA”) program. Mem. of Jeh Charles  
8 Johnson, Sec’y of Homeland Security, to León Rodríguez, Director, USCIS, *Exercising Prosecutorial*  
9 *Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to*  
10 *Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents* 3, Nov. 20, 2014 (“2014  
11 DACA/DAPA Memorandum”) (attached hereto as Exhibit B).

12 22. The 2014 DACA/DAPA Memorandum also outlined an expansion of DACA, liberalizing  
13 the eligibility criteria and authorizing the grant or renewal of deferred action and employment authorization  
14 for a period of three years (“expanded DACA”). *Id.*

### 16 **The Texas v. United States Litigation**

17 23. On December 3, 2014, Texas and thirteen other states, along with the governors of four  
18 additional states, filed a civil action in the Brownsville Division of the U.S. District Court for the Southern  
19 District of Texas against DHS Secretary Jeh Johnson and other federal immigration officials, seeking a  
20 preliminary injunction to halt the implementation of DAPA and expanded DACA. Eight more states and  
21 one state attorney general later joined the suit as plaintiffs.

22 24. Neither the State of California nor any California official joined the lawsuit as a party. Three  
23 Texas residents who were potential beneficiaries of DAPA moved to intervene, but the district court denied  
24 that motion.

25 25. Without holding an evidentiary hearing, Judge Andrew S. Hanen entered a preliminary  
26 injunction in favor of plaintiffs on February 16, 2015, enjoining the Secretary’s implementation of DAPA  
27 and expanded DACA, including, of relevance here, the new DACA provision permitting a grant or renewal  
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1 of deferred action and employment authorization for a period of three years. By its terms, the preliminary  
2 injunction applied nationwide. *Texas v. United States*, 86 F. Supp. 3d 591, 677-78 (S.D. Tex. 2015).

3 26. Judge Hanen’s preliminary injunction relied on a finding that Texas had sufficiently satisfied  
4 the necessary standing requirements for the granting of injunctive relief. *Id.* at 620. The Court stated, “If  
5 the majority of the DHS Directive beneficiaries residing in [Texas] apply for driver’s licenses, Texas will  
6 bear directly a \$174.73 per applicant expense, costing the state millions of dollars.” *Id.* Judge Hanen’s order  
7 was also based on a determination that adoption of DAPA and expanded DACA violated the APA’s  
8 procedural requirements, and that, consequently, Texas and other plaintiff states had a substantial likelihood  
9 of success on the merits. *Id.* at 671-72.

10 27. The plaintiffs did not include class allegations in their complaint, and did not move for or  
11 obtain class certification on a nationwide or other basis.

12 28. The government appealed to the U.S. Court of Appeals for the Fifth Circuit. On appeal,  
13 fifteen states—including California—as well as the District of Columbia filed an amicus curiae brief in  
14 support of the government.

15 29. These states and the District of Columbia denied that implementation of DAPA or expanded  
16 DACA created any risk of harm to them, pointing out that the types of costs Texas alleged are a matter of  
17 state choice, not federal coercion, and contending that the district court had little information to determine  
18 the cost of licensing under DAPA and expanded DACA outside of Texas. They also argued that since the  
19 only evidence of harm cited was confined to Texas, the preliminary injunction was overbroad, and the court  
20 should at the very least limit it to plaintiff states, if not to Texas alone.

21 30. A divided Fifth Circuit panel affirmed entry of the preliminary injunction, *Texas v. United*  
22 *States*, 809 F.3d 134 (5th Cir. 2015), while unanimously reversing the denial of the motion to intervene by  
23 the three Texas residents who would be potential beneficiaries of DAPA, *Texas v. United States*, 805 F.3d  
24 653 (5th Cir. 2015).

25 31. On June 23, 2016, the Supreme Court affirmed the Fifth Circuit decision by an equally  
26 divided court, leaving the Fifth Circuit opinion in place without setting any precedent. *United States v. Texas*,

1 136 S. Ct. 2271 (2016) (per curiam), *rehearing denied*, 2016 WL 5640497 (Oct. 3, 2016); *see Neil v. Biggers*,  
2 409 U.S. 188 (1972) (noting that “[t]he legal effect” of an equally divided opinion “would be the same if the  
3 appeal, or writ of error, were dismissed”).

4 32. On May 19, 2016, Judge Hanen issued an expansive sanctions order, directing the  
5 government to file under seal a list of the names, addresses, contact information, and alien registration  
6 numbers of all individuals in the Plaintiff States granted benefits under the 2014 DACA/DAPA  
7 Memorandum between November 20, 2014 and March 3, 2015, for possible future release. Mem. Op. &  
8 Order, *Texas v. United States*, No. B-14-254 (S.D. Tex. May 19, 2016), ECF No. 347 (“Sanctions Order”)  
9 (attached hereto as Exhibit C). He further ordered that “any attorney employed at the Justice Department in  
10 Washington, D.C. who appears, or seeks to appear, in a court (state or federal) in any of the 26 Plaintiff  
11 States annually attend a legal ethics course” for five years. *Id.* at 25-26. Following the filing of two petitions  
12 for writs of mandamus with the Fifth Circuit, Judge Hanen stayed the Sanctions Order pending further  
13 proceedings.

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15 **Plaintiff Rocío Sanchez Ponce**

16 33. Rocío Sanchez Ponce was born in Mexico and raised in Hayward, California from the age  
17 of six. Together with her partner, who is a U.S. citizen, Ms. Sanchez Ponce is raising two young children, a  
18 three-year-old boy and four-month-old girl, who are U.S. citizens. Ms. Sanchez Ponce’s mother also lives  
19 in the Bay Area and would likely be eligible for DAPA were it implemented. She has one older sister who  
20 suffers from a severe medical condition, and two younger brothers, one of whom is a U.S. citizen and the  
21 other of whom is a legal permanent resident. Ms. Sanchez Ponce consider the Bay Area her home, as it is  
22 the only place she has lived since age six.

23 34. Ms. Sanchez Ponce attended Ruus Elementary School and Cesar E. Chavez Middle School  
24 in Hayward, California.

25 35. Ms. Sanchez Ponce attended Tennyson High School from 2007 until 2011. During this time  
26 she experienced increased exclusion from social and academic opportunities as result of her immigration  
27 status. Feeling discouraged about her ability to continue her education after high school, Ms. Sanchez Ponce  
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1 decided mid-way through her senior year to stop attending high school in order to begin working to help  
2 support her mother and siblings.

3           36. When President Obama announced the DACA initiative in 2012, Ms. Sanchez Ponce  
4 experienced renewed hope in her future, and decided to return to school in order to complete her high school  
5 diploma. She completed her high school education at Hayward Adult School, graduating in May 2014.

### 6 **Approval of DACA Application and Issuance of Three-Year EAD**

7           37. On November 20, 2014, President Obama and the Secretary of Homeland Security  
8 announced the expansion of DACA and the creation of DAPA. *See supra* ¶ 18-19; Exhibit B.

9           38. Ms. Sanchez Ponce submitted her application for DACA in December 2014. It took her over  
10 six months to gather all of the necessary paperwork to demonstrate her eligibility, and to save enough money  
11 for the application's \$465 fee.

12           39. On February 11, 2015—just days before the court entered a preliminary injunction in *Texas*  
13 *v. United States*—DHS approved Ms. Sanchez Ponce's application for DACA. Pursuant to the expanded  
14 DACA memorandum, DHS granted Ms. Sanchez Ponce a three-year period of employment authorization,  
15 valid from February 11, 2015 to February 10, 2018. *See* USCIS, Forms I-797 Notice of Action (February  
16 11, 2015) (attached hereto as Exhibit D).

17           40. Ms. Sanchez Ponce was energized upon receiving deferred action and a three-year period of  
18 employment authorization. She had secured an offer of a well-paying job that offered benefits, but was  
19 contingent on her ability to prove that she was authorized to work lawfully in this country. With her DACA  
20 approved, Ms. Sanchez Ponce was finally able to accept this offer and begin work in a position that provided  
21 significantly more financial security for her and her family than they had previously experienced.

22           41. With the opportunities DACA has provided, Ms. Sanchez Ponce is saving to pay the tuition  
23 for cosmetology school, so that she can finally realize her dream of becoming a make-up artist. Ms. Sanchez  
24 Ponce's ability to start her career and provide for her family, however, remains uncertain—and additionally  
25 so because of Defendants' unlawful actions that are challenged here.

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## 1 **Revocation of Plaintiff's Three-Year Employment Authorization**

2 42. On May 7, 2015, the federal government informed Judge Hanen that notwithstanding the  
3 court's February 16, 2015 preliminary injunction in *Texas v. United States*, USCIS had issued three-year  
4 terms of deferred action and employment authorization to approximately 2,000 individuals after that  
5 injunction was entered. *See* Defs.' May 7 Advisory, *Texas v. United States*, No. B-14-254, (S.D. Tex. 2015  
6 filed May 7, 2015), ECF No. 247 ("May 7 Advisory") (attached hereto as Exhibit E). Ms. Sanchez Ponce is  
7 one of those individuals.

8 43. Although her DACA application was submitted and approved before the preliminary  
9 injunction in *Texas v. United States* was issued, Ms. Sanchez Ponce's EAD—the document required for Ms.  
10 Sanchez Ponce to demonstrate that she is in fact work authorized—was not mailed until sometime after the  
11 injunction was entered.

12 44. On May 1, 2015, Defendants caused a letter to be sent to Ms. Sanchez Ponce instructing her  
13 to "immediately return to USCIS the EAD that has a 3-year validity period listed." USCIS Letter dated May  
14 1, 2015, (attached hereto as Exhibit F). The letter also stated that Ms. Sanchez Ponce's failure to return her  
15 EAD might result in adverse action in her case. *See id.*

16 45. Defendant's letter gave only one explanation for the revocation of Ms. Sanchez Ponce's  
17 three-year employment authorization: "The reason for this action is that, after a court order in *Texas v. United*  
18 *States*, No. B-14-254 (S.D. Tex.), USCIS erroneously issued you a 3-year instead of 2-year approval notice  
19 or notices and a 3-year instead of 2-year EAD." *Id.*

20 46. Ms. Sanchez Ponce has not appealed USCIS' revocation of her three-year employment  
21 authorization because there are no administrative avenues for her to do so. *See* 8 C.F.R. § 274a.14(b)(2).

22 47. Due to Defendants' revocation of her three-year employment authorization, Ms. Sanchez  
23 Ponce now must undertake an application for renewal of her DACA and employment authorization, which  
24 are set to expire on February 10, 2017. The renewal process requires locating, acquiring, and submitting  
25 documents, getting fingerprinted, and paying a total of \$465 in fees.

26 48. Ms. Sanchez Ponce stopped working when her youngest child was born. Now that her child  
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1 is four months old, she is currently in the process of looking for work. She is concerned that the prolonged  
2 and uncertain duration of the renewal process could result in gaps in her work authorization and therefore  
3 her ability to obtain work.

4 49. In revoking Ms. Sanchez Ponce's three-year employment authorization and issuing a two-  
5 year authorization in its place, USCIS did not refund her the \$465 in fees or any portion thereof.

6 50. Although Ms. Sanchez Ponce did not participate in the *Texas v. United States* litigation,  
7 Defendants revoked and deprived her of her three-year period of employment authorization on the sole  
8 ground of the preliminary injunction entered in that case.

9 51. Ms. Sanchez Ponce had no opportunity to contest the revocation of her three-year  
10 employment authorization or to vindicate her rights.

11 52. At no time have any of the parties to *Texas v. United States* attempted to join to that litigation  
12 either Ms. Sanchez Ponce or others who had three-year employment authorizations revoked, or otherwise  
13 allow Ms. Sanchez Ponce her day in court.

14 53. The plaintiffs in *Texas v. United States* lacked standing to seek or obtain a nation-wide  
15 injunction requiring Defendants to revoke Ms. Sanchez Ponce's three-year employment authorization and  
16 her duly issued three-year EAD.

17 54. Further, the plaintiffs in that case lacked standing to assert injury arising from California  
18 residents receiving three-year terms of employment authorization.

19 55. Because "[t]he remedy must of course be limited to the inadequacy that produced the injury  
20 in fact," *Lewis v. Casey*, 518 U.S. 343, 357 (1996), the injury-in-fact found by the *Texas* court in issuing a  
21 nationwide preliminary injunction—the marginal cost to Texas and potentially to Indiana and Wisconsin of  
22 issuing driver's licenses to individuals newly eligible for them under state law due to the receipt of deferred  
23 action—was "a patently inadequate basis for . . . imposition of system-wide relief," *id.* at 359.

24 56. The court in *Texas* lacked both jurisdiction and remedial authority to enter a nationwide  
25 preliminary injunction that was broader than necessary to remedy the specific harm to the plaintiffs, *see*  
26 *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979), because it had neither made a final determination as to the  
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1 lawfulness of any agency rule nor found concrete evidence of irreparable harm to persons or states other than  
2 one named plaintiff, *see Lewis*, 518 U.S. at 349-50, 349 n.1 (holding that a district court’s overly broad  
3 injunction, in light of the scope of plaintiffs’ standing, raised a jurisdictional issue).

4 57. Ms. Sanchez Ponce does not possess a Texas driver’s license, has never resided in Texas,  
5 and disclaims all intention of moving there or applying for a Texas driver’s license during the term of the  
6 three-year employment authorization that she received from USCIS.

7 58. The state where Ms. Sanchez Ponce resides, California, has denied that the implementation  
8 of the November 20, 2014 memorandum would cause the harm necessary to issue an injunction applicable  
9 in that state.

10 59. Even if Ms. Sanchez Ponce moved to Texas while possessing a three-year term of  
11 employment authorization, she would be required by law to notify USCIS of a change of address within ten  
12 days. 8 C.F.R. § 265.1. At that time, and if still subject to the *Texas v. United States* preliminary injunction,  
13 USCIS could revoke Ms. Sanchez Ponce’s three-year employment authorization and provide her with a two-  
14 year period of employment authorization instead.

15 60. Furthermore, even if Ms. Sanchez Ponce moved to Texas with a three-year EAD in hand and  
16 applied for a Texas driver’s license without informing USCIS of her change of address, Ms. Sanchez Ponce  
17 would be flagged by USCIS’s Systematic Alien Verification for Entitlements (“SAVE”) system, which the  
18 Texas Department of Public Safety uses to confirm the eligibility of each driver’s license applicant. At that  
19 point, USCIS could revoke Ms. Sanchez Ponce’s three-year employment authorization and provide her with  
20 a two-year period of employment authorization instead. Nonetheless, Ms. Sanchez Ponce has no intention  
21 of moving to or seeking a driver’s license in Texas.

22 61. This Court has the jurisdiction and authority to determine whether Defendants’ revocation  
23 of Ms. Sanchez Ponce’s three-year employment authorization violated her rights. *See* 5 U.S.C. §§ 702, 706;  
24 *Martin v. Wilks*, 490 U.S. 755, 758-59 (1989) (holding that litigants deprived of legal rights by a prior action  
25 to which they were not parties could bring a collateral attack against the consent decree resulting from that  
26 action).  
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1 without jurisdiction and in excess of the issuing court’s remedial authority.

2 69. Ms. Sanchez Ponce is entitled to request that this Court declare her legal right not to have  
3 her employment authorization revoked based on a legal error, vacate and set aside the revocation, and enjoin  
4 Defendants from revoking her employment authorization on the basis of the *Texas* injunction. 5 U.S.C. §  
5 706(2); 28 U.S.C. §§ 2201-02.

6 **SECOND CLAIM FOR RELIEF**  
7 **ADMINISTRATIVE PROCEDURE ACT**

8 70. Ms. Sanchez Ponce repeats and incorporates by reference each and every allegation  
9 contained in the preceding paragraphs as if fully set forth herein.

10 71. Defendants’ revocation of Ms. Sanchez Ponce’s employment authorization was not done  
11 “for good cause shown” or for any other reason permitted by 8 C.F.R. § 274a.14, and was thus done “without  
12 observance of procedure required by law,” in violation of the APA, 5 U.S.C. § 706(2)(D).

13 72. Ms. Sanchez Ponce is entitled to request that this Court declare her legal right not to have  
14 her employment authorizations revoked without observance of procedure required by law, vacate and set  
15 aside the revocation, and enjoin Defendants from revoking her employment authorization on the basis of the  
16 *Texas* preliminary injunction. 5 U.S.C. § 706(2); 28 U.S.C. §§ 2201-02.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff respectfully request the Court to:

- 19 (a) Issue a declaratory judgment stating that the February 2015 preliminary injunction entered in *Texas*  
20 *v. United States* does not apply to California residents such as Ms. Sanchez Ponce;
- 21 (b) Issue a declaratory judgment stating that Defendants’ revocation of Ms. Sanchez Ponce’s three-year  
22 employment authorization based on the preliminary injunction issued in *Texas v. United States* was  
23 an “agency action” that was “not in accordance with law,” in violation of the APA, 5 U.S.C. §  
24 706(2)(A);
- 25 (c) Issue a declaratory judgment stating that Defendants’ revocation of Ms. Sanchez Ponce’s three-year  
26 employment authorization was an “agency action” that was “without observance of procedure  
27 required by law,” in violation of the APA, 5 U.S.C. § 706(2)(D), as it was not premised on any  
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- circumstance listed in 8 C.F.R. § 274a.14(b)(1)(i);
- (d) Hold unlawful and set aside Defendants’ revocation of the three-year employment authorization of Ms. Sanchez Ponce, and order Defendants to restore it;
- (e) Enjoin Defendants from revoking Ms. Sanchez Ponce’s three-year employment authorization on the basis of the preliminary injunction in *Texas v. United States*;
- (f) Award Ms. Sanchez Ponce reasonable attorneys’ fees and costs pursuant to 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- (g) Grant any and all further relief this Court deems just and proper.

Dated: November 3, 2016

Respectfully submitted,

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