

## America's Immigration "Dragnet" Is Back, and the Supreme Court Just Let It Run

Latino Heritage Month ended on October 15. This is how the administration and the Supreme Court celebrated.

This summer, the United States witnessed the return of an immigration "dragnet"—broad enforcement sweeps across Southern California that looked less like law enforcement and more like racial profiling. At car washes, day-labor corners, and bus stops, federal agents from Immigration and Customs Enforcement (ICE) and the Customs and Border Protection (CBP) stopped workers who spoke Spanish, had brown skin, or stood near known hiring sites. The goal: mass apprehensions and detentions. The result: fear spreading through immigrant communities once again.

In July 2025, the U.S. District Court for the Central District of California issued a **temporary restraining order (TRO)** in [Vasquez Perdomo v. Noem](#) halting these "roving patrols." Judge Beverly O'Connell ruled that the government's actions—stops based primarily on ethnicity, language, or occupation—likely violated the **Fourth Amendment** prohibition against unreasonable searches and seizures and the **Fifth Amendment's** due-process protections. The order also required agents to guarantee detainees access to counsel and to suspend "profiling-based enforcement" ([Politico, July 11, 2025](#); [ACLU SoCal, 2025](#)).

Civil rights advocates celebrated the ruling as a victory for constitutional restraint. For a brief moment, Los Angeles seemed protected from what one immigrant defender described as "an indiscriminate sweep of entire communities" ([Immigrant Defenders Law Center, 2025](#)).

Then the Supreme Court intervened.

On September 8, 2025, the Court granted the Trump Administration's emergency request to stay the injunction, effectively allowing the contested operations to resume while litigation continues (*No. 25A169*) ([Supreme Court opinion PDF](#)). The vote was 6–3 along ideological lines. Writing in concurrence, Justice Brett Kavanaugh argued that "ethnicity alone cannot furnish reasonable suspicion" but may be considered as a *relevant factor* within "the totality of the circumstances" ([CalMatters, September 2025](#)).

That reasoning reopens the door to practices that lower courts have repeatedly struck down as unconstitutional. As the ACLU warned, the ruling "greenlights racial profiling under a different name" ([ACLU National Press Release, September 2025](#)).

### A Constitutional Collision

At stake is not only immigration policy but also the meaning of constitutional equality itself. The Fourth Amendment demands **individualized suspicion**, not categorical generalizations based on appearance, accent, or neighborhood. The Fifth Amendment guarantees **due process**, including for those whose citizenship status

### What Is a Court "Stay"?

#### Working Definition

A **stay** is when a court **temporarily pauses or suspends** an order, ruling, or legal action. It is "**pressing the pause button**" on a lower court's decision while a higher court decides what to do next.

#### Why Courts Use Stays

- To **preserve the status quo** until appeals are reviewed
- To **prevent harm or confusion** if a lower-court order might later be overturned
- To give the higher court time to **fully evaluate the legal questions**

#### Example: The Immigration "Dragnet" Case

In *DHS v. Vasquez Perdomo* (2025), the U.S. Supreme Court issued a **stay pending appeal**. That means:

- A lower-court order **blocking immigration sweeps** in Los Angeles is **on hold**.
- Federal agents can **resume enforcement** while the case continues.
- The **constitutionality of those tactics** is *still being decided*.

#### In Plain Terms

- A stay **doesn't end a case** or declare a winner.
- It **pauses the rules** set by another court until judges have time to make a final decision.

#### Why It Matters

- When the Supreme Court issues a stay, its decision can **immediately change what's happening on the ground**—affecting people, policies, and rights while the legal fight continues.
- The Supreme Court puts its finger on the scale.

may be in question. The Supreme Court's stay does not erase those rights—but it does suspend their practical protection while enforcement proceeds.

The immediate consequence: ICE and CBP agents once again have broad discretion to conduct “roving patrols” in Southern California. The deeper consequence: Millions of immigrants—including lawful residents—must now live under the specter of arbitrary stops. Reports from Los Angeles and the Inland Empire show people skipping work, avoiding clinics, and pulling children from school out of fear of detention ([The Guardian, June 16, 2025](#)).

### **The Rule of Law or Rule by Fear?**

Supporters of the stay argue that enforcement requires flexibility and that temporary relief should not hobble executive authority. But “flexibility” cannot become a euphemism for **suspending constitutional norms**. Justice Sonia Sotomayor, joined by Justices Kagan and Jackson, [dissented](#) (*Noem v. Perdomo*, page 11), warning that unchecked power cloaked as discretion leads to precisely the abuses the Fourth Amendment was written to prevent.

The ruling leaves civil rights groups with one recourse: to press forward with the underlying case and seek a final injunction—one that might reestablish limits on profiling and reaffirm that due process applies to *all* persons within U.S. jurisdiction.

### **What Comes Next**

The case will now return to the Ninth Circuit Court of Appeals, where oral arguments are expected in early 2026. Meanwhile, communities must navigate a climate of fear created by the revival of these dragnet tactics. As one advocate put it, “You shouldn’t need a lawyer, a passport, or perfect English to walk to work in Los Angeles.”

*Our constitutional promises mean little if they apply only in theory.* The Supreme Court may have pressed pause on the injunction, but it has not paused the debate over what kind of nation we want to be—one that enforces its laws through evidence and justice, or one that polices by skin tone and accent? If the latter, Latinos are only today’s casualties. Who will be next?

—Martha Y. Zavala, Advocacy Director