

April 22, 2026

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Re: Complaint and Claims for Damages under the Federal Tort Claims Act for Dairo Jesus Preciado, José Pablo Henriquez Sagastume, Vanessa Del Carmen Vasquez Escobar, Felicita Del Carmen Escobar de Vasquez, Clarisa Marisela Aguilón Mauricio, Heidy Fabiola Aguilón Mauricio, and Yuli Magali Mendez Luarca

Dear Counsel:

This complaint under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346, 2671-2680, is submitted on behalf of seven individuals who suffered egregious harm as a result of an aggressive, militarized, and indiscriminate raid by U.S. Immigration and Customs Enforcement (“ICE”) officers of the Allston Car Wash in Allston, Massachusetts on November 4, 2025. As detailed below, the raid was based on blatant racial profiling, and the unlawful actions of the federal officers, acting within the scope of their official duties, resulted in intense physical, emotional, and psychological harm to each Claimant.¹

I. Claimants

Dairo Jesus Preciado (D.O.B. 12/8/1958) is sixty-seven years old and originally from Colombia. He has resided in the United States for approximately thirty years. At the time of the incident, he was working at the Allston Car Wash, where he has been employed for twenty-six years. He is Latinx and speaks Spanish.

José Pablo Henriquez Sagastume (D.O.B. 11/18/2005) is now twenty years old but was nineteen at the time of the incident. He is originally from Honduras. At the time of the incident, he was employed at the Allston Car Wash. He is Latinx and speaks Spanish.

Vanessa Del Carmen Vasquez Escobar (D.O.B. 10/03/2003) is twenty-two years old and originally from El Salvador. At the time of the incident, she was employed at the Allston Car Wash. She is Latinx and speaks Spanish.

¹ The Claimants are submitting these claims without the benefit of formal discovery. They hereby reserve the right to amend or supplement the factual recitation and legal claims.

Felicita Del Carmen Escobar de Vasquez (D.O.B. 03/18/1979) is Vanessa’s mother, also originally from El Salvador. She is forty-six years old. At the time of the incident, she was employed at the Allston Car Wash. She is Latinx and speaks Spanish.

Clarisa Marisela Aguilón Mauricio (D.O.B. 03/14/1995) is thirty years old and originally from Guatemala. At the time of the incident, she was employed at the Allston Car Wash. She is Latinx and speaks Spanish.

Heidy Fabiola Aguilón Mauricio (D.O.B. 09/11/2003) is also originally from Guatemala. She is Clarisa’s sister. She is twenty-two years old. At the time of the incident, she was employed at the Allston Car Wash. She is Latinx and speaks Spanish.

Yuli Magali Mendez Luarca (D.O.B. 11/4/1980) is forty-five years old and originally from Guatemala. At the time of the incident, she was employed at the Allston Car Wash. She is Latinx and speaks Spanish.

II. Statement of Facts

A. Overview of the Arrests²

The morning of November 4, 2025 began as a regular workday at the Allston Car Wash, located along a busy stretch of Cambridge Street in Allston, Massachusetts. The Allston Car Wash is comprised of a car wash, gas station, and convenience store. It is a well-known, highly visible business in the neighborhood, and most of its employees are Latinx and Spanish-speaking. On November 4, approximately twenty-nine employees were on the clock, along with the car wash’s general manager. Because customer traffic was light during the first hour of operation, most employees were inside the car wash building. At around 10:00 am, only nine employees were working outside.

At 10:03 am, ICE descended on the Allston Car Wash in a massive show of force. At least four unmarked ICE vehicles pulled up in front of the business, blocking the shoulder along Cambridge Street and preventing anyone from entering or exiting through the car wash bay, which had workers, customers, and customers’ vehicles inside. Additional unmarked ICE vehicles pulled around the side of the car wash where customers enter for service. In total, there were approximately twenty vehicles and twenty ICE officers on site. Most officers wore masks that obscured the bottom half of their faces, along with bulletproof vests, tactical gear, and visible firearms. As soon as they arrived, ICE officers immediately approached and began arresting the car wash employees working outside.

Three ICE officers, including Homeland Security Investigations (“HSI”) Special Agent Jhon Coleman, entered the car wash’s convenience store at 10:04 am, where they remained until 10:18 am. Two of the officers, including Coleman, wore jackets that read “Police HSI.” Of all the ICE agents on site, only Coleman identified himself. He presented an I-9 subpoena to the car

² Following this overview, the complaint sets forth the individual experiences of each Claimant. All times noted herein are approximate.

wash's general manager and co-owners. An I-9 subpoena is an administrative document issued by ICE that compels an employer to produce employment records—such as Form I-9 employment-eligibility verification forms and related documents—during an investigation or audit. During the conversation, Coleman stated that no one would be taken into custody unless they attempted to flee or acted “funny.” Meanwhile, and contrary to this assurance, other ICE officers were outside, arresting Claimants and other workers who were peaceful and compliant.

1. Arrest of Claimants Dairo and José

The back of the car wash is where customers enter and where workers begin detailing by vacuuming customers' cars. At 10:04 am, three ICE vehicles pulled into this car wash entry area. A group of men, including Dairo and José, were in the process of cleaning a customer's SUV. Other male workers, holding vacuums, waved the new vehicles into position, assuming they were customers for the car wash. ICE officers pulled their vehicles up, stopped, and got out.

At the same time, approximately seven other ICE vehicles and officers surrounded this area of the car wash, preventing any egress. ICE officers carrying weapons got out of vehicles and stationed themselves, watching and holding the perimeter along the side of the car wash entrance; other officers were stationed throughout the gas station area. A few minutes later, at 10:08 am, additional armed, masked officers in tactical gear walked toward the entry to the car wash.

The ICE officers that had pulled into the car wash entry handcuffed Dairo and José and two other men just moments after exiting their unmarked vehicles. The ICE officers did not ask for any of them by name or say they were looking for any particular individual, nor did they ask questions before arresting the workers. They instead grabbed and immediately arrested those in reach. Dairo and José remained calm and made no attempt to flee or resist arrest. The ICE officers forcibly moved them within the area, and ultimately into the unmarked ICE vehicles. None of these ICE officers identified themselves by name.

2. Arrest of Claimants Vanessa, Felicita, Clarisa, Heidy, and Yuli

While the ICE officers were arresting workers at the back of the Allston Car Wash, including Dairo and José, other officers arrested other Claimants at the front of the business.

At 10:03 am, when the first four ICE vehicles pulled up in front of the business on Cambridge Street, Claimants Vanessa, Felicita, Clarisa, Heidy, and Yuli were outside of the car wash bay, cleaning and drying a customer's sedan. ICE officers wearing face coverings and tactical gear and carrying weapons encircled the sedan being serviced and proceeded to immediately arrest all five women. All remained calm and made no attempt to flee or resist arrest. All five were in handcuffs by 10:07 am. Some of them still had spray bottles used for cleaning tucked in their pockets.

None of the ICE officers identified themselves by name, and only a few stated that they were with immigration enforcement. The officers did not ask for any of the Claimants by name or say they were looking for any particular individual, nor did they ask questions of any of the women before arresting them.

ICE officers forcibly moved the Claimants to the driver's side of the customer's sedan. There, ICE officers took photos of each of the women, some of whom were in tears, without providing any explanation.

At 10:08 am, the Claimants were forcibly walked away from the area where they had been by the sedan, which had since driven away after ICE allowed the customer access to his vehicle. The women were seated on a tall curb resembling a garden wall divider facing where the sedan had been. All five were sitting in a line in full public view, hands restrained behind their backs, while four officers stood directly around them, and another three ICE officers stood a few steps away.

At 10:13 am, the women were forced to stand up and walk toward various unmarked vehicles—some parked along the side of Cambridge Street, others parked in the gas station area. They were locked inside the vehicles at 10:15 am.

3. Continuing Detention of Claimants

At 10:22 am, the ICE vehicles pulled away from the car wash with all of the Claimants and two other handcuffed workers inside.

The vehicles that left the Allston Car Wash headed to a Target parking lot. There, all of the Claimants were removed from the unmarked vehicles. They were then chained by their hands, feet, and waists. The chains around their feet caused some Claimants pain and difficulty walking; for example, Clarisa almost fell, but ICE officers grabbed her and held her up. Claimants were then forced onto a bus, joined by two of the ICE officers, for transportation to the DHS ICE Field Office located in Burlington, Massachusetts. ICE did not put seatbelts on Claimants, and the ICE officer driving hit the brakes very hard, causing many Claimants to be thrown around the bus, unable to stabilize themselves due to their chained hands and feet.

Once at the Burlington Field Office, ICE took fingerprints and additional photographs of the Claimants. ICE officers talked to Claimants, some individually and some with co-workers, and presented them with two options: agreeing to voluntary deportation, or appearing before a judge, which the ICE officers emphasized would be a long and difficult process during which time they would be in detention. Some Claimants, wracked with fear, panic, and hopelessness, signed self-deportation paperwork in English, while others demanded judicial process. Some Claimants were denied the opportunity to make phone calls to contact a lawyer.

The conditions in Burlington were horrific. All five female Claimants were together in one room resembling a prison cell. They slept on the floor. They were each given only an aluminum blanket. The toilet was in the room in which they were all trapped, so there was no privacy; they had to use the bathroom in front of the others. Felicita, Clarisa, Heidy, and Yuli were given two five-minute showers over the span of their eight-day detention in Burlington. The only personal hygiene products they were given were a toothbrush and a small bar of deodorant.

The male Claimants were detained together in another prison-like room with approximately four or five other men. Like the women, the toilet was in the room, which allowed no privacy. Claimants had infrequent bathroom access.

The food provided at Burlington was meager and inadequate. Claimants were given small portions of nearly inedible food. Numerous Claimants described the meals as “dog or cat food.” The meals included porridge, a small biscuit-like item, and pasta. Felicita, Clarisa, Heidy, and Yuli were given the same meals for all eight days they were held in Burlington. ICE also did not provide the Claimants with an adequate amount of water.

The male Claimants, Dairo and José, were transported to Plymouth County Correctional Facility on November 5, 2025, the day after their arrest. Plymouth County Correctional Facility is notorious for its poor treatment of immigrants. Dairo and José were subjected to inhumane conditions, including insufficient, nutritionally inadequate, and often inedible food, and near-freezing temperatures.³ On November 7, 2025, the temperature in Plymouth, Massachusetts dropped to 34 degrees; on November 11, 2025, it dropped to 35 degrees.⁴ Dairo and José were only provided thin blankets. Most of the staff at Plymouth only spoke English.

Vanessa was transferred out of Burlington to a facility in New Hampshire on November 5, 2025. The other four female Claimants—Felicita, Clarisa, Heidy, and Yuli—remained in Burlington until November 12, 2025, when they were transferred to Chittenden Regional Correctional Facility in South Burlington, Vermont. There, they were locked in cells alone. People in the cells near them were screaming, leading them to believe that those held there suffered from psychological or mental disorders. This caused additional torment and psychological and physical symptoms.

All Claimants were released on bond between late November and early December 2025.

B. Individual Claimant Facts

1. Dairo Jesus Preciado

Dairo was cleaning the front passenger seat of a customer’s SUV when ICE arrived at the back of the car wash. Two ICE officers approached him from behind, and one grabbed him by the

³ The facility has long been notorious for its inhumane treatment of detained individuals. See B. Arenson & Hamza Berrios, *New Year, Same Plymouth Detention Center*, World Peace Found. (Jan. 10, 2025), <https://worldpeacefoundation.org/blog/new-year-same-plymouth-detention-center/>; Shannon Dooling, *Plymouth Jail Complaints Reveal Pattern of Abuse Against ICE Detainees, Report Claims*, wbur (Sep. 16, 2024), <https://www.wbur.org/news/2024/09/16/massachusetts-plymouth-correctional-facility-immigrants-mistreatment>; Steph Solis, *Immigrants Held for Weeks in Solitary Confinement at Mass. Jails, Report Says*, Axios Boston (Sep. 30, 2025), <https://www.axios.com/local/boston/2025/09/30/massachusetts-solitary-confinement>.

⁴ *November 7, 2025 Weather History in Plymouth*, Weather Spark, <https://weatherspark.com/h/d/26829/2025/11/7/Historical-Weather-on-Friday-November-7-2025-in-Plymouth-Massachusetts-United-States> (last accessed Feb. 24, 2026); *November 11, 2025 Weather History in Plymouth*, Weather Spark, <https://weatherspark.com/h/d/26829/2025/11/11/Historical-Weather-on-Tuesday-November-11-2025-in-Plymouth-Massachusetts-United-States> (last accessed Feb. 24, 2026).

arm. After grabbing and restraining Dairo, the officers said that they were from ICE and asked for his name. Dairo responded with his name. The officers handcuffed Dairo's hands behind his back. The ICE officers never told Dairo that he was under arrest or why he was under arrest.

The officers then asked if he had any papers; Dairo informed them he had his passport and consular card in his locker. Approximately ten minutes after his initial detention, the officers walked Dairo—handcuffed and grabbed by the arm—to his locker, where an officer took his passport and consular paperwork. The officers confiscated his belongings, including a backpack with items inside.

Dairo's handcuffs were so tight that he could not move his hands. He still had rubber gloves on his hands from working. He was loaded into an unmarked vehicle and transported to Target, then loaded onto another bus and taken to Burlington, where he arrived early afternoon on November 4.

He had an elevated heart rate and anxiety throughout his entire detention as a result of the arrest and trauma that he was enduring.⁵

Dairo was released on bond on November 18, 2025. When he was released, ICE gave him a sealed package with what he assumed to be all of the items that they confiscated. However, when he opened it at home, it was only his phone. He has since gone to the consulate to get new copies of his passport and consular card.

2. José Pablo Henriquez Sagastume

José was cleaning the driver's side rear seat of the SUV when ICE arrived at the back of the car wash where customers entered. Officers leapt out of their unmarked vehicles, speaking in Spanish and announcing that they were ICE. An officer grabbed José from the back, placing him under arrest. The officers did not state that he was under arrest.

An ICE officer then asked José, "are you legal or illegal?" José is legally present in the United States; he has a pending asylum application, as well as an approved petition for Special Immigrant Juvenile Status ("SIJ"), a status for children who have been abused, abandoned, or neglected by a parent. He has a valid Employment Authorization Document ("EAD"), which was issued to him in 2024. José told the ICE officer that he was legally present in the United States. An officer asked if he had identification; he told them, yes, that he had his identification in his backpack that was inside the car wash. He asked if he could go get it from inside. The officer told him they could not go inside.

⁵ Dairo was denied medical attention and his medication for the first few days of his detention, exacerbating his chronic health conditions. He takes five types of medication, all related to previous cancer for which he had received treatment. Dairo informed the ICE officers that he needed five different medications and gave them information for his pharmacy. Despite this, he was denied any medication until approximately 4:00 pm on November 6, 2025. He was then taken to receive medical care three times while at Plymouth.

José was then positioned, hands behind his back, facing a chain link fence marking the border of the car wash, where he was handcuffed. The handcuffs were very tight, squeezing his wrists. Two other workers were detained next to him in the same position.

An ICE officer took a photograph of José with his phone without any explanation. At this time, numerous officers were speaking English to each other, and José understood some of their conversation. He heard and understood the officer who took his photo say that he had found José in their database, ostensibly using facial recognition, and that he had legal status. José was immediately relieved, as he thought ICE would release him. But instead, other ICE officers said they were still going to take him—just because they had already handcuffed him and decided to arrest him.

ICE officers unzipped José's jacket and asked if he had any weapons on him. He complied with their search, which revealed no weapon; at no point during this incident did José resist.

At no point did any ICE officer provide their name or identification. At no point did any ICE officer tell José that he was under arrest, let alone why he was under arrest. José was loaded into an unmarked ICE vehicle and taken to the Target parking lot.

At Burlington, José was filled with panic and worry. ICE officers told him that he would be sent to jail. He had pain behind his eyes that felt like a migraine, ruminating thoughts, anxiety, and nightmares. He experienced sleeplessness and fatigue.

On November 5, José was transferred to Plymouth County Correctional Facility, where he continued to have nightmares and headaches, in addition to suffering from the extreme cold.

José was released on bond on November 18, 2025—his twentieth birthday. Since his release, he has reunited with his girlfriend and returned to work at the Allston Car Wash.

3. Vanessa Del Carmen Vasquez Escobar

Vanessa was kneeling and putting tire dressing on the tires of a customer's sedan in front of the car wash bay when four unmarked vehicles pulled up on Cambridge Street, blocking the exit from the car wash bay. Observing this, Vanessa said to her other coworkers, "it's the police." An ICE officer in one of the vehicles opened the door to get out, hitting Vanessa with the vehicle door. An officer said, in Spanish, "don't move, we're immigration." Vanessa stopped working to comply, as she was completely surrounded by ICE, and two officers grabbed her.

The officer asked Vanessa if she was in the United States legally. Vanessa is legally present in the United States; she was issued an EAD in 2023 based on a pending asylum application. Vanessa replied to the ICE officer that she had a work permit in her purse in her locker. She repeated this approximately four times to the same officer. The officer ignored her. The officer handcuffed Vanessa; the cuffs were tight, causing her wrists to turn a reddish hue from the pressure.

An ICE officer took a photograph of Vanessa using her phone. ICE ostensibly used facial recognition technology and identified her in the agency’s database. The officer asked in Spanish, “are you Vanessa Vasquez?,” to which Vanessa responded, “yes.” Despite this recognition, which presumably also established Vanessa’s lawful presence in the United States, ICE kept Vanessa restrained. The officer never identified herself, nor did she tell Vanessa that she was under arrest at any point.

Vanessa was moved with the other female Claimants to the curb before being forced into an unmarked vehicle and transported to Burlington.

As a result of her arrest and throughout her detention, Vanessa suffered from severe headaches, loss of appetite, insomnia, nightmares, and anxiety. She was crippled with fear of her uncertain future.

On November 5, 2025, Vanessa was transferred out of state from the Burlington facility to a facility in New Hampshire. On November 7, 2025, she was transferred thousands of miles away to El Valle Detention Facility in Raymondville, Texas. She was released on bond on December 4, 2025, where a community volunteer accompanied her back to Massachusetts.

4. Felicita Del Carmen Escobar de Vasquez

Felicita was servicing the sedan in front of the car wash bay when ICE arrived. She was by the driver’s side of the sedan cleaning the inside, when she heard Vanessa say in Spanish, “it’s the police.” Numerous ICE officers swarmed the sedan and immediately detained her co-workers Vanessa, Clarisa, and Yuli, who were closest in reach.

Completely surrounded by ICE, Felicita remained tucked inside the sedan briefly, wiping the interior of the vehicle’s window and doorframe. Three ICE officers approached and stood behind her. An ICE officer then grabbed her. Only after being detained did the officer ask, in Spanish, for her name and if she had papers. Felicita did not answer. The officer did not tell her that she was under arrest, let alone why.

Felicita began uncontrollably crying during the incident. ICE officers took a photograph of her face. After taking the photo, they put her in handcuffs and walked her to sit on the curb. The handcuffs were extremely tight, causing bruising on her wrists that lasted approximately eight days.

Felicita experienced trauma from her arrest, which caused fatigue, sadness, an extreme lack of appetite, and exacerbated her anxiety.⁶ She cried uncontrollably both day and night and could

⁶ Felicita’s physical health declined rapidly while in DHS detention. She is diagnosed with anemia, diabetes, and anxiety. She takes five types of prescription medications, including for her diabetes and anxiety, every day. Despite telling officers at Burlington that she was diabetic, she was denied access to all of her medications for the eight days she was detained there. As a result, she experienced dizziness, inhibited vision, vomiting, and dangerously volatile blood sugar levels. While she was detained in Vermont, Felicita again informed an officer of her health conditions and that she felt incredibly sick. The officer brought her medication on approximately November 16, 2025—twelve days after being arrested. Her blood sugar level had reached 550 mg/dL while in detention, which is life-threatening. See *Hyperglycemia in Diabetes*, Mayo Clinic, <https://www.mayoclinic.org/diseases->

barely eat. Her symptoms intensified after Vanessa, her daughter, was transferred out of Burlington with no explanation.

After being detained in Burlington, Felicita was transferred to Chittenden Regional Correctional Facility in South Burlington, Vermont on November 12, 2025. She was released on bond on November 20, 2025. Due to the extreme emotional, psychological, and physical toll of her arrest and detention, she was quickly hospitalized and required a blood transfusion.

5. Clarisa Marisela Aguilón Mauricio

When ICE arrived, Clarisa was standing by the front driver's side door of the sedan in front of the car wash bay. An ICE officer walked directly to her and immediately grabbed her and held her hands behind her back. She heard other officers say to another co-worker that they were from ICE; however, the officer arresting her did not identify himself as being from ICE, nor did he give his name. He asked her in Spanish what documents did she have to legally be in the United States. She did not answer his question. No ICE officer asked her for any identification, although Clarisa had a copy of her driver's license on her phone. At no point did anyone tell her that she was under arrest.

The ICE officer used physical force to hold Clarisa's hands behind her back. He then handcuffed her. The handcuffs were so tight that they hurt her wrists. Multiple officers took photographs of her on their phones and did not explain why.

ICE placed Clarisa into a vehicle for transport. She began crying uncontrollably, distraught and fearful about what was happening. She was also upset that they took away her materials for work at the car wash, a job that she held with integrity. Once seated in the vehicle, the handcuffs pressed into Clarisa's back, causing pain on both her wrists and back.

Clarisa suffered emotionally and physically as a result of ICE's actions. Her husband, a Temporary Protected Status (TPS) holder, also works at the Allston Car Wash, and he was present to watch her be shackled and taken away; it upset her to know that he saw this happen. Clarisa has a seven-year-old daughter who is a U.S. citizen. She drops off and picks up her daughter from school every day. During and after the arrest, Clarisa was in constant anxiety and fear about the potential of being separated forever from her daughter if she was deported. It was also incredibly painful for her to have seen her younger sister Heidi be arrested by ICE.

As a result of her arrest, Clarisa suffered from constant, debilitating headaches while in detention. She could not sleep at all the first night but instead cried and called out to her colleagues in distress. While in Burlington, Clarisa lost ten pounds due to nutritionally inadequate food and loss of appetite. She also experienced constant anxiety, fatigue, and claustrophobia from the confinement, causing shortness of breath.

conditions/hyperglycemia/diagnosis-treatment/drc-20373635 (last accessed Feb. 24, 2026) (for people with diabetes, their target blood sugar level is between 80 and 180 mg/dL; a blood sugar level of over 240 mg/dL is cause for extreme concern and may lead to diabetic ketoacidosis).

Clarisa was transferred to Chittenden Regional Correctional Facility in South Burlington, Vermont on November 12, 2025. She was released on bond on November 20, 2025.

6. Heidi Fabiola Aguilón Mauricio

Like the other female Claimants, Heidi was servicing the sedan in front of the car wash bay when ICE arrived. She was crouched inside the sedan to clean the interior. Heidi saw a few vehicles pull up in front of the car wash, and then everything unfolded quickly. She heard her colleagues say it was the police. Numerous ICE officers quickly surrounded the sedan and immediately detained Vanessa, Clarisa, and Yuli, who were closest in reach.

Heidi was still inside the sedan, now trapped on all sides by ICE with no possible means of leaving. A female ICE officer spoke to her in English, telling her to get out of the vehicle. She complied with their orders. After Heidi stepped out of the sedan, an ICE officer grabbed her hands behind her back. A male ICE officer then asked her in Spanish if she was present legally or illegally in the United States. Heidi did not answer his question. No one asked her for her name, and no one asked for any identification or documentation. No one told Heidi that she was under arrest. An ICE officer took a photograph of Heidi with their phone but did not explain their reasoning.

Heidi was then placed in handcuffs, which were secured so tightly that her hands hurt. She also felt fear and anger that manifested in physical pain. Her sister Clarisa was arrested as well, adding to her panic and pain. Heidi cried uncontrollably during her transport to the Target.

Heidi's torment began at the moment ICE arrived at the car wash and detained her, and it escalated during her time in Burlington. She was unable to sleep much during her detention in Burlington, and she lost sense of time. The trauma of her arrest also caused memory loss; she could not remember the answer to basic questions including her address, how long she had been working at the car wash, or any phone numbers.

After eight days in Burlington, Heidi was transferred to Chittenden Regional Correctional Facility in Vermont on November 12, 2025. ICE did not give her any information about what was happening or what would happen in her future.

Heidi was released from the Vermont facility on bond on November 20, 2025. She remains in extreme fear. She is afraid to leave her home and be in public and is not going to work; however, she does go to the supermarket and church, as she is deeply committed to her faith and community in Brighton, Massachusetts.

7. Yuli Magali Mendez Luarca

Yuli was working outside of the passenger side of the sedan at the front of the car wash bay when ICE arrived. Unmarked black vehicles—without any logos or other government markings—pulled up in front of the car wash, blocking the exit to the road. She heard one of her coworkers say, in Spanish, “it’s the police.” Because the vehicles were black, private vehicles, Yuli thought it was police. Then just a few seconds later, she realized it was ICE.

She closed the door of the sedan she was servicing and took two slow steps back away from the vehicle as ICE officers came over to her. One officer grabbed her hands very hard, turned them behind her back, and pressed her into the back corner of the sedan. He grabbed and pushed her with force. He then put metal handcuffs on her, which later turned her wrists red from being so tight. The officer spoke English, but Yuli understood a little bit of what he was saying. He said he was from ICE and asked if she had papers. Yuli did not answer. He did not tell her that she was under arrest. A different ICE officer took a photo of Yuli without explaining why.

During the initial incident and afterwards, Yuli experienced headaches, anxiety, and nervousness. The terror of living through this arrest left her in extreme fear. In Burlington and Chittenden, where she was transferred on November 12, 2025, Yuli was unable to sleep, and when she tried to rest she was plagued by nightmares. It was not until several days after her detention ended that she was able to sleep through the night. She frequently cried uncontrollably during her detention and prayed to God for help.

Yuli was released on bond on November 18, 2025.

III. Harms

The terrifying raid at the Allston Car Wash and the unlawful arrests have inflicted profound emotional, psychological, and physical distress on all Claimants. The trauma of November 4, 2025—and the days and weeks thereafter—continues to reverberate through every aspect of their lives.

All Claimants were forced to endure the shame and humiliation of being racially profiled because of the color of their skin. They were targeted by federal law enforcement not on any individualized basis, but simply because of their race and where they worked. All Claimants are Latinx, all are Spanish speakers, and all worked as low-wage laborers at the car wash. ICE officers made no meaningful effort to determine anyone’s immigration status before arresting each Claimant, despite being required to do so. And when ICE determined that a Claimant had legal status, they proceeded with arresting them anyway.

The ICE officers treated all Claimants as criminals from the outset. Claimants were swarmed and immediately arrested by ICE, restrained by tight handcuffs, and then chained by hands, feet, and waists. After being arrested, they were taken to detention facilities where they were locked in rooms together and deprived of basic human needs. The dehumanizing circumstances of their arrests and blatant racial profiling caused significant and continuing dignitary harm to each Claimant.

Claimants continue to suffer deep trauma as a result of their illegal arrests. All were separated from their loved ones. Felicita remained in Burlington while her daughter Vanessa was transferred out of state. Clarisa panicked about her seven-year-old daughter, in school at the time of her arrest, who would be wondering why her mother wasn’t picking her up. Sisters Clarisa and Heidi feared for each other’s safety. Yuli made phone calls to her sister, traumatized, from Burlington. José, still a teenager at the time of his arrest, was without the comfort, guidance, and support of his friends and loving girlfriend for two weeks. Dairo has lived in the United States for

approximately thirty years, during which time he has built a vibrant community and network. All of this—taken from them. Claimants’ separation from family members and their sterile isolation magnified their fear and helplessness, depriving them of the emotional support they desperately needed during an overwhelmingly frightening ordeal.

As a result of their illegal arrests, Claimants spent weeks living in fear: fear of what could happen to them while being detained; fear for their family members; fear of deportation. Vanessa and José faced an additional, overwhelming terror: the prospect of violence and persecution in El Salvador and Honduras, respectively, where they cannot safely return, as evidenced in their pending asylum applications. Clarisa and Yuli also expressed fear of returning to their home country of Guatemala. Claimants’ fear continues today, with many seeking therapy support to cope. Heidi is afraid to leave her home; she avoids going out in public even to run errands or work.

All Claimants suffered physical harm resulting from their arrests. Dairo’s handcuffs were placed so tightly that he could not move his hands. He experienced insomnia, anxiety, and had an elevated heart rate. José’s wrists were squeezed from handcuffs. He experienced migraines, anxiety, nightmares, fatigue, sleeplessness, and memory loss. Vanessa’s wrists were red from the handcuffs. She experienced headaches, loss of appetite, insomnia, nightmares, and anxiety. Felicita’s wrists were bruised for approximately eight days after her arrest due to the tight handcuffs that ICE used to restrain her. She suffered from fatigue, sleeplessness, anxiety, loss of appetite, and uncontrollable crying. Clarisa’s wrists hurt from the handcuffs that ICE affixed too tightly. She suffered from anxiety, headaches, shortness of breath, sleeplessness, malnutrition, fatigue, and claustrophobia. Heidi’s hands and wrists also hurt from the handcuffs. Her injuries included anxiety, uncontrollable crying, sleeplessness, disorientation, and memory loss. Like all other Claimants, Yuli’s wrists were red due to the handcuffs being tight. Yuli suffered from headaches, anxiety, sleeplessness, nightmares, and uncontrollable crying. Claimants’ psychological and physical harms were severe, disturbing, and ongoing.

Additionally, all Claimants now live in acute anxiety about the financial safety and stability of their families. Not only were Claimants detained for a significant time—ranging from two weeks to one month—during which period they were unable to provide for those who depend on them, but they continue to have financial obligations and other required expenditures of time and resources related to their unlawful arrests, ranging from attorney meetings to speaking at community events. This adds yet another layer of stress and anguish.

IV. Arguments

A. FTCA Jurisdiction

The FTCA permits individuals to bring claims against the United States for negligent or wrongful acts committed by federal employees acting within the scope of their official duties. 28 U.S.C. § 2674, *et seq.*; 28 U.S.C. § 1346(b); *Martin v. United States*, 605 U.S. 395, 400–01 (2025); *Perales-Munoz v. United States*, 151 F.4th 1, 6 (1st Cir. 2025). Specifically, the FTCA waives the federal government’s sovereign immunity “under circumstances where local law would make a private person liable in tort.” *United States v. Olson*, 546 U.S. 43, 44 (2005) (quoting 28 U.S.C. § 1346(b)(1)) (citations omitted).

In the law enforcement context, this waiver of immunity is limited by two exceptions: (1) the intentional-tort exception under § 2680(h), and (2) the discretionary-function exception under § 2680(a). *Martin*, 605 U.S. at 400–01. However, those exceptions themselves have limitations. While § 2680(h) generally prohibits claims alleging any of eleven enumerated torts, it is “subject to a law enforcement proviso” that “countermands the exception with respect to six intentional torts (including assault, battery, false imprisonment, and false arrest) by investigative or law enforcement officers.” *Id.* at 401 (quotation marks omitted). “So if a plaintiff alleges that a federal law enforcement officer committed one or more of those six torts, the proviso will ensure those claims survive an encounter with the intentional-tort exception.” *Id.* Similarly, the discretionary function exception, which applies to acts by government employees “exercising due care, in the execution of a statute or regulation . . . or based upon the exercise or performance or the failure to exercise or perform a discretionary duty” on behalf of a federal agency or employee, 28 U.S.C. § 2860(a), “does not immunize the government from liability for actions proscribed by federal statute or regulation,” “[n]or does it shield conduct that transgresses the Constitution.” *Limone v. United States*, 579 F.3d 79, 101 (1st Cir. 2009); see *Hornof v. United States*, 107 F.4th 46, 57 n.10 (1st Cir. 2024).

Here, Claimants bring claims against federal law enforcement officers whose conduct flagrantly violated multiple legal authorities, including the Fourth and Fifth Amendments of the U.S. Constitution, the Immigration and Nationality Act, and the agency’s own standards for enforcement activities, and in circumstances in which state law would make a private person liable in tort.

B. ICE Officers’ Illegal Conduct

1. Violation of the Fourth Amendment

Immigration officers violated the Fourth Amendment in effecting warrantless arrests of Claimants without probable cause. Longstanding U.S. Supreme Court precedent establishes that “[t]he Fourth Amendment applies to all seizures of the person,” including those performed by immigration officials. *United States v. Brignoni-Ponce*, 422 U.S. 873, 878 (1975) (citation omitted). “[W]henver a[n] [] officer accosts an individual and restrains his freedom to walk away, he has ‘seized’ that person.” *Terry v. Ohio*, 392 U.S. 1, 16 (1968). An arrest is quintessentially a seizure. See *Torres v. Madrid*, 592 U.S. 306, 312 (2021) (citation omitted).

The Fourth Amendment protects individuals from unreasonable seizures, including warrantless arrests made without probable cause. U.S. Const. amend. IV; see *Karamanoglu v. Town of Yarmouth*, 15 F.4th 82, 87 (1st Cir. 2021); *Fraser v. Mass. Bay Transp. Auth.*, 544 F. Supp. 3d 148, 156–57 (D. Mass. 2021); *Commonwealth v. Santaliz*, 596 N.E.2d 337, 339 (Mass. 1992). Probable cause must be particularized with respect to the person seized. See *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).

All Claimants were indisputably seized on November 4th. Approximately twenty armed ICE officers and ICE vehicles descended on the car wash, leaving no means of egress in any direction. Officials immediately approached and seized the Claimants, arresting them, then placing

them in handcuffs. Once physically restrained, Claimants were eventually loaded into unmarked ICE vehicles and transported to ICE facilities where they were detained for weeks.

ICE did not have any warrants to arrest any of the Claimants. ICE also had no probable cause as to any of the Claimants. The officers had no idea who they were arresting and made no meaningful effort to determine anyone's identity before seizing the Claimants. They did not know any of the Claimants' names nor have any facts suggesting wrongdoing at the time that they restrained each worker, and therefore they necessarily lacked any particularized basis for arrest. They had no knowledge of any of the Claimants' immigration statuses. Although ICE arrived with an I-9 subpoena, they arrested the Claimants before obtaining any information about any of the workers' legal status. Instead, ICE rounded up employees working outside of the car wash bay and building in one sweep, without any questioning first, based solely on the fact that they worked at a car wash—a job with a predominantly immigrant workforce⁷—and their race and language—all are Latinx and Spanish-speaking. The arrests stemmed directly from racial profiling.

The Supreme Court has made clear that when officers make an arrest “without any specific basis for believing [the individual] is involved in criminal activity,” and thus “such a stop is not based on objective criteria, the risk of arbitrary and abusive police practices exceeds tolerable limits.” *Brown v. Texas*, 443 U.S. 47, 52 (1979). That is precisely what occurred here. The seizures were not based on objective criteria giving rise to particularized probable cause, but instead because of impermissible and racist assumptions about a group to which Claimants belong.

For José and Vanessa, the Fourth Amendment violation is doubly clear. Even if there had been probable cause to arrest them in the first place—and there was not—it would have evaporated completely once ICE officers used facial recognition to find them in their database, determining that they are both lawfully present in the United States. But instead of prompting their immediate release, the officers disregarded that information and continued to detain them.

In sum, the arrests on November 4th constitute clear Fourth Amendment violations. Armed and in great number, ICE officers surrounded Claimants at their place of work, blocking their movement and egress; they seized and restrained Claimants with handcuffs, without any individualized information including their names or statuses before making the arrests; transported Claimants to an ICE facility; and detained them for weeks. To the extent the officers had information about the Claimants, it showed that José and Vanessa had legal status, which the

⁷ Car washes are targeted locations for ICE enforcement. For example, there have been numerous ICE raids at car washes in the neighboring state of Connecticut. *See, e.g.*, Chris Polansky, *ICE Raid Targets Eight at Hamden Car Wash, Officials Say*, CT Mirror (Oct. 16, 2025 at 1:14 pm), <https://ctmirror.org/2025/10/16/ice-raid-hamden-carwash/>; *ICE Arrests 7 People at Newington Car Wash, Mayor Says*, NBC Conn. (Aug. 23, 2025), <https://www.nbcconnecticut.com/news/local/ice-arrests-7-people-at-newington-car-wash-mayor-says/3629264/>; David Horwitz, *Four Employees Arrested During ICE Raid at Southington Car Wash*, NBC Conn. (June 10, 2025 at 6:45 pm), <https://www.nbcconnecticut.com/news/local/four-employees-arrested-ice-raid-southington-car-wash/3583980/>. This pattern has been seen across the country. *See, e.g.*, Leland Pinder & Annie McCormick, *Video Shows ICE Raid at Car Wash in Philadelphia's Juniata Park Section; 7 Men Reportedly Detained*, 6 ABC Action News (Jan. 30, 2025), <https://6abc.com/post/video-shows-ice-raid-car-wash-philadelphias-juniata-park-section-7-men-reportedly-detained/15844621/>; Suhauna Hussain, *'They are Grabbing People.'* *L.A. and Orange County Car Wash Workers Targeted by Federal Immigration Raids*, LA Times (June 11, 2025), <https://www.latimes.com/business/story/2025-06-11/l-a-orange-county-car-washes-hit-by-ice-raids>.

officers ignored. The conduct here represents exactly the sort of sweep that our Constitution forbids.

2. Violation of the Fifth Amendment (Equal Protection)

The officers' conduct also violated Claimants' right to equal protection. The Equal Protection Clause of the Fourteenth Amendment prohibits states from "deny[ing] any person within its jurisdiction equal protection of the law." U.S. Const. amend. XIV, § 1. That same protection applies to the federal government through the Due Process Clause of the Fifth Amendment, which bars federal actors from discriminating on the basis of race, color, or ethnicity. *Washington v. Davis*, 426 U.S. 229, 239 (1976).

The ICE officers' conduct during the car wash raid violated this constitutional guarantee. The officers indiscriminately detained Latinx workers without regard to citizenship or immigration status, targeting individuals on the basis of their perceived or apparent race, ethnicity, and language. This is precisely the conduct the Supreme Court has identified as antithetical to the "core purpose" of the Equal Protection Clause: to eliminate "all governmentally imposed discrimination based on race." *Students for Fair Admissions v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 206 (2023) (quoting *Palmore v. Sidoti*, 466 U.S. 429, 432 (1984)). The fact that the ICE officers confirmed that José and Vanessa are lawfully present underscores that race—and not another factor like immigration status—drove the officers' actions. When federal immigration agents "make interior immigration stops or arrests based on race or ethnicity," such conduct violates the Constitution's equal protection guarantee. *Trump v. Illinois*, 607 U.S. ---, 146 S. Ct. 432, 436 n.4 (2025) (Kavanaugh, J., concurring).

The actions of ICE during the car wash raid do not withstand strict scrutiny, *see Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995), as racial animus cannot constitute a compelling government interest. To the extent the government asserts the enforcement of immigration laws as its compelling interest, there are more tailored, more effective, and more accurate means available.

Even if ICE officers were to argue that this raid was race-neutral, their conduct is "unexplainable on grounds other than race," *Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977) (citing *Yick Wo v. Hopkins*, 118 U.S. 356 (1886)), and the officers' actions reflect both racially discriminatory intent and discriminatory effect, making them unconstitutional. The historical background of anti-Latinx sentiment and the present-day context of the Trump administration's immigration policy and rhetoric make a clear showing of discriminatory intent. *See Arlington Heights*, 429 U.S. at 266–268; *Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647, 687 (2021).

ICE officers' sweep of Latinx workers constitutes racial profiling that violates our Constitution's guarantee of equal protection.

3. Violation of the Fifth Amendment (Substantive Due Process)

The immigration officers' conduct also violated principles of substantive due process. Under the Due Process Clause of the Constitution, government actors may not “deprive any person of life, liberty, or property, without due process of law.” U.S. Const., amend XIV. The clause contains a substantive component that prohibits certain arbitrary, wrongful government actions, regardless of the fairness of the procedures used to implement them. *Zinermon v. Burch*, 494 U.S. 113, 125 (1990); *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 845–46 (1998); see *Cook v. Gates*, 528 F.3d 42, 49 (1st Cir. 2008) (discussing substantive due process under Fourteenth and Fifth Amendments as one in the same); *McIntyre v. United States*, 336 F. Supp. 2d 87, 108 (D. Mass. 2004) (applying same legal test for substantive due process under Fourteenth and Fifth Amendments).

Government actions that are legislative in nature—*e.g.*, statutes, governmental policies, broadly applicable administrative regulations and executive orders, and, in some circumstances, “concerted actions by multiple government employees if taken pursuant to broad governmental policies”—violate substantive due process if they restrict a fundamental right. *Foote v. Ludlow School Comm.*, 128 F.4th 336, 345 (1st Cir. 2025); *Clark v. Boscher*, 514 F.3d 107, 112 (1st Cir. 2008). The officers' conduct here is best viewed as legislative in nature because it involved multiple officers acting pursuant to a broader governmental policy. *Cf. Abdi v. Wray*, 942 F.3d 1019, 1027–28 (10th Cir. 2019) (applying this standard when a plaintiff challenged the FBI's “No-Fly List”).

ICE's arrests on November 4th restricted a critical fundamental right. The Due Process Clause safeguards liberty in its most literal sense—shielding individuals from unjustified government intrusions on their freedom of movement. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). In other words, the clause protects freedom from unjustified bodily restraint. *Id.*; *Youngberg v. Romeo*, 457 U.S. 307, 316 (1982). The Supreme Court has taken care not to “minimize the importance and fundamental nature” of an individual's right to liberty from government restraint. *United States v. Salerno*, 481 U.S. 739, 750 (1987). It is plain that Claimants' right to liberty and freedom of movement was significantly and unjustifiably restricted by their arrests and ensuing detention.

Government actions that are executive in nature—*e.g.*, individual acts of government officials—are unconstitutional if they both restrict a fundamental right *and* shock the conscience. *Clark*, 514 F.3d at 112; *Foote*, 128 F.4th at 346. Although not required to establish a due process violation here, where the actions were legislative in nature, the ICE officers' conduct also shocks the conscience. The Supreme Court has explained that “conduct deliberately intended to injure in some way unjustifiable by any government interest is the sort of official action most likely to rise to the conscience-shocking level.” *Cty. of Sacramento v. Lewis*, 523 U.S. 833, 834 (1998). In some circumstances, deliberate indifference can constitute conscience-shocking behavior. *Maldonado-González v. Puerto Rico Aqueduct & Sewer Auth'y*, 158 F.4th 27, 36–40 (1st Cir. 2025). Here, the ICE officers acted with full awareness that their actions were unlawful, and they knowingly inflicted harm and suffering on the Claimants. Their operation was executed in an egregiously militaristic and punitive manner—relying on racial profiling, indiscriminate arrests, and intimidating detention tactics. Such deliberately injurious and legally violative behavior exceeds

all bounds of legitimate law-enforcement conduct and readily satisfies the “conscience-shocking” standard.

Under either standard, the ICE officers’ actions exemplify the type of government conduct that the Court has deemed unconstitutional under the Fifth Amendment.

4. Violation of the Immigration and Nationality Act

The officers’ conduct here also ran afoul of the Immigration and Nationality Act (“INA”), which authorizes federal immigration officers to make certain seizures. *See* 8 U.S.C. § 1357. Under the INA, immigration officers may only make a warrantless arrest if they have “reason to believe that the alien so arrested is in the United States in violation of any [immigration] law or regulation *and* is likely to escape before a warrant can be obtained for his arrest.” *Id.* § 1357(a)(2) (emphasis added). “Reason to believe” is considered the equivalent of probable cause. *Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015).

ICE failed to satisfy either prerequisite under 8 U.S.C. § 1357(a)(2) to justify Claimants’ arrests. First, ICE lacked probable cause to believe that any of the Claimants were violating any immigration law or regulation, as the statute requires. ICE officers were not looking for any particular individual and made no meaningful attempt to identify individual employees or ascertain information about their immigration statuses before detaining them. Instead, they arrested those who were working outside the car wash bay and building and within their reach. The sole observable bases for these arrests were the Claimants’ place of employment and perceived race and ethnicity—criteria that are legally insufficient to support probable cause. Such broad, non-particularized, and racially based suppositions fall far short of the statutory requirement. For some of the Claimants, ICE continued with the arrest even after learning that they were *not* “in the United States in violation of any [immigration] law or regulation.” 8 U.S.C. § 1357(a)(2).

Second, ICE officials also lacked any basis to believe it was likely that any of the Claimants would escape before a warrant could be obtained.⁸ Because there was no individualized knowledge

⁸ ICE has long interpreted the phrase “likely to escape”—and the phrase has been long and consistently understood by courts nationwide—to refer to situations in which officers believe that someone is a “flight risk,” *i.e.*, that if released, the individual would abscond from enforcement and fail to appear for future immigration proceedings. *See* Hamed Aleaziz & Charlie Savage, *ICE Expands Power of Agents to Arrest People Without Warrants*, N.Y. Times (Jan. 30, 2026), <https://www.nytimes.com/2026/01/30/us/politics/ice-expands-power-agents-warrants.html>. On January 28, 2026, ICE issued a memorandum changing its understanding of the phrase “likely to escape” to mean “unlikely to be located at the scene of the encounter or another clearly identifiable location once an administrative warrant is obtained.” Ex. A, *Hussen v. Noem*, No. 26-CV-324 (D. Minn. Jan. 30, 2026), Dkt. No. 85-1, at 3. The change in policy has already been blocked by federal courts across the country. *See, e.g.*, Opinion & Order, *M-J-M-A- et. al. v. Hermosillo*, No. 6:25-CV-02011 (D. Ore. Feb. 27, 2026), Dkt. No. 88.

The November car wash raid that gives rise to this complaint occurred months before the January ICE memorandum and policy change. Therefore, the understanding of “likely to escape” that applies here is “flight risk.” Nevertheless, even under ICE’s later-implemented interpretation of the phrase “likely to escape,” Claimants’ behavior at the time of the arrest belies any suggestion that obtaining a warrant would be impracticable. The ICE officers did not have any other information about the Claimants. All Claimants remained calm, compliant, and displayed no signs of resistance or even frustration with ICE officers. Under these circumstances, there were no articulable facts to indicate Claimants would abscond or that ICE would be unable to locate them before federal officials could obtain warrants for their arrests.

of any of the Claimants beforehand, there was no information on which to base a determination that any Claimant was a flight risk.⁹

Altogether, the ICE officers resoundingly failed to meet either prerequisite to arrest Claimants without a warrant under 8 U.S.C. § 1357(a)(2). The sweeping, race-based detentions that took place bore no resemblance to the individualized assessment the statute demands, and without any particularized information, there could be no belief of any flight risk. Claimants' arrests were contrary to the INA and patently unlawful.

5. Violation of Agency Standards for Enforcement Activities

The standards for immigration officer enforcement activities are codified, in relevant part, in 8 C.F.R. § 287.8. In particular, § 287.8(c) governs conduct of arrests. During the ICE officers' interactions with Claimants, they exceeded their authority when making arrests based on at least the following provisions.

a. Probable Cause

First, the ICE officers did not have particularized probable cause for any of the Claimants but nevertheless made arrests. Accordingly, they violated 8 C.F.R. § 287.8(c)(2)(i), which states:

An arrest shall be made only when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States.

“Reason to believe” constitutes probable cause. *See Morales*, 793 F.3d at 216 (“reasonable grounds” and “probable cause” have “traditionally been accorded the same meaning”). As described above, *see supra* Sections IV.B.1, 4, at the time that ICE officers arrested each Claimant, there was no probable cause to believe that any of the Claimants had committed an offense against the United States or were unlawfully present in the United States.

b. Likely to Escape

Next, the immigration officers had no reason to believe any of the Claimants were likely to escape, yet they made warrantless arrests. Thus, the ICE officers also violated 8 C.F.R. § 287.8(c)(2)(ii), which states:

A warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained.

⁹ Furthermore, even if ICE *did* have information about the Claimants, there are no reasons why any of them would be considered any type of flight risk. All Claimants are well-established in their communities; some, like Vanessa, Felicita, Clarisa, and José, live with family members or loved ones; others, like Heidi and Yuli, have relatives nearby; and Dairo has lived in the United States for thirty years with a well-established network of friends. None have any history of crime or run-ins with the law.

For the reasons outlined above, *see supra* Section IV.B.4, there was no probable cause to believe that any of the Claimants were a flight risk or would otherwise abscond from law enforcement.

c. Identification

Finally, many officers did not share required information with the Claimants such that they violated 8 C.F.R. § 287.8(c)(2)(iii), which states:

- (iii) At the time of the arrest, the designated immigration officer shall, as soon as it is practical and safe to do so:
 - (A) Identify himself or herself as an immigration officer who is authorized to execute an arrest; and
 - (B) State that the person is under arrest and the reason for the arrest.

The ICE officers who raided the Allston Car Wash wore facial coverings and plain clothes, and arrived in unmarked vehicles. They did not identify themselves as immigration officers to Felicita or Heidi; they also did not identify themselves as such to Clarisa, although she overheard an officer saying this to Yuli. The only officer who identified himself by name was Special Agent Coleman, who did so only in conversation with the general manager and co-owners of the Allston Car Wash.

No ICE officer stated that any of the Claimants were under arrest, nor did anyone explain the reason for any of the Claimants' arrests.

Altogether, these circumstances constitute violations of the standards for immigration officer enforcement activities as codified in 8 C.F.R. § 287.8.

V. Claims

Each tort claim brought under the FTCA must be evaluated under the substantive law of the state in which the conduct occurred. *See, e.g., Gill v. United States*, 516 F. Supp. 3d 64, 79 (D. Mass. 2021) (allowing various FTCA claims to proceed and holding that “because the majority of the allegedly tortious conduct occurred in Massachusetts, its tort law governs”). In this case, because the underlying misconduct and offenses took place in Massachusetts, the tort claims are analyzed under Massachusetts state law.

The Claimants bring six tort claims under Massachusetts law: false arrest, false imprisonment, battery, intentional infliction of emotional distress, negligent infliction of emotional distress, and negligent supervision.

A. False Arrest

Under Massachusetts law, a private person would be liable for false arrest in the circumstances that occurred here. The elements of a false arrest claim are that: “(1) the defendant intended to confine the plaintiff; (2) the plaintiff was conscious of the confinement; (3) the plaintiff

did not consent to the confinement; and (4) the defendant had no privilege to cause the confinement.” *Calero-Colon v. Betancourt-Lebron*, 68 F.3d 1, 3 n.6 (1st Cir. 1995) (citation omitted). Under Massachusetts law, the defendant has the burden of establishing a legal justification for an arrest. *Gutierrez v. Mass. Bay Transp. Auth.*, 772 N.E.2d 552, 564 (Mass. 2002); *accord Mercurio v. Town of Sherborn*, 287 F. Supp. 3d 109, 123 (D. Mass. 2017) (explaining that the defendant has the burden of proving probable cause to justify the arrest).

On November 4th, ICE officers actively sought to confine—and succeeded in confining—all Claimants. ICE agents descended on the car wash and blocked all points of egress, preventing the Claimants and everyone else present from leaving the scene. ICE officers then physically seized the Claimants, grabbing them, handcuffing them, and ultimately loading them into unmarked government vehicles. Claimants were subsequently wrongfully confined in detention facilities for between fourteen and thirty days. At all times, Claimants were fully aware of their wrongful confinement and did not consent to their arrests nor detention. They continue to be deeply affected by the traumatic impact that this confinement caused.

The ICE officers had no privilege or other justifiable basis for confining the Claimants; as discussed above, they violated the U.S. Constitution, the INA, and federal regulations. The officers arrested the Claimants with no warrant and no probable cause—let alone particularized probable cause as to each Claimant—in violation of the Fourth Amendment. *See supra* Section IV.B.1. Additionally, the officers’ confinement of the Claimants could not be justified by 8 U.S.C. § 1357(a)(2) and, to the contrary, violates the INA. *See supra* Section IV.B.4.

In addition, ICE officers kept José and Vanessa confined even after learning that they were lawfully present and working in the United States. José informed ICE that he was legally present, said he had identification, and was then located in the DHS facial recognition system showing his status. Vanessa informed an ICE officer four times that she had a work permit, but she was ignored. The facial recognition system apparently identified her as well, prompting the ICE officer to know her name and ask to confirm her identity. Despite this, and therefore with no possible justifiable basis for continued confinement, ICE officers continued to confine José and Vanessa—at the car wash, then in transport, then at Burlington, and then at other detention facilities—for several days.

B. False Imprisonment

Massachusetts law would also make a private person liable for false imprisonment in these circumstances. To state a claim for false imprisonment, a plaintiff must allege that the defendant “impos[ed] by force or threats an unlawful restraint upon freedom of movement.” *Wax v. McGrath*, 151 N.E. 317, 342 (Mass. 1926) (citation omitted). This includes any demonstration of physical power that seems like it can be avoided only by submission. *Coblyn v. Kennedy’s, Inc.*, 268 N.E.2d 860, 860–61 (Mass. 1971). If a person is unjustifiably restrained of their personal liberty out of this fear, that can amount to false imprisonment. *Id.* (allowing tort action for false imprisonment to proceed); *see also Alianza Americas v. DeSantis*, 727 F. Supp. 3d 9, 64–65 (D. Mass. 2024) (allowing false imprisonment claims to proceed where defendants lured plaintiffs with false promises to board a plane). The defendant has the burden of proof of establishing that the imprisonment was justified by law. *See Shine v. Vega*, 709 N.E.2d 58, 62 n.13 (Mass. 1999).

On November 4th, ICE officers carried out a coordinated and escalating series of actions that resulted in the unlawful restraint of the Claimants' liberty and freedom of movement. ICE agents surrounded the car wash in a show of overwhelming force: multiple unmarked vehicles blocked every entrance and exit to the car wash bay, additional vehicles closed off the surrounding perimeter around the side, and armed agents—faces obscured, wearing bulletproof vests, and visibly bearing firearms—swarmed Claimants hard at work. This menacing encirclement and display of weapons created an immediate fear that any attempt to flee or resist would be met with violence. Given the widely publicized instances of aggressive ICE arrests, the Claimants were reasonably struck with fear and reasonably understood that they were not free to go. Any reasonable person in those circumstances would have believed they were not free to go. From the outset, the Claimants' freedom of movement was completely restrained by the officers' threatening conduct. The officers then escalated to direct physical restraint. ICE officers forcibly grabbed each of the Claimants and handcuffed them, before loading them into unmarked vehicles.

ICE officers lacked any justifiable reason for restraining the Claimants. As discussed above, *see supra* Sections IV.B.1, 4, the officers acted with no warrants, no particularized information about any of the Claimants, no probable cause, and thus no lawful justification for arrest. Claimants' arrests were the product of racial profiling and the use of fear and force to eliminate their ability to move or leave.

C. Battery

The immigration officers also committed battery on each of the Claimants as defined by Massachusetts law. Under Massachusetts law, the elements of battery are: (1) the defendant acts intending to cause a harmful or offensive contact with another; and (2) the harmful or offensive contact with another person directly or indirectly results. *Waters v. Blackshear*, 412 Mass. 589, 590 (1992) (affirming judgment).

Each of the Claimants complied with ICE officers' requests and did not resist arrest. Despite this, each was handcuffed so as to cause physical injury. Dairo's handcuffs were so tight that his hands were temporarily immobilized. José's handcuffs squeezed his wrists and caused pain. As a result of ICE's handcuffing, Vanessa's wrists turned a reddish hue. ICE handcuffed Felicita so tightly that they caused deep bruises that lasted approximately eight days. An ICE officer used physical force to hold Clarisa's hands behind her back, and the cuffs were so tight they caused her wrist pain. Similarly, Heidi's handcuffs made her hands and wrists hurt. Yuli's handcuffs turned her wrists red from being so tight. The ICE officers knew that restraining someone with handcuffs secured tightly would injure the detainee. Nevertheless, the officers made the deliberate choice to apply the handcuffs in this manner, directly causing harmful and offensive contact. This amounts to a battery.

ICE officers committed an additional battery against Yuli. When ICE arrived at the car wash, she calmly stopped her work and took two slow steps back from the car. Despite her compliance, an ICE officer forcibly grabbed her hands and twisted and turned them behind her back. The officer then shoved Yuli into the back corner of the car. This intentional harmful and offensive conduct is a battery against Yuli.

D. Intentional Infliction of Emotional Distress

State law would also make a private person liable for intentional infliction of emotional distress (“IIED”) in these circumstances. To establish an IIED claim in Massachusetts, a plaintiff must demonstrate that: (1) the defendant intended to inflict emotional distress, or knew or should have known that emotional distress was the likely result of their conduct; (2) the conduct was extreme and outrageous; (3) the defendant’s actions were the cause of the plaintiff’s distress; and (4) plaintiff’s emotional distress was severe and of a nature that would be considered unendurable by a reasonable person. *Agis v. Howard Johnson Co.*, 355 N.E.2d 315, 318–19 (Mass. 1976); *see also Alianza Americas*, 727 F. Supp. 3d at 65 (applying this standard). When considering a claim for IIED, the trier of fact may “put as harsh a face on [the defendant’s actions] as the basic facts would reasonably allow.” *Id.* at 66 (citation omitted).

The ICE officers’ misconduct easily meets the legal threshold for an IIED claim. To begin, the officers knew or should have known that their actions would cause extreme distress to the Claimants. Any reasonable person, even outside of the context of immigration enforcement, would experience profound alarm and fear if approximately twenty cars and twenty armed law enforcement officers suddenly swarmed their workplace before indiscriminately and forcibly rounding people up and placing them under arrest. For the Claimants—already living with the constant, ubiquitous fear of ICE operations, arrest, deportation, and family separation—the level of anticipated distress was not merely foreseeable, but inevitable. The federal government is fully aware that ICE raids have inflicted deep, often irreparable harm. Despite that knowledge, they carried out a militarized, aggressive, and highly visible operation at the Allston Car Wash.

To satisfy the second element—extreme and outrageous conduct—the defendant’s actions must be “beyond all bounds of decency and . . . utterly intolerable in a civilized community.” *Agis*, 355 N.E.2d at 319. The conduct here indisputably meets that definition. It is beyond all possible bounds of decency to target people solely based on their perceived race and ethnicity; to treat them as criminals, physically restraining them in front of colleagues and customers, handcuffing them without any legal justification, and lining them up, hands behind their backs; and for all of this to occur at their place of work, on a busy street, for the public to see. The Claimants were then forced into vehicles without being given any explanation or information about where they would be sent, nor any knowledge of when they might next expect freedom and return to their families. Then, at the Target parking lot, the Claimants were chained by hands, feet, and waists, intentionally dehumanizing them and making them feel like criminals. During detention, ICE subjected Claimants to torturous conditions. These actions were terrorizing, degrading, and humiliating. Beginning with the arrests and continuing thereafter, ICE stripped the Claimants of their dignity and personhood. Furthermore, ICE officers took these actions in knowing disregard of the significant emotional and psychological harm that their conduct would inflict on the Claimants. *See Avina v. United States*, 681 F.3d 1127, 1133 (9th Cir. 2012) (holding that “a rational trier of fact could find that agents engaged in ‘extreme or outrageous’ conduct when” executing a warrant at the plaintiffs’ home).

The ICE officers’ actions caused Claimants profound distress. As a result of ICE officers’ conduct during the arrests, Claimants have experienced fear, anxiety, humiliation,

dehumanization, and feelings of vulnerability. These are not fleeting reactions, but rather enduring psychological and emotional injuries directly caused by the officers' actions.

Finally, the level of emotional distress suffered is severe. No reasonable person could be expected to withstand the terror of watching armed agents close in on them just because they were working outside, and without any particularized reason; the sudden realization that they were being seized by ICE; and then experiencing a wave of panic of an uncertain future of detention, potential deportation, and separation from their families. These arrests then led to Claimants' detention in horrid, punitive conditions for multiple weeks, separated from families and support networks, and with additional layers of fear and dehumanization thrust upon them on a daily basis. Now released, they are still adjusting to a changed reality that is marred by blatant racism, emotional and physical suffering, and ongoing trauma. Claimants' suffering is continuing, substantial, and far beyond what any reasonable person should be expected to bear.

E. Negligent Infliction of Emotional Distress

Massachusetts law would also make a private person liable for negligent infliction of emotional distress ("NIED") in like circumstances. For a NIED claim, a plaintiff must show "(1) negligence; (2) emotional distress; (3) causation; (4) physical harm manifested by objective symptomatology; and (5) that a reasonable person would have suffered emotional distress under the circumstances of the case." *Lanier v. President & Fellows of Harvard Coll.*, 191 N.E.3d 1063, 1072 (Mass. 2022) (citation omitted) (allowing NIED claims to proceed).

Here, the ICE officers owed a duty to exercise reasonable care in conducting their law enforcement operations. *See, e.g.*, 8 C.F.R. § 287.8. The officers breached this duty when they arrested the Claimants without lawful basis and in disregard of the applicable standards governing enforcement actions. *See supra* Section IV.B.5. As detailed above, this breach directly caused Claimants to experience extreme emotional distress. *See supra* Section V.D.

The Claimants' emotional harm was accompanied by concrete physical manifestations. This element—physical harm—is "interpreted to include a broad range of symptoms; what is required is only enough 'objective evidence' to 'corroborate [a plaintiff's] mental distress claim[.]'" *Id.* (quoting *Sullivan v. Bos. Gas Co.*, 605 N.E.2d 805, 810 (Mass. 1993)). "Qualifying symptoms include those that could be classified as more mental than physical, provided that they go beyond mere upset, dismay, humiliation, grief and anger." *Id.* (quoting *Gutierrez*, 772 N.E.2d at 566). Here, Claimants experienced varied symptoms—anxiety; headaches; sleeplessness; nightmares; lost sense of reality, including time and memory; reduced appetite; uncontrollable crying; shortness of breath; and elevated heart rate—which are recognized by Massachusetts caselaw to satisfy this standard. *See, e.g.*, *Bresnahan v. McAuliffe*, 712 N.E.2d 1173, 1178 (Mass. App. Ct. 1999); *Rodriguez v. Cambridge Hous. Auth.*, 823 N.E.2d 1249, 1254 (Mass. 2005).

A reasonable person would undoubtedly suffer emotional distress after enduring an unprovoked, unjustifiable arrest by armed federal agents. The trauma suffered by Claimants was not incidental nor disproportionate to the officers' actions, but rather a direct, predictable consequence of the ICE officers' conduct.

F. Negligent Supervision

Finally, state law would also make a private person liable for negligent supervision in these circumstances. To establish a claim of negligent supervision under Massachusetts law, a plaintiff must initially establish (1) “that the persons whose actions form the basis of the claim were agents and/or employees of the defendant employer; [and (2)] that the agents and employees came into contact with members of the public in the course of their employer’s business.” *Limone v. United States*, 497 F. Supp. 2d 143, 233 (D. Mass. 2007) (citations omitted), *aff’d on other grounds*, 579 F.3d 79 (1st Cir. 2009). A plaintiff must also establish (3) “that the employer failed to use reasonable care in the selection, supervision and retention of the agents and employees; and [(4)] that the failure to use such reasonable care was the proximate cause of harm to the plaintiffs.” *Id.*

Here, all ICE officers are federal employees whose assigned duties involve direct and frequent contact with members of the public in the course of conducting immigration enforcement activities. Their roles and work necessarily place them in situations where misuse of authority creates a substantial risk of harm, making proper supervision essential to public safety. Therefore, the first two elements are met.

As for the third element, ICE supervisory officials failed to use reasonable care to supervise their officers. The law is clear that supervisors cannot ignore repeated and well-documented constitutional violations by their subordinates. As courts have recognized, “[t]otal inaction cannot be reasonable care in the face of certain misconduct.” *Id.* (condemning supervisors for doing “absolutely nothing”).

The ICE officers’ unlawful arrests and other illegal conduct toward the Claimants were not isolated activities; they are part of a systemic custom, pattern, and practice that government supervisors knew about—or, at a minimum, should have known about—yet failed to prevent. Across the country, ICE officers have engaged in an established, escalating pattern of warrantless arrests, racial profiling, and other unconstitutional and unlawful enforcement tactics. These practices have been repeatedly documented, publicly reported, and widely criticized—placing supervisory officials on clear notice that ICE officers are routinely engaging in conduct that violated constitutional and statutory limits. But despite this notice, ICE supervisory officials have failed to take corrective action, implement adequate oversight, provide proper training, or otherwise take reasonable care to adequately supervise officers to ensure the law is being followed.

Finally, given this well-established pattern, the unlawful arrests and resulting harms suffered by the Claimants were entirely foreseeable. These harms were caused by and the result of the failure to take reasonable care in supervising ICE officers, who have been allowed to act illegally with impunity.

VI. Damages and Requested Relief

For the reasons outlined above, each Claimant requests:

- 1) Damages in the amount of \$1,000,000.00 per Claimant;
- 2) Attorneys’ fees and costs as permitted by law;

3) Such other and further relief as may be just and proper.

VII. Conclusion

For the reasons outlined above, the Claimants bring this action under the FTCA, seeking compensation for the extraordinary harms they suffered at the hands of the federal government.

Respectfully submitted,



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