

Cause No. _____

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
v.	§	
CITY OF HOUSTON; JOHN	§	
WHITMIRE, Mayor of Houston; AMY	§	
PECK, TARSHA JACKSON, ABBIE	§	
KAMAN, CAROLYN EVANS-SHABAZZ,	§	FORT BEND COUNTY, TEXAS
FRED FLICKINGER, TIFFANY D.	§	
THOMAS, MARY NAN HUFFMAN;	§	
MARIO CASTILLO, JOAQUIN	§	
MARTINEZ, EDWARD POLLARD,	§	
MARTHA CASTEX-TATUM, JULIAN	§	
RAMIREZ, WILLIE DAVIS, TWILA	§	
CARTER, ALEJANDRA SALINAS,	§	
SALLIE ALCORN, Members of the City	§	
Council of Houston; and JOSE NOE DIAZ,	§	
Chief of Police of Houston; in their official	§	
capacities,	§	
<i>Defendants.</i>		_____ JUDICIAL DISTRICT

**PLAINTIFF’S ORIGINAL VERIFIED PETITION,
APPLICATION FOR TEMPORARY INJUNCTION AND PERMANENT
INJUNCTION**

The City of Houston (Houston), a home-rule city, adopted an ordinance designed to subvert state law that mandates cooperation with federal immigration enforcement officials. This ordinance constitutes a policy under which Houston will limit cooperation with federal immigration enforcement in violation of state law, specifically SB4. “SB4 prohibits local authorities from limiting their cooperation with federal immigration enforcement, and it requires local officers to comply with Immigration and Customs Enforcement (ICE) detainer requests.” *City of El Cenizo v. Texas*, 890 F.3d 164, 173 (5th Cir. 2018). Thus, the ordinance and any corresponding Houston Police Department general order or directive violate and are preempted by section 752.053(b)(3) of the Texas Government Code which forbids “a local entity” from

“prohibit[ing] or materially limit[ing]” a “peace officer” from “assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.” Tex. Gov’t Code § 752.053(b)(3). The ordinance is also unconstitutional. “[N]o...ordinance passed under [Houston’s] charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State.” Tex. Const. art. XI, § 5.

Consequently, the State of Texas files this Original Petition and Application for Temporary and Permanent Injunction asking the Court to (1) declare the Ordinance and any corresponding Houston Police Department general order or directive ultra vires and void; and (2) order Defendants to (a) repeal the ordinance, (b) cancel any corresponding Houston Police Department general orders or directives, (c) fully enforce the immigration laws in chapter 752, (d) not discipline of any employee of the City of Houston for enforcing the immigration laws in chapter 752, and (e) modify city policies and internal operating procedures to the extent that they have been updated in response to the general order.

DISCOVERY CONTROL PLAN

1. If discovery were needed, it would be intended to be conducted under Level 2 of Texas Rule of Civil Procedure 190.3. But this is a case of pure law and discovery is unneeded.

CLAIMS FOR RELIEF

2. Plaintiff seeks injunctive relief. Therefore, this suit is not governed by the expedited actions process in Tex. R. Civ. P. 169.

VENUE

3. Venue is proper in Fort Bend County under section 15.002(a)(1) of the Texas Civil Practices and Remedies Code. The City of Houston sits, in part, in Fort Bend County, meaning the challenged ordinance is effective in Fort Bend County.

SOVEREIGN IMMUNITY INAPPLICABLE

4. Neither sovereign immunity nor governmental immunity applies to the State of Texas's *ultra vires* claim. "The basic justification for this *ultra vires* exception to sovereign immunity is that *ultra vires* acts—or those acts without authority—should not be considered acts of the state at all." *Hall v. McRaven*, 508 SW.3d 232, 238 (Tex. 2017) (citing *Cobb v. Harrington*, 190 S.W.2d 709, 712 (Tex. 1945)). As a result, "*ultra vires* suits do not attempt to exert control over the state—they attempt to reassert the control of the state over one of its agents." *Id.* (citation modified).

5. Further, Texas Civil Practice and Remedies Code Sec. 37.006(b) states "[i]n any proceeding that involves the validity of a municipal ordinance or franchise, the municipality must be made a party and is entitled to be heard." This has been consistently construed as a legislative waiver of governmental immunity in situations like the one at issue here. *Tex. Educ. Agency v. Leeper*, 893 S.W.2d 432, 446 (Tex. 1994); *Tex. Lottery Comm'n v. First State Bank of DeQueen*, 325 S.W.3d 628, 634 (Tex. 2010).

PARTIES

6. Plaintiff is the State of Texas. *State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020) (citing *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015) ("As a sovereign entity, the State has an intrinsic right to enact, interpret, and enforce its own laws.")); *Yett v. Cook*, 281 S.W. 837, 842 (Tex. 1926).

7. Defendant City of Houston is a home-rule municipality.

8. Defendant John Whitmire is the Mayor of Houston.

9. Defendant Martha Castex-Tatum is Mayor Pro-Tem and Councilmember for District K.

10. Defendant Amy Peck is Vice Mayor Pro-Tem and Councilmember for District A.

11. Defendant Tarsha Jackson is Councilmember for District B.

12. Defendant Abbie Kaman is Councilmember for District C.

13. Defendant Carolyn Evans-Shabazz is Councilmember for District D.
14. Defendant Fred Flickinger is Councilmember for District E.
15. Defendant Tiffany D. Thomas is Councilmember for District F.
16. Defendant Mary Nan Huffman is Councilmember for District G.
17. Defendant Mario Castillo is Councilmember for District H.
18. Defendant Joaquin Martinez is Councilmember for District I.
19. Defendant Edward Pollard is Councilmember for District J.
20. Defendant Julian Ramirez is Councilmember for At-Large Position #1.
21. Defendant Willie Davis is Councilmember for At-Large Position #2.
22. Defendant Twila Carter is Councilmember for At-Large Position #3.
23. Defendant Alejandra Salinas is Councilmember for At-Large Position #4.
24. Defendant Sallie Alcorn is Councilmember for At-Large Position #5.
25. Defendant Jose Noe Diaz is Chief of Police of Houston.
26. All Defendants are sued in their official capacities.
27. All Defendants may be served with process at City Hall, 901 Bagby St., Second Floor, Houston, Texas 77002.

FACTS

I. Texas Senate Bill 4 (S.B. 4)

28. Enacted by the 85th Legislature in 2017, Texas Senate Bill 4 (SB 4) requires local government entities and law enforcement officials to comply with federal immigration laws and detainer requests, and it creates criminal penalties for entities that do not enforce the law. *E.g.*, Tex. Gov't Code §§ 752.051–057; 772.0073; Tex. Code of Crim. Proc. Art 2.251; Tex. Code of Crim. Proc. Art. 42.039; Tex. Penal Code § 39.07.

29. The Act was established to eliminate local policies that withhold or dilute cooperation with federal immigration enforcement.

30. Relevant here, section 752.053(b)(3) forbids a local entity from prohibiting or materially limiting a peace officer from “assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.” Tex. Gov’t Code § 752.053(b)(3).

31. The Fifth Circuit has held that the phrase “assisting or cooperating” in Section 752.053(b)(3) “requires a predicate federal *request* for assistance” and, therefore, does not authorize unilateral local immigration enforcement. 890 F.3d at 177. At the same time, the court noted that the statute “does not generally preclude immigration-neutral policies regarding bona fide resource allocation—e.g., policies regarding overtime or patrolling locations.” *Id.* at 178 n.7.

32. However, SB 4 does not authorize department-wide policy that “prohibit or materially limit” cooperation whenever ICE requests assistance. Tex. Gov’t Code § 752.053(b).

II. Houston Police Department Policy Prior to the Ordinance

33. Prior to April 8, 2026, the Houston Police Department maintained a policy of cooperation with federal immigration agents, as required by SB 4.

34. Reflective of the statutory requirements of SB 4, the Houston Police Department has previously issued General Orders to comply with the law. One such previously compliant order states that “Officers shall contact U.S. Immigration and Customs Enforcement (ICE) if a background check through NCIC/TCIC returns a possible hit from ICE regarding a wanted or detained person.” HPD General Orders, GO 500-5(1)(d), at 2 (UNDOCUMENTED IMMIGRANTS) (Exhibit 2).

35. Reflective of the statutory requirements of SB 4, the Houston Police Department has previously issued General Orders to comply with the law. Another such compliant provision states that “Houston police officers shall assist ICE agents on criminal matters of mutual concern, but only when requested and only in situations in which the involved Houston police officers will

be clearly exercising their police powers under the laws of the State of Texas.” HPD General Orders, GO 500-5(3), at 2 (UNDOCUMENTED IMMIGRANTS) (Exhibit 2).

36. On March 11, 2026, the Mayor and Police Chief of Houston hosted a news conference on immigration. Houston Police Department (@houstonpolice), *Mayor and Police Chief Host News Conference on Immigration* (X, streamed Mar. 11, 2026, at 2:05 PM CT), <https://x.com/houstonpolice/status/2031808633210863688>.

37. At this press conference, Jose Noe Diaz, Chief of the Houston Police Department, notified the public of the issuance of an internal directive, “effective immediately, when an officer receives a hit for an immigration warrant, a sergeant will be called to the scene to review the circumstances, confirm the facts and verify the existence of the warrant.” *Id.* at 10:25–10:42. “Also there will be a 30-minute window for federal law enforcement to respond to the scene if they choose to, this provides the opportunity to act on the warrant without pulling our officers out of the service for which they intended work in that time period.” *Id.* at 10:42–11:01.

38. At this same press conference, Mayor Whitmire recognized that the law requires that “when they [law enforcement officers] encounter someone while they are doing their job, the law requires them to check their background, NCIC. And if there is a warrant from any other jurisdiction? They are required to contact them. That is doing their job and following the law.” *Id.* at 3:45–4:07.

39. Mayor Whitmore continued, “Let me just say, it’s unfortunate that some would politicize this process. Shame on them. We should not have politics enter into something this sensitive.” *Id.* at 4:07–4:24. “We follow the law. We got a Senate Bill 4 that we must comply with that other communities do not have.” *Id.* at 4:40–4:50

III. The Houston City Ordinance

40. On March 26, 2026, in response to this directive and press conference confirming compliance with SB 4, the City Council opposed the action and proposed an ordinance to end

compliance with state law. Prop-A-Immigration Ordinance, (Mar. 26, 2026) (Exhibit 1), <https://houstontx.gov/council/4/Prop-A-Immigration-Ordinance.pdf>.

41. This proposition directly cited the requirements of Texas Government Code Section 752.053 and stated that they “preclude[] local entities from adopting policies that prohibit or materially limit enforcement of immigration laws.” *Id.* at 3.

42. On April 8, The Houston City Council passed the ordinance, Proposition A Council Member Item – Number 28, by a vote of 12-5, titled “ORDINANCE AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, ADDING SECTION 34-41 relating to Immigration Procedures and establishing Standards for Interactions with Federal Immigration Authorities; containing findings and other provisions relating to the foregoing subject; providing for severability.” *See e.g.*, April 7 & 8 – Houston City Council Session Agenda at 5 (Apr. 8, 2026, 9:00 AM) (Exhibit 3), <https://www.houstontx.gov/citysec/agenda/2026/Apr0726.pdf>; Apr 07, 2026 Council Meeting at 1:36:23–1:37:12 (Houstontx, streamed April 7, 2026 & Apr. 8, 2026), <https://houstontx.new.swagit.com/videos/381353>.

43. The Ordinance modifies the language of Chapter 34, Houston Code of Ordinances, by adding Section 34-41. Prop-A-Immigration Ordinance at 2–3, (Mar. 26, 2026) (Exhibit 1). As relevant here, Section 34-41 defines ICE administrative warrants as separate from other warrants and adopts a new procedure for field encounters. *Id.* at 3. Section 34-41(c), prohibits Houston Police officers from stopping, making arrests or continuing detention based upon an ICE administrative warrant during a field encounter. *Id.*

LEGAL ANALYSIS

44. Because Houston is a home-rule municipality, it has “the full power of self-government” and does not need a special grant from the Legislature to enact local ordinances. *S. Crushed Concrete, LLC v. City of Houston*, 398 S.W.3d 676, 678 (Tex. 2013). However, “no...ordinance passed under [Houston’s] charter shall contain any provision inconsistent with

the Constitution of the State, or of the general laws enacted by the Legislature of this State.” TEX. CONST. art. XI, § 5.

45. Under State law, “[a] local entity . . . may not: (1) adopt, enforce, or endorse a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws.” Tex. Gov’t Code § 752.053(a)(1). Nor may a local entity, “as demonstrated by pattern or practice, prohibit or materially limit the enforcement of immigration laws.” *Id.* § 752.053(a)(2). Local entities also “may not prohibit or materially limit a person who is a commissioned peace officer . . . from doing any of the following: . . . assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.” *Id.* § 752.053(b)(3).

46. The Houston City Ordinance, adding Section 34-41(c), prohibits Houston Police officers from stopping, making arrests or continuing detention based upon an ICE administrative warrant. This is a policy under which Houston will “prohibit or materially limit” enforcement of immigration laws and it is therefore violative of Texas Government Code Section 752.053(a).

47. The Houston City Ordinance is a policy under which Houston will “prohibit or materially limit” assistance or cooperation with federal immigration officers. Therefore, the Houston City Ordinance violates Texas Government Code Section 752.053(b).

48. Because the Houston City Ordinance, and any corresponding Houston Police department general order or corresponding directives violate section 752.053(b)(3) of the Government Code, Defendants “may not” adopt it. Tex. Gov’t Code § 752.053.

49. The Ordinance does not fall into the “immigration-neutral resource allocation” rules permitted by SB 4 as described by *El Cenizo*. The Fifth Circuit observed that Section 752.053(b)(3) does not generally preclude “immigration-neutral policies regarding bona fide resource allocation.” 890 F.3d at 178 n.6.

50. The Ordinance is not a generally applicable immigration-neutral policy; it is a specialized rule triggered by ICE administrative warrants and creates a separate policy of non-

enforcement for them. City of Houston Code of Ordinances, section 34-41(c) (Exhibit 1) (“An ICE administrative warrant is civil in nature and, alone, does not justify a stop, arrest, or continued detention by local law enforcement, like HPD.”).

51. Subsection 34-41(c) cannot be reconciled with the rest of the Ordinance itself. Under subsection 34-41(b), “Pursuant to section 752.053 of the Texas Local Government Code, nothing in this section shall be construed to prohibit or materially limit cooperation with federal immigration authorities as required by state law. This section does not impose additional obligations beyond state law, section 752.053 of the Texas Government Code or other provisions of the same Ordinance.” City of Houston Code of Ordinances, section 34-41(b) (Exhibit 1). Defendants cannot evade the requirements of SB 4 by inclusion of a non-construal provision when the underlying provisions require prohibition and material limitation of cooperation with federal immigration authorities. Because subsection 34-41(b) does not negate the requirements of subsection 34-41(c), the Houston City Ordinance violates Texas Government Code Section 752.053(b).

52. Although local ordinances are presumed valid if an ordinance is unmistakably and clearly at odds with a statute, the ordinance is preempted. *Dall. Merchant’s & Concessionaire’s Ass’n v. City of Dallas*, 852 S.W.2d 489, 491 (Tex. 1993).

53. In a preemption challenge, a local ordinance, even a reasonable one, “is unenforceable to the extent it conflicts with the state statute.” *Id.* (citation omitted).

54. The Houston City Ordinance directly conflicts with the state statute; thus it is unenforceable. *See id.* (citing *City of Brookside Vill. v. Comeau*, 633 S.W.2d 790, 796 (Tex.1982), *cert. denied*, 459 U.S. 1087 (1982)).

55. Moreover, the Ordinance is unconstitutional. “[N]o . . . ordinance passed under [Houston’s] charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State.” TEX. CONST. art XI, § 5.

ULTRA VIRES ACTS

56. In an ultra vires case, a plaintiff must allege, and ultimately prove, that an officer acted without legal authority or failed to perform a ministerial act. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009). “To fall within this *ultra vires* exception, a suit must not complain of a government officer’s exercise of discretion, but rather must allege, and ultimately prove, that the officer acted without legal authority or failed to perform a purely ministerial act.” *Id.* Such suits are proper because “*ultra vires* suits do not attempt to exert control over the state—they attempt to reassert the control of the state.” *Id.*

57. Defendants lack legal authority to adopt the Houston City Ordinance and any corresponding Houston Police Department general order or directives. Tex. Gov’t Code § 752.053.

58. Defendants lack the constitutional authority to adopt the Ordinance. TEX. CONST. art. XI, § 5.

59. Defendants acted ultra vires in adopting the General Order.

60. Texas Government Code 752.053(b)(3) protects an officer from a local policy that prohibits or materially limits the officer from “assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.”

61. SB 4 provides that a “local entity” “may not: adopt, enforce, or endorse a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws.” Tex. Gov’t Code § 752.053(a)(1). SB 4 provides that a “local entity . . . may not prohibit or materially limit a person who is a commissioned peace officer . . . from” “assisting or cooperating with a federal immigration officers as reasonable or necessary, including providing enforcement assistance.” Tex. Gov’t Code § 752.053(b)(3).

REQUEST FOR A DECLARATORY JUDGMENT

62. The State of Texas requests that the Court issue a declaratory judgment that the Ordinance and any corresponding police department general order or directive are ultra vires and void.

APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

63. The State is entitled to both a temporary restraining order and a temporary injunction. To obtain temporary injunctive relief, the State must prove (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002); *Nelson v. Vernco Const., Inc.*, 367 S.W.3d 516, 521 (Tex. App.—El Paso 2012, no pet.).

64. The State has a cause of action against Defendants for ultra vires acts. *Hollins*, 620 S.W.3d at 405.

65. The State has a probable right of recovery. The City of Houston has no authority to pass the Ordinance and the Houston Police Department has no authority to issue any corresponding general or directive. Tex. Gov't Code § 752.053(b)(3).

66. “When the State files suit to enjoin *ultra vires* action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a temporary injunction.” *Hollins*, 620 S.W.3d at 410.

67. The Texas Supreme Court has held that “when it is determined that [a] statute is being violated, it is within the province of the district court to restrain it” so “[t]he doctrine of balancing the equities has no application to this statutorily authorized injunctive relief.” *State v. Texas Pet Foods, Inc.*, 591 S.W.2d 800, 805 (Tex. 1979).

68. Further the State’s inability to enforce its “duly enacted [laws] clearly inflicts irreparable harm on the State.” *Tex. Ass’n of Bus. v. City of Austin*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied) (quoting *Abbott v. Perez*, 585 U.S. 579, 602 n.17 (2018)); see *Washington v. Associated Builders & Contractors of S. Tex.*, 621 S.W.3d 305, 319 (Tex. App.—San

Antonio 2021, no pet.) (“Like the trial court, our sister court, and the Supreme Court, we agree that the ‘inability [of a state] to enforce its duly enacted [laws] clearly inflicts irreparable harm on the State.’” (alteration in original) (first quoting *Abbott*, 585 U.S. at 602 n.17; and then quoting *Texas Ass’n of Bus.*, 565 S.W.3d at 441)).

69. Further, “[a]n injury is irreparable if the injured party cannot be adequately compensated in damages, or if the damages cannot be measured by any certain pecuniary standard.” *Butnaru*, 84 S.W.3d at 204; *City of Dallas v. Brown*, 373 S.W.3d 204, 208 (Tex. App.—Dallas 2012, pet. denied).

70. The equities favor the State. The State seeks only prospective relief requiring local officials to stop enforcing the portions of the Ordinance that conflict with SB 4. Local officials have no legitimate interest in enforcing a policy in violation of state law.

71. The public interest also favors relief. The Legislature, by enacting SB 4, has already made the relevant policy judgment. SB 4 reflects the State’s determination that local entities may not adopt policies that prohibit or materially limit cooperation with federal immigration officers. An injunction enforcing that judgment advances, rather than disrupts, the public interest.

72. Consequently, the State is entitled to a temporary injunction.

73. This Court may issue a temporary restraining order with or without notice to the opposing party. *See* Tex. R. Civ. P. 680–81.

74. The Court should issue a temporary injunction enjoining Defendants from enforcing the ordinance and any corresponding general order or directive and ordering Defendants to (a) repeal the ordinance, (b) cancel any corresponding Police Department general orders or directives, (c) fully enforce the immigration laws in chapter 752, (d) not discipline of any employee of the City of Houston for enforcing the immigration laws in chapter 752, and (e) modify city policies and internal operating procedures to the extent that they have been updated in response to the general order.

REQUEST FOR HEARING

75. Based on the foregoing, Plaintiffs respectfully request a hearing on their application for a temporary restraining order as soon as possible.

APPLICATION FOR PERMANENT INJUNCTION

76. The State of Texas requests trial on the merits, where it will seek a permanent injunction enjoining Defendants from enforcing the ordinance and any corresponding general order or directive and ordering Defendants to (a) repeal the ordinance, (b) cancel any corresponding Police Department general orders or directives, (c) fully enforce the immigration laws in chapter 752, (d) not discipline of any employee of the City of Houston for enforcing the immigration laws in chapter 752, and (e) modify city policies and internal operating procedures to the extent that they have been updated in response to the general order.

PRAYER

Therefore, the State of Texas seeks the following relief:

- a. A temporary and permanent injunction enjoining Defendants from enforcing Chapter 34, Article 2, Section 41 of the City of Houston Code of Ordinances
- b. A temporary and permanent injunction ordering Defendants to repeal the Ordinance.
- c. A temporary and permanent injunction ordering Defendants to cancel any corresponding Houston Police Department general order or directive.
- d. A temporary and permanent injunction ordering Defendants to fully enforce the immigration cooperation laws in Chapter 752 of the Texas Government Code.
- e. A temporary and permanent injunction ordering Defendants not to discipline any Houston Police Department employee for enforcing the immigration cooperation laws in Chapter 752 of the Texas Government Code.
- f. A temporary and permanent injunction ordering Defendants to modify city policies and internal operating procedures to the extent that they have been updated in response to the Ordinance.
- g. All other relief as the Court deems equitable and just.

Date: April 16, 2026

Respectfully submitted.

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COUNSEL FOR PLAINTIFF

Cause No. _____

THE STATE OF TEXAS,
Plaintiff,

v.
CITY OF HOUSTON, et al.
Defendants.

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§

IN THE DISTRICT COURT OF

FORT BEND COUNTY, TEXAS

_____ JUDICIAL DISTRICT

Declaration of Christopher Elmore

My name is Christopher Elmore. I am over eighteen years of age, am of sound mind, and am capable of making this declaration. I am currently employed as a Research Specialist at the Office of the Texas Attorney General.

I have read the above Original Verified Petition and Application for Temporary Injunction and Permanent Injunction. I verify that the facts stated therein are within my personal knowledge and are true and correct.



Christopher Elmore

Sworn and subscribed before me on April 16, 2026.

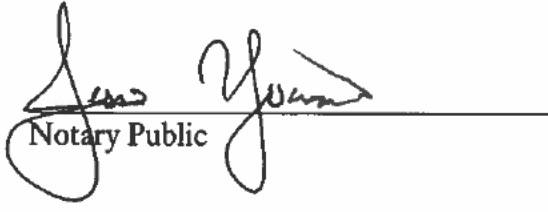
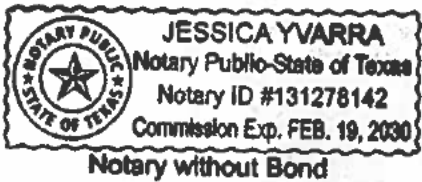

Notary Public

Exhibit 1



CITY OF HOUSTON – CITY COUNCIL

Meeting Date: 4/1/26
Item Creation Date: 3/26/26

Proposition A Council Member Item: Immigration Procedures

Summary: ORDINANCE AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, by adding Section 34-41 relating to immigration procedures and establishing standards for interactions with federal immigration authorities.

Background:

Effective policing in Houston depends on trust between law enforcement and the communities they serve. When residents fear that routine interactions with local police could lead to a family member being detained by ICE, they may hesitate to report crimes, cooperate as witnesses, or seek assistance, undermining public safety.

Recent community concerns have focused on when Houston Police Department (HPD) officers are required to contact federal immigration authorities during routine encounters. Uncertainty about these requirements has created confusion for officers and residents alike, contributing to fear, eroding trust, and diverting attention from criminal enforcement priorities.

Much of this confusion stems from civil administrative immigration warrant information that may appear when conducting background checks. Administrative immigration warrants are civil in nature and only authorize federal immigration authorities to take custody of an alleged deportable noncitizen for immigration proceedings. Administrative immigration warrants do not provide a basis for local law enforcement agencies, like HPD, to arrest, detain, or transport someone to jail. While HPD policy, pursuant to General Order 500-05, recognizes that immigration status alone is not grounds for local police action, existing procedures have been interpreted as requiring broader engagement with federal immigration authorities than is mandated by state law.

State law, including Texas Government Code Section 752.053, commonly referred to as Senate Bill 4, precludes local entities from adopting policies that prohibit or materially limit enforcement of immigration laws. At the same time, state law does not require local law enforcement to exceed those obligations. This ordinance affirms the City of Houston’s compliance with both state law and constitutional detention limitations.

Furthermore, pursuant to the Fourth Amendment of the United States Constitution, traffic stops may last only as long as reasonably necessary to complete the legitimate purpose of the stop and may not be prolonged to conduct unrelated detention activity absent independent reasonable suspicion. By clearly defining lawful detention limits, this ordinance provides clarity for officers, reassures the community, and supports a continued focus on criminal enforcement.

Effective March 11, 2026, HPD issued an updated internal directive requiring supervisory review for administrative hits and directing release if ICE cannot respond within 30 minutes of warrant

verification. While this directive adds oversight, officers are still required to contact ICE based solely on an administrative warrant hit, and it does not resolve the constitutional concern that routine traffic stops may not be prolonged beyond the time reasonably necessary to complete their lawful purpose. This ordinance establishes a clear standard consistent with constitutional limits.

Several Texas jurisdictions have already adopted similar policies related to administrative warrants and detention practices. Bexar County Sheriff's Directive 26-01 states that an ICE administrative warrant alone is not a lawful basis for arrest, transport, or continued detention. Austin Police Department policy states that officers may, but are not required to, contact ICE regarding administrative warrants and may not prolong detention to wait for ICE, and the city requires regular public reporting on immigration-related law enforcement activity. Dallas Police Department guidance directs officers not to enforce administrative warrants.

Specific Explanation:

This ordinance amends Chapter 34 of the Code of Ordinances to establish a clear, uniform standard for when Houston Police Department officers are required to contact federal immigration authorities. Specifically, the ordinance establishes the permissible duration of temporary detentions during field encounters such as traffic stops. Consistent with the Fourth Amendment of the U.S. Constitution, officers may detain an individual only for the time reasonably necessary to complete the legitimate purpose of the stop or investigation. The ordinance, therefore, provides that officers may not prolong a detention solely to facilitate contact with, or response from, federal immigration authorities absent an independent lawful basis for continued detention.

This ordinance promotes transparency and accountability regarding the use of City resources for immigration enforcement by requiring the Administration to provide City Council with a quarterly memorandum, with exceptions to protect ongoing criminal investigations or prosecutions. The memorandum will include anonymized records detailing officer immigration status inquiries and instances of ICE contact.

Any resulting operational updates would occur through HPD's existing administrative processes. The anticipated impact is clearer guidance for officers, reduced confusion about required contact with federal authorities, improved allocation of officer time and resources, and improved community understanding of local enforcement practices while maintaining full compliance with state and federal law.

Proposal:

This ordinance shall amend Chapter 34, Police and Fire Protection, by adding the following language:

Section 34-41. - Immigration Procedures

- (a) Definitions. Unless otherwise indicated, the following words shall, for purposes of this section, have the following meanings:
 - (1) *ICE*. U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety.
 - (2) *NCIC*. National Crime Information Center database maintained by the Federal Bureau of Investigation.

- (3) *TCIC*. Texas Crime Information Center database maintained by the Texas Department of Public Safety.
 - (4) *Background check*. A routine law enforcement database inquiry conducted through NCIC or TCIC during the course of official duties.
 - (5) *Criminal warrant*. A warrant issued by a neutral magistrate or judge based upon probable cause that a criminal law has been violated.
 - (6) *ICE administrative warrant*. An administrative warrant (form I-200/I-205) issued by ICE personnel for civil immigration violations. ICE administrative warrants are not reviewed by a neutral magistrate or judge and are not probable cause for a criminal arrest.
 - (7) *Field encounter*. A temporary investigative or enforcement interaction between an officer and civilian individual, including traffic stops and disturbance interviews.
 - (8) *ICE detainer*. A request made by ICE through I-247 or a similar or successor form to maintain custody of someone already lawfully arrested and booked, usually in a jail setting.
- (b) Pursuant to section 752.053 of the Texas Local Government Code, nothing in this section shall be construed to prohibit or materially limit cooperation with federal immigration authorities as required by state law. This section does not impose additional obligations beyond state law.
- (c) During a field encounter, in accordance with the Fourth Amendment of the U.S. Constitution, officers may temporarily detain an individual only as long as reasonably necessary to complete the legitimate purpose of the initial stop or investigation. An ICE administrative warrant is civil in nature and, alone, does not justify a stop, arrest, or continued detention by local law enforcement, like HPD. If independent reasonable suspicion of a criminal offense sufficient to justify arrest or continued detention does not exist, the individual must be released.
- (d) Each council member shall receive a public quarterly memorandum from HPD concerning the use of City resources for immigration enforcement, excluding information that would jeopardize any ongoing criminal investigation or prosecution. The report shall include anonymized records of:
- (1) each instance where officers inquired into immigration status, including: the offense or ordinance section if any; the reason for the inquiry; the person's race and ethnicity; the number of officers involved; the officer employee numbers of the inquiring officers; and the general location, such as the ZIP code of the incident.
 - (2) each instance where officers contacted federal immigration authorities, including ICE, or responded to requests during a field encounter from such federal immigration authorities, including: the reason for the stop, detention, or arrest; the offense or ordinance section if any; whether an administrative warrant, detainer, or criminal warrant was involved; the start and end times of detention; the officer employee numbers of the inquiring officers; the number of individuals taken into federal immigration custody for alleged civil immigration violations if known; the person's race and ethnicity; the number of officers involved; and the general location, such as the ZIP code of the incident.

A handwritten signature in black ink, appearing to read 'Alejandra Salinas'.

Alejandra Salinas, Houston City Council Member, At-Large Position 4

A handwritten signature in black ink, appearing to read 'Abbie Kamin'.

Abbie Kamin, Houston City Council Member, District C

A handwritten signature in black ink, appearing to read 'Edward Pollard'.

Edward Pollard, Houston City Council Member, District J

Exhibit 2

General Order

Houston Police Department



ISSUE DATE:

February 27, 2020

NO.

500-05

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-05, dated February 14, 2020

SUBJECT: UNDOCUMENTED IMMIGRANTS

POLICY

The city of Houston has attracted many residents from countries outside the United States. A number of these residents are not citizens, are undocumented, and live in Houston without legal sanction. The Houston Police Department is committed to the principle that effective law enforcement depends upon good relationships between the department and the community it serves. As a law enforcement agency, the department must rely upon the cooperation of all persons, including citizens, documented immigrants, and undocumented immigrants in an effort to maintain public order and combat crime.

Undocumented immigrant status is not, in itself, a matter for local police action. Unlawful entry into the United States is not to be treated as an ongoing offense occurring in the presence of a local police officer.

This General Order applies to all classified employees.

DEFINITIONS

ICE. U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety.

Undocumented Immigrant. An immigrant who entered the United States illegally without the proper authorization and documents, or who entered the United States legally and has since violated the terms of his visa or overstayed the time limit.

1 PROCEDURES

Officers shall adhere to the following procedures in the interest of public safety and homeland security:

- a. Officers shall not detain or arrest persons solely on the suspicion that they are in this country illegally.
- b. Officers shall not make inquiries as to the citizenship status of any person unless the person has been legally detained or placed under arrest. Citizenship and immigration status are part of the information that is routinely obtained during the filing of charges for all Class B misdemeanors and above using the District Attorney Intake Management System (DIMS).
- c. Officers may inquire about the nationality or immigration status of a crime victim or witness if it is necessary to investigate the crime or provide information about available federal visas designed to protect individuals providing assistance to law enforcement.

- d. Officers shall contact U.S. Immigration and Customs Enforcement (ICE) if a background check through NCIC/TCIC returns a possible hit from ICE regarding a wanted or detained person.

Officers shall adhere to the procedures in General Order 500-08, **Required Booking Information and Procedures**, when detaining or arresting any person.

2 PROHIBITED POSSESSION OF FIREARMS

Undocumented immigrants are prohibited from possessing firearms and can be charged federally with a felony pursuant to Title 18, United States Code, section 922(g)(5). This felony is considered an aggravated felony under the Immigration and Nationality Act. The Harris County District Attorney's Office has agreed to refer these cases to the U.S. Attorney's Office for prosecution. Officers shall contact the Major Offenders Division if they encounter a possible undocumented immigrant in possession of a firearm to ensure that the incident is referred to the proper federal authority.

3 ICE RAIDS

Houston police officers shall assist ICE agents on criminal matters of mutual concern, but only when requested and only in situations in which the involved Houston police officers will be clearly exercising their police powers under the laws of the State of Texas.

In keeping with this policy, officers are prohibited from participating in ICE raids for which the primary purpose is the arrest of persons for their undocumented status. Any request to participate in these types of investigations shall require the prior approval of an assistant chief.

When HPD is involved or assisting with ICE warrant operations at a private residence or business, a supervisor shall report to the scene. The supervisor shall remain on the scene to ensure the safety of officers and the public.

An assistant chief or an executive assistant chief shall be dispatched to ICE warrant operations at a City facility or City property to interact with ICE regarding the execution of any warrant. The City shall comply with valid warrants.



Art Acevedo
Chief of Police

Exhibit 3

AGENDA - COUNCIL MEETING - TUESDAY - APRIL 7, 2026 - 1:30 P.M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2026-0179 to 2026-0185
ORDINANCES 2026-0284 to 2026-0304
RESOLUTIONS 2026-0015

2026-0178-1

1:30 P. M. - PRESENTATIONS

2:00 P.M. - INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Alcorn

ROLL CALL AND ADOPT MINUTES OF PREVIOUS MEETING

2:00 P.M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

NOTE: If a translator is required, please advise when reserving time to speak

Motion 2026-0179 - Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - APRIL 8, 2026 - 9:00 A.M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

HEARINGS - 9:00 A.M.

1. **Motion 2026-0180 - Close hearing**

PUBLIC HEARING to provide a Resolution of No Objection for one applicant seeking 4% Housing Tax Credits (HTCs) for the following multifamily developments:

Sterlingshire Apartments	9002 Sterlingshire Street	District B
Mariposa at Reed Road	2889 Reed Road	District D

2. **Motion 2026-0181 - Close hearing**

PUBLIC HEARING to provide a Resolution of No Objection for one applicant seeking 4% Housing Tax Credits (HTCs) for the following multifamily development in the City's Extraterritorial Jurisdiction:

Mariposa at Ella Boulevard	16354 Ella Boulevard
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MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 27

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 5

3. Motion 2026-0184

APPROVE spending authority in the amount not to exceed \$1,267,769.90 for IT Assessment and Transition Services through a Cooperative Master Agreement with Omnia Partners for the Houston Information Technology Services Department, awarded to **ERNST & YOUNG LLP**

4. Motion 2026-0183

APPROVE spending authority in an amount not to exceed \$100,000.00 for Business Optimization Services for the Strategic Procurement Division, awarded to **CIVIC INITIATIVES, LLC** - 3 Years General Fund

5. Motion 2026-0185

APPROVE spending authority in an amount not to exceed \$715,970.00 for Traffic Optimization for Houston Public Works, awarded to **TEXAS HIGHWAY PRODUCTS, LTD** - Special Revenue Fund

RESOLUTIONS - NUMBER 6

6. Resolution 2026-0015

RESOLUTION supporting Request of Waiver of Local Match Participation for Federal Off-System Bridge Program (Emile Street at Japhet Creek; Laura Koppe Road at Ditch; Furray Road at Kennedy Gully; Carolwood Drive at Kennedy Gully; and West 15th Street at HCFCD Ditch) administered by the **TEXAS DEPARTMENT OF TRANSPORTATION - DISTRICTS A - PECK; B - JACKSON and C - KAMIN**

ORDINANCES - NUMBERS 7 through 27

7. Ordinance 2026-0285

ORDINANCE approving and authorizing first amendment to Subrecipient Agreement between City of Houston and **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON** providing additional Community Development Block Grant Funds to support Out of School Time Program for low- to moderate-income families living in Alief Independent School District and within the City - 1 Year - \$75,000.00 - Grant Fund - **DISTRICT F - THOMAS**

8. Ordinance 2026-0286

ORDINANCE approving and authorizing second amendment to Subrecipient Agreement between City of Houston and **SEARCH HOMELESS SERVICES** to provide Community Development Block Grant Funds, Homeless Housing and Services Funds, and TIRZ Affordable Housing Funds for program that will serve a total of approximately 770 individuals - Through January 31, 2027 - \$1,111,687.00 - Grant and Other Funds

9. Ordinance 2026-0296

ORDINANCE appropriating \$287,000.00 out of Equipment Acquisition Consolidated Fund for Planned Structure Query Language Disaster Recovery Infrastructure Migration Cloud Refresh Project

10. Ordinance 2026-0297

ORDINANCE approving and authorizing increase to agreement for Professional Legal Services between City Houston and **HUSCH BLACKWELL, LLP** - \$300,000.00 - Property & Casualty Fund

ORDINANCES - continued

11. Ordinance 2026-0287

ORDINANCE appropriating \$1,560,000.00 out of Equipment Acquisition Consolidated Fund and \$2,003,000.00 out of General Improvement Consolidated Construction Fund for Fire Alarm and Life Safety Modernization at City Hall and City Hall Annex - **DISTRICT I - MARTINEZ**

12. Ordinance 2026-0288

ORDINANCE approving and authorizing contract with **ZONE INDUSTRIES, LLC** to provide Bar Screen and Conveyor System Preventative Maintenance, Repair, and Replacement Services; providing a maximum contract amount - 3 Years with 2 one-year options - \$8,003,112.61 - Enterprise Fund

13. Ordinance 2026-0298

ORDINANCE amending Ordinance No. 2022-0782 related to contract with **RBEX dba APPLE TOWING CO** to provide Towing Services - \$674,800.97 - General and Enterprise Funds

14. Ordinance 2026-0289

ORDINANCE establishing the east and west sides of the 1100 Blocks of Waverly Street, between West 11th Street and West 12th Street, within the City of Houston, Texas, as a Special Minimum Lot Size Block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - KAMIN**

15. Ordinance 2026-0299

ORDINANCE appropriating \$10,000,000.00 out of Reimbursement of Equipment/Projects Fund; approving and authorizing Interlocal Agreement with **HARRIS COUNTY FLOOD CONTROL DISTRICT** for Taylor Gully Channel Conveyance Improvements Project - **DISTRICT E - FLICKINGER**

16. Ordinance 2026-0300

ORDINANCE appropriating \$10,500.00 out of Dedicated Drainage and Street Renewal Capital Fund - Ad Valorem Tax; approving and authorizing Joint Participation Interlocal Agreement with **HARRIS COUNTY** - **DISTRICT C - KAMIN**

17. Ordinance 2026-0290

ORDINANCE appropriating \$642,000.00 out of Parks and Recreation Consolidated Construction Fund and \$8,930,000.00 out of Police Consolidated Construction Fund for FY26 Petroleum Storage Tank Projects - **DISTRICTS B - JACKSON; C - KAMIN; D - EVANS-SHABAZZ; F - THOMAS and I - MARTINEZ**

18. Ordinance 2026-0301

ORDINANCE appropriating \$1,050,000.00 out of Parks and Recreation Dedication Fund; \$539,000.00 out of Parks Consolidated Construction Fund; approving and authorizing contract with **SPAWGLASS CONSTRUCTION CORPORATION** to provide Construction Services for East Sunset Heights Park Project; setting a deadline for bidder to submit post-bid documents and holding the bidder in default if it fails to meet the deadline; providing funding for Construction, Materials and Engineering Testing, Civic Art, and Contingencies - **DISTRICT H - CASTILLO**

19. Not Received - Not Considered

ORDINANCE approving and authorizing Final Settlement, Release and Indemnity Agreements between City of Houston and **SOUTHERN BROTHERS CONCRETE** and **J.P. SEWER MAIN REPAIR & DRAIN SPECIALIST LLC** - \$416,375.78 - Enterprise Fund

ORDINANCES - continued

20. Ordinance 2026-0302

ORDINANCE appropriating \$262,500.00 out of Dedicated Drainage and Street Renewal Capital Fund - Ad Valorem Tax; approving and authorizing Joint Participation Interlocal Agreement with **HARRIS COUNTY** for East End Triangle Resilient Access and Improved Logistics for Safety Plan - **DISTRICT I - MARTINEZ**

21. Ordinance 2026-0303

ORDINANCE appropriating \$745,854.80 out of Dedicated Drainage and Street Renewal Capital Fund - Ad Valorem Tax; approving and authorizing contract with **COBB, FENDLEY & ASSOCIATES, INC** to provide Professional Engineering Services for Bissonnet Corridor Safe Streets Project - **DISTRICTS C - KAMIN; F - THOMAS and J - POLLARD**

22. Ordinance 2026-0304

ORDINANCE approving and authorizing Advance Funding Agreement for Supplemental Transportation Program Off-System Project between City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Milby Pedestrian Bridge Project (CSJ-0912-72-846); authorizing the Director of Houston Public Works Department to act as the City's representative - **DISTRICT I - MARTINEZ**

23. Ordinance 2026-0291

ORDINANCE approving and authorizing first amendment to contract with **OXY VINYLS, LP** for Untreated Water Supply Contract

24. Ordinance 2026-0292

ORDINANCE amending Ordinance No. 2023-108 related to contract with **MC2 CIVIL, LLC** to provide Construction Services for Traffic and Drainage Citywide Concrete Panel Replacements - \$4,409,685.00 - Enterprise Fund

25. Ordinance 2026-0293

ORDINANCE appropriating \$50,656,043.10 out of Dedicated Drainage and Street Renewal Capital Fund - Ad Valorem Tax; approving and authorizing contract with **DURWOOD GREENE CONSTRUCTION CO** to provide Construction Services for FY26 Asphalt Overlay Work Order Contract No.1; setting a deadline for bidder to submit post-bid documents and holding the bidder in default if it fails to meet the deadline; providing funding for Construction, Materials and Engineering Testing, Construction Management, and CIP Cost Recovery

26. Ordinance 2026-0294

ORDINANCE appropriating \$20,497,353.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing contract with **V&S CONSTRUCTION COMPANY, LLC** to provide Construction Services for 48-Inch Water Line from SH288 to Cullen Boulevard along Orem Drive; setting a deadline for bidder to submit post-bid documents and holding the bidder in default if it fails to meet the deadline; providing funding for Construction, Testing Services, CIP Cost Recovery, Construction Management, and Contingencies - **DISTRICT D - EVANS-SHABAZZ**

ORDINANCES - continued

27. Ordinance 2026-0295

ORDINANCE appropriating \$1,801,648.73 out of Dedicated Drainage and Street Renewal Capital Fund - Drainage Charge Fund, \$5,731,432.69 out of DDSRF Capital Fund - Ad Valorem Tax Fund, and \$1,642,205.28 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing contract with **V&S CONSTRUCTION COMPANY, LLC** to provide Construction Services for Roseland Area Paving and Drainage Improvements Project; setting a deadline for bidder to submit post-bid documents and holding the bidder in default if it fails to meet the deadline; providing funding for Construction, Contingencies, Testing Services, and CIP Cost Recovery - **DISTRICT C - KAMIN**

END OF CONSENT AGENDA

PROPOSITION A

Motion 2026-0182 - Suspend rules to consider Item 28 out of order

28. Ordinance 2026-0284

ORDINANCE **AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, ADDING SECTION 34-41** relating to Immigration Procedures and establishing Standards for Interactions with Federal Immigration Authorities; containing findings and other provisions relating to the foregoing subject; providing for severability

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Peck first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

04/07/2026 - Council Members Kamin and Thomas absent on personal business

04/08/2026 - All present