

## PUBLIC JUSTICE E-LERT

AMERICA'S PUBLIC INTEREST LAW FIRM

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How's this for a New Year's greeting?

Before dawn on a January morning in 2008, officials from [Immigration and Customs Enforcement](#) (ICE) approached a private residence in North Bergen, New Jersey. Maria Argueta, a legal immigrant since 2001, answered the door. The officials told her that they were police officers searching for a wanted criminal, but she was then detained and held for 36 hours.

Arturo Flores had a similar story. Mr. Flores said ICE agents forced their way into his house in Clifton, N.J., without showing a warrant.

Constitutionally, were these ICE procedures acceptable? Clearly not.

That was the gist of a lawsuit filed by the [Center for Social Justice at Seton Hall Law School](#) on behalf of 10 plaintiffs, including Ms. Argueta and Mr. Flores.

The suit contended that teams of ICE agents used "deceit or, in some cases, raw force" to gain "unlawful entry."

As the case moved forward, higher-ups at ICE sought a way out of culpability. They claimed that supervisors could not be held responsible for their subordinates' actions and used the Supreme Court's [decision in \*Ashcroft v. Iqbal\*](#) to justify it.

Now, as part of our [Iqbal Project](#), and supporting all Americans' right to full protection under the Constitution, Alex Reinert, Associate Professor of Law at [Benjamin N. Cardozo School of Law](#), John Boston, Director of the [Legal Aid Society's Prisoners Rights Project](#), and [Public Justice's Claire Prestel](#) have teamed with the [Pennsylvania Institutional Law Project](#) to challenge ICE's stance that government supervisors are liable only when they participate directly in misconduct committed by their staff.



Julie Myers, former head of ICE (Photo from James Estrin/The New York Times)

As our friend-of-the-court brief makes clear, "adoption of [ICE]'s position would effectively eliminate supervisor liability altogether," among other results that would make it much more difficult for malreated immigrants to vindicate their rights in court.

To read our *amicus* brief in *Argueta v. Immigration and Customs Enforcement*, [click here](#).

There is a very similar case proceeding against some of the same defendants, most notably Julie Myers, former head of ICE, because of raids conducted in New Haven. [The New York Times recently reported](#) that the trial court judge in that case also rejected the government's argument and held, like the judge did in *Argueta*, that the claims against the supervisors could go forward.

Thanks to Alex, John, Claire, and Angus Love (of the Pennsylvania Institutional Law Project) for their work on this brief and to you for making it possible.

Let's keep working together towards a fair and just New Year for all.

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