

## Tyner Little

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**From:** Gabriela Villareal <gabriela.villareal@cuc.org>  
**Sent:** Wednesday, December 06, 2017 1:58 PM  
**To:** Tyner Little  
**Subject:** Status of SB 4 Litigation

Tyner,

Below are the statuses of the SB4 lawsuits.

There are two cases addressing SB 4. Both are pending before the U.S. 5<sup>th</sup> Circuit Court of Appeals.

***City of El Cenizo et al vs. State of Texas et al* is a consolidation of three cases brought by various cities and counties. This suit challenges SB 4 and seeks an injunction barring its implementation.**

The trial court issued a temporary injunction that the State of Texas be enjoined from "implementing and enforcing the following provisions of SB 4":

1. 1. *The enforcement provision in Tex. Gov't Code § 752.053(b)(3) (which says a local entity may not prohibit or materially limit a peace officer of prosecutor from assisting or cooperating with federal immigration officials);*
2. 2. *The endorsement prohibition in Tex. Gov't Code § 752.053(a)(1) (reversed – see below);*
3. 3. *The prohibition against adoption or enforcement of policies "that materially limit" the enforcement of immigration laws in Tex. Gov't Code § 752.053(a)(1);*
4. 4. *The prohibition against a pattern or practice that "materially limits" the enforcement of immigration laws in Tex. Gov't Code § 752.053(a)(2); and*
5. 5. *The requirement that law enforcement agencies "comply with, honor, and fulfill" any immigration detainer request issued by United States Immigration and Customs Enforcement.*

The state appealed the injunction and the 5<sup>th</sup> Circuit modified it. The result is that:

1. 752.053(a)(1), prohibiting the adoption or enforcement of policies that prohibit the enforcement of the immigration laws remains in effect. The statutory provision that prohibits *endorsement* of such a policy remains stayed – i.e., public officials cannot be penalized for endorsing policies that limit immigration enforcement.
2. The injunction with regard to honoring ICE detainers was dissolved. Therefore, local officials must honor ICE detainers as required by SB 4.

***The second case is Texas vs. Travis County, et al* supports SB 4 and seeks a declaratory judgment upholding the legislation. This case was dismissed but the state filed a notice of appeal.**

Best,  
Gabriela

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