

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JACK DICKINSON, *also known as “the Portland Chicken”*; **LAURIE ECKMAN**; **RICHARD ECKMAN**; **MASON LAKE**; and **HUGO RIOS**, *on behalf of themselves and those similarly situated*,

Plaintiffs,

v.

DONALD TRUMP, *President of the United States, in his official capacity*; **KRISTI NOEM**, *Secretary, U.S. Department of Homeland Security (DHS), in her official capacity*; and **U.S. DEPARTMENT OF HOMELAND SECURITY**,

Defendants.

Case No. 3:25-cv-2170-SI

**ORDER OF PRELIMINARY
INJUNCTION**

Michael H. Simon, District Judge.

This matter comes before the Court on Plaintiffs’ motion for preliminary injunctive relief. After considering the legal memoranda and written evidence submitted by Plaintiffs and Defendants, reviewing the legal memoranda submitted by *amici curiae* State of Oregon and City of Portland, and holding a three-day evidentiary hearing, for the reasons explained in the Opinion and Order Granting Preliminary Injunction and the separate Opinion and Order Granting

Provisional Class Certification filed concurrently herewith, the Court grants Plaintiffs' motion for preliminary injunctive relief. Accordingly, until such time as the parties agree in writing to amend, supersede, or terminate this Order of Preliminary Injunction or until this Court orders otherwise, it is HEREBY ORDERED THAT:

1. The Secretary of the U.S. Department of Homeland Security and all agents and employees of that Department, including all persons acting under the direction of or in active concert or participation with the Secretary of the U.S. Department of Homeland Security or any of its agents or employees (collectively, the "Enjoined Persons") are hereby prohibited and enjoined from engaging in, directing, or encouraging others to engage in or direct any of the following actions at or in the vicinity of the Immigration and Customs Enforcement ("ICE") building located at 4310 S. Macadam Avenue, near the corner of Southwest Moody Avenue and Southwest Bancroft Street in Portland, Oregon ("Portland ICE Building"):

a. No Enjoined Person may direct or use chemical or projectile munitions, including but not limited to kinetic impact projectiles, pepper ball or paintball guns, tear gas or other chemical irritants, soft nose rounds, 40mm or 37mm launchers, less lethal shotguns, and flashbang, Stinger, or rubber ball grenades, unless the specific target of such a weapon or device poses an imminent threat of physical harm to a law enforcement officer or other person.

b. No Enjoined Person may fire any munitions or use any weapons described in subsection (a) at the head, neck, or torso of any person, unless the officer is legally justified in using deadly force against that person.

c. No Enjoined Person may use pepper spray, oleoresin capsicum spray, or other aerosol restraint spray (collectively, "OC Spray"), unless the specific target of that weapon exhibits, at a minimum, active resistance. For purposes of this Order, and by way of example and

illustration only, trespassing, refusing to move, refusing to obey an order to disperse, and “going limp” (or “going dead weight”) are merely acts of passive resistance, not active resistance. In addition, no Enjoined Person may use OC Spray indiscriminately against groups of people where bystanders foreseeably would be affected. OC Spray, however, may be used against specific individuals actively engaged in violent unlawful conduct, actively resisting arrest, or as reasonably necessary in a defensive capacity.

2. Nothing in this Order shall prevent an Enjoined Person from making an otherwise lawful arrest if there is probable cause to believe that a crime has been committed and that the person being arrested has committed that crime.

3. Nothing in this Order shall prevent an Enjoined Person from using proportional force, including less lethal weapons, on any individual who poses an imminent threat of physical harm to a law enforcement officer or other person.

4. Defendants shall not be liable for violating this Preliminary Injunction if a person is incidentally exposed to a crowd-control device, provided that such a device is deployed in a manner that is fully consistent with this Order of Preliminary Injunction.

5. The parties shall promptly confer regarding how the Enjoined Persons who perform duties at or in the vicinity of the Portland ICE Building can place conspicuous and unique identifying markings (using numbers and/or letters) on the uniforms, vests, and/or helmets of the officers and agents deployed at the Portland ICE Building so that they can be identified at a reasonable distance and without unreasonably interfering with the legitimate law enforcement needs of these personnel. If the parties agree on a method of marking, they shall submit the terms of their agreement in writing to the Court, and the Court will then issue a Supplemental Order of Preliminary Injunction that incorporates the parties’ agreement. If the

parties cannot reach agreement within 21 days, each party may submit its own proposal, and each side may respond to any other party's proposal within 14 days thereafter. The Court will then resolve any disputes on this issue and appropriately supplement this Order of Preliminary Injunction.

6. In the interest of justice, Plaintiffs need not provide any security, and the Court waives all requirements under Rule 65(c) of the Federal Rules of Civil Procedure.

7. Defendants shall promptly provide individual copies of this Order of Preliminary Injunction to each Enjoined Person who currently is assigned duties at or in the vicinity of the Portland ICE Building. Within 28 days of the date of this Order of Preliminary Injunction, Defendants shall file with the Court written confirmation of their compliance with this provision. In addition, Defendants shall promptly provide individual copies of this Order of Preliminary Injunction to each Enjoined Person who in the future is assigned duties at or in the vicinity of the Portland ICE Building.

IT IS SO ORDERED.

DATED this 9th day of March, 2026.



Michael H. Simon
United States District Judge