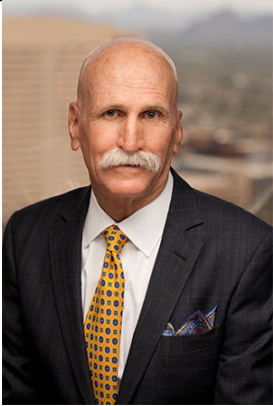


## ACLU AND ILLEGAL ALIEN DISMISS CLASS ACTION LAWSUIT AGAINST COCONINO COUNTY SHERIFF

August 21, 2018 | Case Summaries, News



**Guillermo Tenorio-Serrano v. James Driscoll, Coconino County Sheriff et. al** – Plaintiff Guillermo Tenorio-Serrano was arrested by the Arizona Department of Public Safety on December 11, 2017, for driving under the extreme influence of intoxicating liquor. At the time of his arrest, Tenorio-Serrano blew .203 and .195 on the DPS Intoxilyzer. Tenorio-Serrano was taken to the Coconino County Detention Facility.

On December 12, 2017, the United States Department of Homeland Security, through ICE, sent a Notice of Action – Immigration Detainer and a Warrant for Tenorio-Serrano to the Coconino County Sheriff’s Office. The Detainer stated that there was probable cause to believe that Tenorio-Serrano was a removable alien and requested that the Coconino County Sheriff’s Office maintain custody of him for a period not to exceed 48 hours beyond the time he would otherwise be released in order for ICE officers to take custody of him.

Tenorio-Serrano and the ACLU filed a class action lawsuit against Coconino County Sheriff James Driscoll and Jail Commander Matthew Figueroa and alleged that the Sheriff’s policy of holding pretrial detainees after they have satisfied conditions for release on state charges, was unlawful and violated the Fourth Amendment to the United States Constitution and Article 2, Section 8, of the Arizona Constitution. Tenorio-Serrano and the ACLU sought a preliminary injunction ordering his immediate release.

Prior to the lawsuit, Sheriff Driscoll stated that it was his understanding that state law required the jail to cooperate with federal authorities and honor ICE detainer requests. The Sheriff further stated that he intended to cooperate with the lawful requests of federal authorities. He noted that the intent of Arizona state law is that state law enforcement agencies cooperate with federal agencies enforcing the immigration laws of the United States. The Sheriff also made it clear that “if a court having jurisdiction over us changes the law, we’ll change our policy to comply with that immediately.”

After legal briefing and oral argument, United States District Court Judge David G. Campbell ruled against the ACLU and Tenorio-Serrano on July 5, 2018. Judge Campbell determined that Tenorio-Serrano and the ACLU did not have “a fair chance of success on the merits,” and denied the request for a preliminary injunction. Judge Campbell noted that the Sheriff would face serious hardship if the Court ordered him to refrain from complying with ICE detainers. The Judge further noted that an injunction would interfere with Sheriff Driscoll’s judgment as an elected official, would interfere with the Arizona Legislature’s policy determination that Arizona should cooperate with federal immigration enforcement, and might interfere with Arizona’s interest in preventing unlawful immigration as specifically recognized by the United States Supreme Court.

On July 30, 2018, Tenorio-Serrano, through his ACLU attorneys, moved to dismiss the class action lawsuit against the Coconino County officials. On August 20, 2018, Judge Campbell dismissed Plaintiff’s lawsuit.

As a result of the District Court’s ruling, the Coconino County Sheriff’s Office will continue to cooperate with federal authorities and honor ICE detainer requests. Sheriff Driscoll recognizes that there are different approaches to immigration policy. His main priority as a sworn law enforcement officer, however, is the safety of his community and the enforcement of the laws that he swore to uphold as the chief law enforcement officer of Coconino County.

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