

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

TOHONO O’ODHAM NATION,
a federally recognized Indian tribe,

Plaintiff,

v.

MARKWAYNE MULLIN, in his official
capacity as Secretary of U.S. Department of
Homeland Security; RODNEY SCOTT, in his
official capacity as Commissioner of U.S.
Customs and Border Protection; and
ROSARIO VASQUEZ, in his official
capacity as Chief of U.S. Border Patrol,

Defendants.

Case No. 26-cv-2127

**MOTION FOR PRELIMINARY INJUNCTION
OF THE TOHONO O’ODHAM NATION**

Pursuant to Federal Rule of Civil Procedure 65(a) and Local Rule 65.1(c), Plaintiff Tohono O’odham Nation (the “Nation”) hereby moves for a preliminary injunction enjoining Secretary of the Department of Homeland Security Markwayne Mullin, United States Customs and Border Protection Commissioner Rodney Scott, and United States Border Patrol Chief Rosario Vasquez (all sued in their official capacities)—and their employees, subordinates, and agents—from taking, or authorizing or directing any other person to take, any steps in furtherance of construction of the planned border wall or associated infrastructure on the Nation’s Reservation, including entering into any contracts or agreements in furtherance of such construction.

The attached memorandum of points and authorities, along with the attached supporting declarations and attachments to those declarations, set forth the grounds for this motion. A proposed order is also attached.

The Nation is in the process of serving this motion and attachments (memorandum of points and authorities, declarations and attachments thereto, and proposed order) in hard copy on Defendants in this matter, along with the Nation's complaint and summons. The Nation is also effectuating service by emailing the papers to the United States Attorney's Office for the District of Columbia at USADC.ServiceCivil@usdoj.gov and peter.pfaffenroth@usdoj.gov (pursuant to the instructions at <http://www.justice.gov/usao-dc/civil-division>) and is additionally serving hard copies of the papers on the same, and is providing courtesy copies of the papers via email to the Department of Homeland Security at OGC@hq.dhs.gov and to United States Customs and Border Protection at cbpserviceintake@cbp.dhs.gov. The Nation's counsel is presently unaware of the identity of opposing counsel.

Pursuant to Local Rule 65.1(d), the Nation respectfully requests a hearing on this Motion within twenty-one days of its filing (i.e., on or before July 8, 2026), and ideally on or before June 30, 2026. As explained in the Nation's briefing, Defendants are moving swiftly to direct construction of a double border wall and associated infrastructure on the Nation's Reservation without the consent of the Nation. Defendants' announced plans include the completion of a construction contract award later this month.

Dated: June 17, 2026

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Respectfully submitted,

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*Pro Hac Vice Application Forthcoming