

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE COUNCIL OF THE CITY OF
NEW YORK,

Plaintiff-Petitioner,

For a Judgment Under Articles 30 and 78 of the
Civil Practice Law and Rules,

-against-

MAYOR ERIC ADAMS, in his official capacity
as Mayor of the City of New York, RANDY
MASTRO, in his official capacity as First Deputy
Mayor, and the NEW YORK CITY
DEPARTMENT OF CORRECTION,

Defendants-Respondents.

Index No. ____/2025

**VERIFIED ARTICLE 78 AND
DECLARATORY JUDGMENT
PETITION**

Petitioner the Council of the City of New York, by and through its attorneys Emery Celli
Brinckerhoff Abady Ward & Maazel LLP, for its Petition, alleges:

PRELIMINARY STATEMENT

1. Today, in New York City, a corrupt bargain is taking place in plain view: New York City Mayor Eric Adams, acting through his first deputy mayor, is using his official powers to pay off the Trump Administration for dropping criminal charges against him. The “purchase price”—which was agreed to in advance and is now being proffered—is the safety and well-being of immigrant communities and all New Yorkers whose rights are protected by our City’s prized sanctuary laws. Through this action, the Council of the City of New York seeks to stop Eric Adams’s flagrant abuse of the power of the mayoralty.

2. Mayor Eric Adams, as part of a corrupt *quid pro quo* bargain to end the federal criminal case against him, promised to let United States Immigration and Customs Enforcement (“ICE”) return to Rikers Island and set up an office. The Trump Administration has repeatedly

confirmed that they will use that office and ICE's presence on Rikers to supercharge their mass deportation efforts.

3. To carry out this plan, on April 8, 2025, newly appointed First Deputy Mayor Randy Mastro—acting as proxy of Mayor Adams—issued Executive Order 50 to allow ICE back on Rikers Island.

4. Executive Order 50 and the actions leading up to and surrounding it are illegal, null, and void, and any steps to enforce it should be immediately halted by this Court. This is so because:

a. Mayor Adams denies having recused himself from the decision, and conflicts-of-interest laws that bar the compromised Mayor from himself taking official action also bar him from enlisting Mastro to do his bidding. The issuance of Executive Order 50 was a foregone conclusion after mountains of publicity;

b. Mastro made no meaningful independent analysis of the situation; and

c. The Mayor's attempted delegation of authority to issue Executive Order 50 is invalid. Violating the City Charter, the Mayor did not delegate a "specified" duty to Mastro.

5. The Council sues to prevent enforcement of Executive Order 50 and the immediate irreparable harm it will cause to New York City residents.

THE PARTIES

6. Petitioner the New York City Council ("the Council") is the legislative body for the City of New York ("the City"). Under the New York City Charter, the Council is vested with the legislative power of the City. The Council has the power to adopt local laws which it deems appropriate for the good rule and government of the City; for the order, protection and government of persons and property; for the preservation of the public health, comfort, peace and

prosperity of the City and its inhabitants; and to effectuate the purposes and provisions of the City Charter. The Council also has the power to provide for the enforcement of local laws by legal or equitable proceedings.

7. Respondent Mayor Eric Adams, in his official capacity, is the chief executive officer of the City of New York. The Mayor is required to implement the laws of the City of New York and is responsible for the effectiveness and integrity of city government operations.

8. Respondent First Deputy Mayor Randy Mastro, in his official capacity, is the first deputy mayor of the City of New York.

9. Respondent the New York City Department of Correction (“DOC”) is an agency of the City of New York. It runs all the City’s jails and is responsible for the care and custody of people ordered to be held by the courts while awaiting trial or who are convicted and sentenced to one year or less of incarceration. Rikers Island is the DOC’s main base of operation, with 10 separate jails within the complex.

FACTUAL BACKGROUND

For Decades, Under Both Republican, Independent, and Democratic Administrations, New York City has Limited the Use of City Resources, Including City Property, for Federal Immigration Enforcement Purposes

10. At least while running for mayor, Adams adamantly and repeatedly pledged to maintain New York’s status as a sanctuary city:¹ “‘We should protect our immigrants.’ Period. Yes, New York City will remain a sanctuary city under an Adams administration,” he once tweeted.²

¹ Samar Khurshid, *Major Differences Apparent as Adams and Sliwa Spar in First General Election Mayoral Debate*, GOTHAM GAZETTE (Oct. 21, 2021), <https://www.gothamgazette.com/city/10846-eric-adams-curtis-sliwa-spar-first-debate-2021-election-mayor>.

² @EricAdamsForNYC, X (Oct. 20, 2021), <https://x.com/ericadamsfornyc/status/1450967702093320203?lang=en>.

11. Then-candidate Adams promised to honor New York City's long-standing commitment to use City resources in a way that prioritizes building stronger and safer communities over helping the federal government achieve its immigration enforcement objectives. Sanctuary policies enable immigrant New Yorkers to live and thrive in the City—and to perform critical functions for the City and its other residents—without fear of deportation.³ Domestic violence survivors can access life-saving supportive services; tenants and workers can feel comfortable reporting unsafe conditions; and neighbors do not fear repercussions for notifying a first responder about a neighbor who is in danger. Sanctuary policies also keep families together—allowing children to remain with their parents rather than stuck in the foster care system and allowing family members to visit individuals detained in City jails without fear of getting caught in the deportation system through their visit.⁴ Moreover, they encourage undocumented immigrants to report crimes committed against them, cooperate with police investigations, and meaningfully participate in their criminal defense without ICE transferring them to detention facilities far from their communities, families, and attorneys.⁵

12. And when a non-U.S. citizen is convicted of a serious crime and the federal government has obtained a judicial warrant, our sanctuary laws explicitly permit the City to transfer custody of the individual.⁶ The City's approach thus strikes a careful balance that serves

³ See Ex. 1.

⁴ Miriam Jordan, *Fear Shadows Many Children in Immigrant Families*, N.Y. TIMES (Apr. 21, 2025), <https://www.nytimes.com/2025/04/12/us/fear-shadows-many-children-in-immigrant-families.html>; U.S. Citizen Children Impacted by Immigration Enforcement, AMERICAN IMMIGRATION COUNCIL (Jun. 24, 2021), <https://www.americanimmigrationcouncil.org/research/us-citizen-children-impacted-immigration-enforcement>.

⁵ Josh Harkinson, *Actually, Sanctuary Cities Are Safer*, MOTHER JONES (Jul. 15, 2015), <https://www.motherjones.com/politics/2015/07/sanctuary-cities-public-safety-kate-steinle-san-francisco/>; Press Release, New York City Bar, Mayor Eric Adams's Threats to New York as a Sanctuary City (Mar. 12, 2025), <https://www.nycbar.org/press-releases/mayor-eric-adamss-threats-to-new-york-as-a-sanctuary-city>; Eric Levenson and Gloria Pazmino, *Why ICE is really moving detainees over a thousand miles from where they were arrested*, CNN (Apr. 10, 2025), <https://www.cnn.com/2025/04/10/us/immigration-detainees-trump-ice-students-visa/index.html>.

⁶ See N.Y.C Admin. Code § 9-131; see also N.Y.C. Admin. Code § 14-154; see also N.Y.C Admin. Code § 9-205.

the City's unique needs as a bustling, diverse, densely populated metropolitan oasis where millions of people from all over the world have made their homes.

13. The City's sanctuary policies date back to Mayor Edward Koch's 1989 executive order prohibiting City agencies from sharing information about immigrants with federal authorities absent suspicion of criminal activity or express written permission from the immigrant⁷—and later Republican and Democratic mayors reissued that order, with Mayor Rudolph W. Giuliani even going to court to defend it.⁸

14. In 2014, the Council and Mayor Bill de Blasio expanded the scope of the City's sanctuary policies by enacting into law bills that further limited cooperation between City law enforcement and corrections officials and ICE to deport immigrants. Following the passage of those laws, the City no longer honored detention requests for immigrants without a warrant from a federal judge and only if the individual was convicted of a violent or serious crime.⁹ Before these laws, DOC and police routinely transferred thousands of immigrants from City custody to ICE pursuant to detainers, but the 2014 laws largely ended that practice, with certain exceptions.¹⁰

15. And, to reinforce the policy that City resources would no longer be co-opted into supporting federal deportation agendas that diverged from the City's core principles, the 2014 laws also forbade ICE from operating on Rikers Island, shutting down its office there.¹¹

16. New York City Administrative Code § 10-178 now forbids City agencies from “subject[ing] its officers or employees to the direction and supervision of the secretary of

⁷ Executive Order (Koch) No. 124, https://www.nyc.gov/html/records/pdf/executive_orders/1989EO124.PDF.

⁸ Luis Ferré-Sadurní, *Why New York Is a Sanctuary City, and How That Could Change Under Trump*, N.Y. Times (Jan. 17, 2025), <https://www.nytimes.com/2025/01/17/nyregion/sanctuary-city-nyc-trump.html>.

⁹ N.Y.C. Admin Code §§ 9-131 (DOC), 9-205 (Dep't of Probation), 14-154 (NYPD).

¹⁰ Matt Flegenheimer, *New York City Proposal Would Limit Detention of Migrants*, N.Y. TIMES (Oct. 2, 2014), <https://www.nytimes.com/2014/10/03/nyregion/city-would-stop-honoring-many-immigrant-detainment-orders.html>.

¹¹ *Id.*

homeland security primarily in furtherance of immigration enforcement[.]” and it prohibits the use of City resources and City property “for immigration enforcement[.]” The law permits City officers and employees to cooperate with federal law enforcement agencies where such efforts “are not primarily intended to further immigration enforcement[.]” such as to investigate violent crime.

17. New York City Administrative Code § 4-210 further limits the access of law enforcement agencies, including federal immigration officials, to non-public areas of City property except in limited circumstances.

18. And New York City Administrative Code § 9-131(h)(2) expressly provides that “[f]ederal immigration authorities shall not be permitted to maintain an office or quarters on land over which [DOC] exercises jurisdiction, for the purpose of investigating possible violations of civil immigration law.” The only narrow exception carved out of this broad prohibition permits the Mayor to issue an executive order authorizing federal immigration authorities to maintain a presence on DOC land “for purposes unrelated to the enforcement of civil immigration laws.”

As the City’s Chief Executives, the Mayor and First Deputy Mayor Owe Undivided Loyalty to the City of New York

19. All City officials have a duty of undivided loyalty to the City.

20. The Mayor swore to uphold the Constitutions of the United States and State of New York, as well as the City Charter, and to faithfully discharge his duties as mayor.

21. The Mayor has publicly acknowledged his awareness of his responsibility “that his loyalty is *solely* to the 8.3 million New Yorkers he represents.”¹²

¹² Press Release, Eric Adams, Mayor, New York City, Statement from Mayor Adams, (Feb. 14, 2025), <https://www.nyc.gov/office-of-the-mayor/news/090-25/statement-mayor-adams> (emphasis added).

22. Using the power of the office for personal gain is antithetical to that duty of undivided loyalty. Public officials are therefore strictly forbidden from using their “position as a public servant” to obtain any “private or personal advantage.”¹³

23. A *quid pro quo* transaction—in which an elected official agrees to betray his duty to his constituents in exchange for a benefit that redounds solely to him in his personal capacity—is corrupt and a conflict of interest.

24. That conflict is not lessened where the elected official uses his subordinates to carry out the *quid pro quo*.

25. Moreover, although Mastro reports directly to the Mayor, he swore the same oath as the Mayor did to uphold the constitutions of the United States and State of New York, as well as the City Charter, and to faithfully discharge his duties.

26. Just as for the Mayor, Mastro’s duty of loyalty is not to the personal interests of the Mayor but to the interests of the City and to the people of New York.

To Escape Criminal Prosecution, the Mayor Entered a Self-Serving Deal with the Federal Government and Fell in Line with the President’s Illegal Mass Deportation Agenda

27. On September 26, 2024, the U.S. Department of Justice indicted the Mayor in the Southern District of New York for conspiracy to commit wire fraud, federal program bribery, and to receive campaign contributions from foreign nationals; wire fraud; two counts of solicitation of a contribution from a foreign national; and bribery (“the Indictment”). The Indictment alleged that, for a decade, the Mayor had sought and accepted improper bribes and illegal campaign contributions from wealthy foreign businesspeople in exchange for preferential treatment, favors, and manipulation of regulations.¹⁴ The Mayor pled not guilty to all charges at

¹³ N.Y.C. Charter § 2604(b)(3).

¹⁴ See Ex. 2.

an arraignment the following day. On November 1, 2024, Judge Dale Ho scheduled the trial to begin on April 21, 2025.¹⁵

28. Shortly after his victory in the 2024 presidential election—during which he campaigned on platforms of increasing deportations and undermining the safety of sanctuary city policies—President-elect Donald Trump stated on November 16, 2024, that he would consider pardoning the Mayor, who he thought “was treated pretty unfairly.”¹⁶

29. Federal prosecutors were uncovering evidence of additional criminal conduct by Mayor Adams as late as the first two weeks of January 2025 and even preparing a superseding indictment to add an obstruction conspiracy charge.¹⁷

30. But, within days of President Trump’s inauguration and appointment of new senior federal officials, the Department of Justice began discussions to drop charges against the Mayor.¹⁸

31. On January 31, 2025, acting Deputy Attorney General Emil Bove met with the Mayor and his legal team to discuss dismissal of the charges and asked about “the [I]ndictment’s impact on Mayor Adams’s ability to lead New York City, including by working with the federal government on important issues of immigration enforcement and national security.”¹⁹

32. In response, the Mayor began laying the groundwork to undermine the City’s sanctuary policies.

33. The Mayor’s defense attorney sent Mr. Bove a letter on February 3, 2025, detailing how the Indictment impacted the Mayor’s ability to promote the federal government’s

¹⁵ *United States v. Adams*, No. 24-cr-665 (DEH), Nov. 1, 2024 Minute Entry.

¹⁶ Jesse Zanger and Dick Brennan, *Trump says he'd "look at" a pardon for NYC Mayor Eric Adams*, CBS NEWS (Dec. 16, 2024), <https://www.cbsnews.com/newyork/news/trump-nyc-mayor-eric-adams-pardon/>.

¹⁷ See Ex. 3 at 5.

¹⁸ *Timeline of NYC Mayor Eric Adams' corruption case and dismissal*, CBS NEWS (last updated Apr. 2, 2025), <https://www.cbsnews.com/newyork/news/eric-adams-corruption-case-timeline/>.

¹⁹ See Ex. 4 at Ex. A at.2.

immigration enforcement priorities. In it, the Mayor’s attorney specifically noted that, were the Indictment not hanging over the Mayor’s head, the Mayor’s powers “allow him to take actions such as preventing the Office of the Corporation Counsel from litigating challenges to immigration enforcement, preventing appointed city employees from taking public stances against enforcement efforts, *re-opening the ICE office on Rikers Island*, and directing the NYPD to supply manpower to assist federal immigration agents.”²⁰

34. On February 10, 2025, Mr. Bove directed federal prosecutors to dismiss all charges against the Mayor without prejudice. He reasoned that “the pending prosecution has unduly restricted Mayor Adams’[s] ability to devote full attention and resources to the illegal immigration and violent crime that escalated under the policies of the prior Administration.”²¹

35. The contemplated dismissal of charges immediately made real the concerns of a *quid pro quo* deal by which the Mayor agreed to assist President Trump’s immigration enforcement agenda—reversing course on his prior criticisms of those same policies—in exchange for dropping the charges.

36. The United States Attorney for the Southern District of New York, Danielle R. Sassoon, resigned on February 12, 2025 rather than comply with Mr. Bove’s directive, expressly stating that the Mayor’s “offer of immigration enforcement assistance in exchange for a dismissal of his case” was an “improper exchange [that is not] consistent with the public interest.” She further stated that “Adams’s attorneys repeatedly urged what amounted to a *quid pro quo*, indicating that Adams would be in a position to assist with the Department’s [immigration] enforcement priorities only if the indictment were dismissed.”²²

²⁰ *Id.* at 3.

²¹ *See* Ex. 5. The only other stated reason for the dismissal was the “appearance of impropriety” in the prosecution.

²² Ex. 3 at 3, n.1.

37. Assistant United States Attorney for the Southern District of New York Hagan Scotten, a member of the prosecution team, also resigned rather than agree to dismiss the charges. Regarding Mr. Bove's statement that dismissing the charges would weaken restrictions on the Mayor's ability to enforce immigration laws, Scotten wrote: "No system of ordered liberty can allow the Government to use the carrot of dismissing charges, or the stick of threatening to bring them again, to induce an elected official to support its policy objectives. . . . [A]ny assistant U.S. attorney would know that our laws and traditions do not allow using the prosecutorial power to influence other citizens, much less elected officials, in this way."²³

38. On February 13, 2025, hours after meeting with President Trump's Border Czar, Tom Homan, the Mayor announced that he would issue an executive order to allow federal immigration authorities back onto Rikers Island.²⁴

39. The next day, on February 14, 2025—the same day that the Mayor and Border Czar Homan appeared on "Fox & Friends," touting their new cooperation on the President's immigration enforcement policies and the Mayor's willingness to allow ICE onto Rikers²⁵—federal prosecutors filed a motion to formally drop all charges. The motion expressly stated that a primary reason for the dismissal was the "conclu[sion] that continuing these proceedings would interfere with the [Mayor's] ability to govern in New York City, which poses unacceptable threats to public safety, national security, and related federal immigration initiatives and policies."²⁶ And Border Czar Homan explicitly reminded the Mayor in the "Fox & Friends"

²³ See Ex. 6.

²⁴ Eric Levenson et al., *NYC Mayor and Trump Border Czar Meet as Feds Turn Eyes Toward Sanctuary Cities Like New York*, CNN (Feb. 14, 2025), <https://www.cnn.com/2025/02/13/us/nyc-adams-border-czar-immigration/index.html>.

²⁵ Marcia Kramer, Jesse Zanger, *NYC Mayor Adams on allegations by Danielle Sassoon of quid pro quo: "This is silly"*, CBS News (Feb. 14, 2025), <https://www.cbsnews.com/newyork/news/nyc-mayor-adams-danielle-sassoon-quid-pro-quo-allegations/>.

²⁶ See Ex. 7 ¶ 6.

interview that if the Mayor did not “come through” and hold up his end of the deal, “I’ll be back in New York City, and we won’t be sitting on the couch. I’ll be in his office, up his butt, saying, ‘Where the hell is the agreement we came to?’”²⁷

40. Four of Mayor Adams’s eight deputy mayors announced their resignation over the Mayor’s decision to cooperate with the Trump Administration’s immigration policies in exchange for the dismissed charges.²⁸

41. In his April 2, 2025 decision dismissing the charges, Judge Ho also noted the appearance of a *quid pro quo* raised by the Government’s request to dismiss without prejudice, based on the rationale that the prosecution threatened the Mayor’s ability to govern and enforce federal immigration priorities. Judge Ho stated dismissal under such circumstances would “inevitably create[] the appearance that the Mayor may be beholden to the federal government, which holds the prospect of reindictment over him should he fail to adequately effectuate the administration’s goals.”²⁹ Judge Ho also highlighted the flimsiness of such rationale, noting:

[N]either DOJ nor Mayor Adams substantiates the assertion that the Mayor’s immigration enforcement efforts have been hampered by this case. The record does show, however, that shortly after DOJ decided to seek dismissal, the Mayor made at least one policy choice in alignment with the administration’s immigration enforcement goals—to permit ICE to operate at the Rikers Island jail complex. Thus, while DOJ’s immigration enforcement rationale is supported to some extent by the record, it points towards an uncomfortable conclusion: *that the decision to dismiss this case was apparently premised on the Mayor taking subsequent*

²⁷ Sally Goldenberg, *Adams’ deputy mayors express grave concerns over his recent predicaments*, POLITICO (Feb. 16, 2025), <https://www.politico.com/news/2025/02/16/eric-adams-deputy-mayors-express-grave-concerns-over-his-recent-predicaments-00204576>.

²⁸ William K. Rashbaum, et al., *4 Top Officials to Resign Over Adams’s Cooperation With Trump*, N.Y. TIMES (Feb. 17, 2025), <https://www.nytimes.com/2025/02/17/nyregion/adams-deputy-mayors-resign-trump-immigration.html>.

²⁹ See Ex. 8 at 45.

*immigration-related actions in conformity with the administration's policy preferences.*³⁰

Although Judge Ho did not reach the question of whether an explicit bargain was made between the federal government and the Mayor, he did acknowledge that “[e]verything here smacks of a bargain: dismissal of the indictment in exchange for immigration policy concessions” and “note[d] that the facts, as put into the record by Mayor Adams’s legal team, do not support the notion that continuing this case will impede the Mayor’s *ongoing* immigration enforcement efforts—they instead suggest that dismissal of the case will facilitate *future* efforts by the Mayor, in alignment with the administration’s policy preferences.”³¹ Further, Judge Ho described the DOJ’s rationale as “stunning,” given that neither the parties nor the court could identify a single prior instance “in which the Government dismissed a public official’s indictment because his position implicated matters of public safety, national security, or immigration.”³² Ultimately, although Judge Ho suggested that the DOJ’s stated reasons for dismissal were “troubling,” he concluded that he could not order the government to continue the prosecution, leaving him no choice but to dismiss the charges with prejudice.³³

Confronted With an Unambiguous Conflict of Interest, the Mayor Attempted to Make Good on His *Quid Pro Quo* Promise to Allow ICE Back onto Rikers While Manufacturing the Illusion of Distance from the Decision by Acting Through a Proxy

42. After the onslaught of statements for months—including those directly from the Mayor’s legal team—that the Mayor would be able to assist with President Trump’s deportation agenda in exchange for dismissed charges, the appearance of a conflict of interest was inescapable.

³⁰ *Id.* at 60 (emphasis added).

³¹ *Id.* at 65 (emphasis in original).

³² *Id.* at 71.

³³ *Id.* at 77–78.

43. The perception that Mayor Adams had, in fact, entered into a corrupt deal with the Trump Administration was so widespread that, as the scandal continued to grow, New York Governor Kathy Hochul even at one point seriously considered taking the unprecedented step of removing the Mayor from office.³⁴

44. A March 5, 2025 Quinnipiac poll found that voters' confidence in Mayor Adams had sunk "to a new low now that his legal case has become a national controversy." The poll found that 40% of voters believed the Mayor did something illegal, and another 31% believed he did something unethical even if not illegal. Thus, the poll showed that nearly three-quarters of voters believed that the Mayor did something wrong. Simultaneously, 64% of voters disapproved of the Mayor's handling of undocumented immigration, with the majority of voters opposing blanket deportation policies. The poll explained that 56% of voters wanted the Mayor to do more to oppose President Trump's policies with respect to undocumented immigrants in New York City.³⁵

45. The Mayor's ethical obligation to the City at that moment was clear. Faced with such a clear perception of a conflict of interest—even if not an actual conflict of interest—the appropriate response would have been to not issue an executive order permitting ICE on Rikers, or, at a bare minimum, to recuse himself from that decision. The Mayor did neither.

46. Rather, to make good on his promise to permit ICE to reestablish a presence on Rikers while maintaining the veneer that the order was not the straightforward *quid pro quo* that it was—dismissal of the indictment in exchange for permitting ICE to operate on Rikers—the

³⁴ Jake Offenhartz, et al., *New York's governor meets state political leaders as she considers removing Mayor Eric Adams from office*, PBS NEWS (Feb. 18, 2025), <https://www.pbs.org/newshour/politics/new-yorks-governor-meets-state-political-leaders-as-she-considers-removing-mayor-eric-adams-from-office>.

³⁵ *Mayor Adams' Job Approval Rating Drops To All-Time Low Of 20%, Quinnipiac University New York City Poll Finds; 56% Of Voters Say Adams Should Resign From Office*, QUINNIPAC UNIVERSITY POLL (Mar. 5, 2025) <https://poll.qu.edu/poll-release?releaseid=3920>.

Mayor attempted to manufacture the illusion of distance from the executive order. He would have to act by proxy.

47. On March 20, 2025, the Mayor appointed Randy Mastro as First Deputy Mayor to replace one of the four deputy mayors who had resigned in protest over the Mayor's cooperation with federal immigration policies.³⁶

48. Four days later, on March 24, 2025, the Mayor issued Executive Order 49, which, among other things, delegates to the first deputy mayor the authority to “[p]erform any function, power or duty of the Mayor in negotiating, executing and delivering any and all agreements, instruments and other documents necessary or desirable to effectuate any of the matters” overseen by the First Deputy Mayor or the Deputy Mayor for Public Safety, as well as any other “such duties as the Mayor may direct.”³⁷ The Executive Order reiterated, however, that the first deputy mayor “[r]eport[s] directly to the Mayor.”³⁸

49. One week after that, on April 1, 2025, the Mayor “authorized [Mastro] to determine, based on [his] independent assessment, whether and under what circumstances to permit federal law enforcement authorities to have a presence on Rikers Island.”³⁹

50. The Mayor expressly acknowledged that the delegation was a response to the appearance (or existence) of a conflict of interest from his *quid pro quo* bargain with the Trump Administration: “To maintain trust among the nearly 8.5 million New Yorkers who our administration serves every day, Mayor Adams has delegated all powers and responsibilities

³⁶ Press Release, Eric Adams, Mayor, New York City, Mayor Adams Appoints Randy Mastro As First Deputy Mayor (Mar. 20, 2025), <https://www.nyc.gov/office-of-the-mayor/news/162-25/mayor-adams-appoints-randy-mastro-first-deputy-mayor>; Jeffrey C. Mays, *Adams Names Rejected Pick for Top Lawyer as First Deputy Mayor*, N.Y. TIMES (Mar. 20, 2025) <https://www.nytimes.com/2025/03/20/nyregion/adams-randy-mastro-first-deputy-mayor.html>.

³⁷ See Ex. 9 §§ 2(m), 2(p).

³⁸ *Id.* § 2(a).

³⁹ See Ex. 10 at 2.

related to any executive order to authorize federal officials to investigate potential criminal immigration violations at Rikers Island to First Deputy Mayor Randy Mastro.”⁴⁰ He also noted that, had he issued an executive order about ICE on Rikers himself, people would have perceived “some bias in [his] determination.”⁴¹

51. Mere days after being tasked with the assessment, on April 8, 2025, Mastro announced that his “independent” review was complete.

52. He issued Executive Order 50 permitting federal law enforcement authorities, including those from the Department of Homeland Security, to “designate personnel to maintain office space on land over which DOC has jurisdiction for the purpose of criminal enforcement and criminal investigations only”—an executive order permitting ICE to reestablish a presence on Rikers Island.⁴² Executive Order 50 also purported to require the DOC to comply with sanctuary city laws relating to the sharing of information with federal immigration authorities.

53. Executive Order 50 fulfilled the promise the Mayor had made to Border Czar Homan and the Trump Administration weeks prior.

Mastro’s “Independent Assessment” Was a Sham

54. Executive Order 50 is the poisoned fruit of Mayor Adams’s deal with the Trump Administration: if the Mayor cooperated with the Administration’s immigration enforcement priorities, including by permitting ICE to operate on Rikers, the charges against him would be dismissed. Although it purports to be the product of Mastro’s “independent assessment, whether and under what circumstances to permit federal law enforcement authorities to have a presence

⁴⁰ Marcia Kramer, *Adams administration will allow ICE to open office on Rikers Island*, CBS NEWS (Apr. 9, 2025), <https://www.cbsnews.com/newyork/news/ice-rikers-island-office/>.

⁴¹ Press Release, Eric Adams, Mayor, New York City, Transcript: Mayor Adams Participates in a Live Interview on 1010 WINS’ “1010 Wins Middays” (Apr. 9, 2025), <https://www.nyc.gov/office-of-the-mayor/news/215-25/transcript-mayor-adams-participates-live-interview-1010-wins-1010-wins-middays->.

⁴² See Ex. 10 at 2.

on Rikers Island,”⁴³ all available evidence confirms that the issuance of Executive Order 50 was the outcome demanded by the resolution of the Mayor’s criminal case, rather than the product of any “independent assessment” by Mastro.

55. The Mayor’s decision to have Mastro issue the executive order on April 8, 2025, does not magically cleanse the taint of conflict from the order.

56. Neither the Mayor nor Mastro claim that the Mayor was walled off from the decision-making process in any manner. To the contrary, when asked, the Mayor explicitly denied that he was “recused” from the decision:

No, no, no, I did not, Juliet. I did not recuse myself. People play around with terminologies. I delegated. I’m the mayor. I keep saying, just as you were asking me about tariffs, you delegate. I have a first deputy mayor on board, Randy Mastro, an excellent attorney, an excellent first deputy mayor. When he came on board, I delegated to him. I said, I need for you to look at this with an unbiased eye so no one can say that there’s some bias in the determination. I delegated.⁴⁴

57. The Mayor’s statement that he “delegated” the decision to Mastro “so no one can say there’s some bias in the determination” demonstrates that (a) he was aware that there was at minimum the appearance of a conflict of interest if he ordered the re-opening of ICE’s offices on Rikers Island and (b) to superficially cleanse that conflict, he “delegated” the issuance of Executive Order 50 to Mastro. But the “delegation” of the decision to Mastro solves nothing.

58. No “independent assessment” of the propriety of opening an ICE office on Rikers could have occurred because the Mayor’s desired outcome (and its connection to keeping him out of jail) was known to the entire country, including Mastro. As noted above, the Mayor publicly and repeatedly announced ICE’s return to Rikers *months* before Mastro’s purportedly “independent” assessment.

⁴³ *Id.*

⁴⁴ Press Release, *supra* note 39.

59. It is also noteworthy that the Mayor has a well-reported history of forcing out government officials who refuse to do his bidding.⁴⁵ It is reasonable to assume that Mastro was conscious of this history while making his “independent” assessment of whether to fulfill or betray the Mayor’s promise to the Trump Administration.

60. In addition to the Mayor having already months earlier reached the precise decision he purportedly “delegated” to Mastro on April 1, 2025, the Mayor’s “delegation” to Mastro is also insufficient because it lacks any of the procedural safeguards needed to insulate an agent’s decision from the influence of an interested principal. Under normal circumstances, where an official limits his involvement in a decision-making process to avoid the appearance or fact of impropriety, numerous safeguards exist to ensure public confidence. For example, an official may sign a statement affirming that he will not be involved in a given decision, standards are published explaining that an official will not participate in communications and meetings on the topic, and other measures are taken designed to protect public confidence in the integrity of the decision-making process.⁴⁶ Here, the public record is devoid of any evidence that the Mayor

⁴⁵ E.g., Craig McCarthy and Aneeta Bhole, *NYC’s top lawyer ‘pushed out’ as Mayor Adams eyes ex-Giuliani deputy who helped clear Christie in Bridgegate scandal*, N.Y. POST (Apr. 16, 2024), <https://nypost.com/2024/04/16/us-news/nycs-top-lawyer-pushed-out-as-adams-eyes-ex-giuliani-deputy/> (Adams “pushed out” former Corporation Counsel Sylvia Hinds-Radix because she was “not the puppet they wanted her to be”); Jeffrey C. Mays, *Chair of Police Oversight Board Resigns After Mayor Adams Pushes Her Out*, N.Y. TIMES (Jul. 22, 2024), <https://www.nytimes.com/2024/07/22/nyregion/adams-ccrb-chairwoman.html> (Adams “pushed out” the former chair of the Civilian Complaint Review Board after she criticized police investigations); Jeff Colton and Madina Touré, *Eric Adams was already hemorrhaging staff. Now his top deputy mayor is leaving*, POLITICO (Oct. 4, 2024), <https://www.politico.com/news/2024/10/04/adams-first-deputy-mayor-will-step-down-00182553> (recounting how Adams “pushed out” former First Deputy Mayor Sheena Wright). Indeed, one of the key allegations in the now-dismissed federal indictment against Mayor Adams was that he pressured FDNY officials to approve a permit for the Turkish Embassy such that FDNY personnel understood their jobs were in jeopardy if they “failed to acquiesce” to the Mayor. Ex. 2 ¶ 6 (“Because of ADAMS’s pressure on the FDNY, the FDNY official responsible for the FDNY’s assessment of the skyscraper’s fire safety was told that he would lose his job if he failed to acquiesce, and, after ADAMS intervened, the skyscraper opened as requested by the Turkish Official.”).

⁴⁶ *Recusal Policies Relating to Governor Kathy Hochul*, STATE OF N.Y. EXECUTIVE CHAMBER (last visited Apr. 14, 2024), https://www.governor.ny.gov/sites/default/files/2021-10/Recusal_Letters.pdf; *Recusal Memorandum*, STATE OF N.Y. EXECUTIVE CHAMBER (Aug. 23, 2021), https://www.governor.ny.gov/sites/default/files/2023-08/8.15.23_Memo_on_Recusals.pdf; Executive Order (Dinkins) No. 126, https://www.nyc.gov/assets/records/pdf/executive_orders/1991EO026.PDF.

took a single step to ensure that Mastro could look at the issue with “an unbiased eye.” Instead, he publicly denied having recused himself from the decision. Based on the Mayor’s own words, the perception of his involvement was inevitable, particularly as no public assurances to the contrary have been issued.

61. The timing of the issuance of Executive Order 50 further supports the conclusion that no “independent assessment” supported the decision. Mastro issued Executive Order 50 on April 8, 2025, after approximately one week of analysis.⁴⁷ A reasoned policy analysis of this complex issue, involving interplay between city and federal law, could not have been completed in a week. The logical inference is that because the decision was predetermined, Mastro felt no need to engage in a meaningful “independent assessment” during the one week between his appointment (April 1, 2025) and his “decision” on April 8, 2025.

62. Further demonstrating that Executive Order 50 was not the product of Mastro’s “independent assessment,” the issuance of Executive Order 50 represents a dramatic about-face in policy. For more than a decade, no mayor thought opening an ICE office on Rikers was a “good policy.” No changed facts or circumstances suggest that any present conditions merited revisiting a decade of settled policy that ICE should operate on Rikers. The migrant crisis has abated. Crime is down. The public record suggests that DOC officials have not requested this office, nor (as of last month) had they done any deep policy thinking or internal cost analysis about the move. Mastro has no special expertise in corrections or immigration, and it is implausible that he came to an independent decision to overturn a decade of City policy within a week.

⁴⁷ See Ex. 10 at 2 (“WHEREAS, upon my appointment as First Deputy Mayor on April 1, 2025, Mayor Eric Adams authorized me to determine, based on my independent assessment, whether and under what circumstances to permit federal law enforcement authorities to have a presence on Rikers Island and I have since conducted an independent review and made that assessment[.]”) (emphasis added).

63. Mastro's claim that he held certain meetings with DOC and federal officials before reaching his "independent assessment" does not help his case that he independently reached that determination.⁴⁸ His meetings appear to have been with DOC employees, who report to the Mayor, and federal law enforcement officials who support the re-opening. There is no indication that Mastro met with City and civil society stakeholders who could offer him an unbiased assessment or a counterview as to why it would be bad policy. Gathering the full set of facts would have been essential to any proper policy determination—and certainly to any determination purporting to be an "independent," unbiased one.

Executive Order 50 is Also Invalid Because it Represents an Ineffective Delegation of Authority to Mastro

64. The City Charter authorizes the Mayor to delegate certain "specified functions, powers and duties" to deputy mayors.⁴⁹ Only with such "specified" delegation may a first deputy mayor carry out a power vested in the mayor.

65. Additionally, no mayor has ever delegated executive order powers, and no executive order has been signed by anyone but the mayor.⁵⁰

66. Although Executive Order 50 purports that the Mayor delegated to the first deputy mayor the power to issue executive orders regarding ICE at Rikers pursuant to sections 2(m) and 2(p) of Executive Order 49, those sections say nothing about authorizing the first deputy mayor

⁴⁸ Marcia Kramer, *Adams administration will allow ICE to open office on Rikers Island*, CBS NEWS (Apr. 9, 2025), <https://www.cbsnews.com/newyork/news/ice-rikers-island-office/> ("I came to this decision after making an independent assessment of the facts and law. I have personally visited Rikers Island multiple times since becoming First Deputy Mayor, met with DOC officials, sat with federal law enforcement officials from the Federal Bureau of Investigation, Drug Enforcement Agency, and Homeland Security, all of whom said they would welcome the opportunity to work directly with Correction investigators to develop criminal cases and coordinate on criminal investigations of violent transnational criminal gangs, designated as terrorist organizations, that pose a significant threat to our communities.").

⁴⁹ N.Y.C. Charter § 8(f).

⁵⁰ We located a single order signed by the *acting* mayor during the height of the COVID-19 pandemic. Executive Order No. 223, <https://www.nyc.gov/office-of-the-mayor/news/223-001/emergency-executive-order-223>.

to issue executive orders. Rather, they authorize the first deputy mayor to negotiate, execute, and deliver agreements to effectuate certain programs and to perform other duties as the mayor directs. That is not a delegation of “specified functions, powers and duties.” Accordingly, Mastro lacked lawful authority to issue Executive Order 50. Only Mayor Adams could do so, and he was hopelessly conflicted out of doing so.

Although Executive Order 50 Purports to Allow ICE to Operate at Rikers Only for Criminal Investigations, the Trump Administration and Border Czar Homan Have Unambiguously Promised to Use the Rikers ICE Office for Civil Immigration Enforcement—in Violation of New York Local Law

67. Even before Executive Order 50 was issued, Border Czar Homan was clear in multiple public interviews that he was working with the Mayor to establish an ICE presence at Rikers to facilitate the deportation of undocumented immigrants.⁵¹

68. In other words, ICE would unambiguously be using its office at Rikers for civil immigration enforcement⁵²—precisely what New York City law prohibits.

69. Moreover, Border Czar Homan stated in the joint February 14 “Fox & Friends” interview with the Mayor: “Getting onto Rikers Island [is] step one.” He stated that the federal government was working on other things but did not want to publicly discuss it “because the City Council will be putting roadblocks up on us.” He continued, “Mayor Adams, he’s dealing with sanctuary law[s], right, that an EO can’t override. So, we’re working on some of these things to work around [the sanctuary laws].” The Mayor responded that he wanted to be clear, “I am

⁵¹ Tom Homan touts Mayor Adams’ commitment to working with Trump admin on border crisis, FOX NEWS (Jan. 1, 2025), <https://www.foxnews.com/video/6366598025112>.

⁵² Jesse Waters, Border Czar Tom Homan says he’s NOT satisfied with the pace of migrant deportations. “We’ve got to do more.”, FACEBOOK (Jan. 28, 2025), <https://www.facebook.com/JesseWattersFNC/videos/exclusive-border-czar-tom-homan-says-hes-not-satisfied-with-the-pace-of-migrant-/618595637208170/>.

collaborating” with Border Czar Homan and cheerily celebrated the “alliance between ICE and Adams.”⁵³ The same day, Border Czar Homan told Laura Ingraham of FOX News:

[G]etting ICE officers back in Rikers is meaningful. . . I’ve made it clear, I want everybody. If you’re an illegal alien, you get booked in Rikers Island, I don’t care if it’s for shoplifting, I want them. So, this is a start to deal with the worst of the worst in the beginning, but I made it clear that my plan on the whole of them, I want everybody. So, we’re gonna work toward that. We agree to some other things, I’m not going to discuss on national TV, because I don’t want the City Council to know what I’m doing. . . . We got a lot of words, the last meeting I had, today I came, I want action, I want a plan, and we’re leaving with a partial plan, but I’ll come back every week, if I have to, until we finish this plan, but it’s a good first step to get back in Rikers Island, that’s a game-changer.⁵⁴

70. The Trump Administration has boasted that it is “launch[ing] the largest deportation program . . . in the history of America.”⁵⁵ It has repeatedly made clear that it seeks to detain and deport massive numbers of undocumented immigrants, including those charged with (but not convicted of) low-level crimes, like many Rikers pretrial detainees. Indeed, the White House published a statement on February 20, 2025, that described the Mayor’s agreement to allow ICE back onto Rikers Island as being for purposes of “deport[ing] illegal alien criminals.”⁵⁶ And its extreme methods match its rhetoric. For example, the administration has used highly suspect “gang” affiliation evidence—such as tattoos or “high-end street wear”—to (often mistakenly) identify people for removal from the country without due process.⁵⁷

⁵³ ‘Game changer’: Homan and Adams collaborate on NYC immigration enforcement, FOX NEWS (Feb. 14, 2025), <https://www.foxnews.com/video/6368821459112>.

⁵⁴ Ian Schwartz, *Tom Homan on Criminal Migrants: “I’ve Made It Clear, I Want Everybody,” “I Don’t Care If It’s For Shoplifting,”* REALCLEARPOLITICS (Feb. 14, 2025), https://www.realclearpolitics.com/video/2025/02/14/tom_homan_on_criminal_migrants_ive_made_it_clear_i_want_everybody_i_dont_care_if_its_for_shoplifting.html.

⁵⁵ Steve Inskeep and Christopher Thomas, *Trump promised the ‘largest deportation’ in U.S. history. Here’s how he might start*, NPR (last updated Nov. 14, 2024), <https://www.npr.org/2024/11/12/nx-s1-5181962/trump-promises-a-mass-deportation-on-day-1-what-might-that-look-like>.

⁵⁶ *America Is Back — and President Trump Is Just Getting Started*, WHITE HOUSE (Feb. 20, 2025), <https://www.whitehouse.gov/articles/2025/02/america-is-back-and-president-trump-is-just-getting-started/>.

⁵⁷ Alan Feuer, *U.S. Tied Migrants to Gang Based Largely on Clothes or Tattoos, Papers Show*, N.Y. TIMES (Mar. 31, 2025), <https://www.nytimes.com/2025/03/31/us/politics/us-deportations-tren-de-aragua-deportation->

71. Notably, Executive Order 50 allows at least six other federal agencies besides ICE to open offices at city jails like Rikers—and the majority of those agencies have been recently deputized by the Trump Administration to conduct civil immigration enforcement.⁵⁸ Hundreds of agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Homeland Security Investigations are now charged with carrying out civil immigration law enforcement.⁵⁹ To assume, then, that federal agents from these agencies would limit themselves to criminal investigatory work if permitted on Rikers is willfully blind. Even if the Mayor and Mastro intend for ICE to limit its activities on Rikers to criminal enforcement, as permitted under the City’s sanctuary laws, once ICE re-establishes a presence on the island, there is no reason to believe it will not use the opportunity to supercharge President Trump’s mass deportation agenda. Numerous experts have noted that Executive Order 50 gives ICE all of the tools it needs to carry out its civil deportation

[guidance.html](#); Jonathan Blitzer, *The Makeup Artist Donald Trump Deported Under the Alien Enemies Act*, NEW YORKER (Mar. 31, 2025), <https://www.newyorker.com/news/annals-of-immigration/the-makeup-artist-donald-trump-deported-under-the-alien-enemies-act>.

⁵⁸ Press Release, U.S. Dep’t of Homeland Sec., ICYMI: Secretary Noemi Deputized State Department Officials as Immigration Officers (Feb. 20, 2025), <https://www.dhs.gov/news/2025/02/20/secretary-noem-deputized-state-department-officials-immigration-officers>; Lauren Villagran, *Trump deputizes thousands of federal agents to arrest immigrants*, USA TODAY (Jan. 23, 2025), <https://www.usatoday.com/story/news/politics/2025/01/23/trump-deputizes-federal-agents-arrest-immigrants/77914576007/>; Nicole Sganga and Robert Legare, *DHS authorizes federal law enforcement to implement Trump’s immigration policies*, CBS NEWS (Jan. 23, 2025), <https://www.cbsnews.com/news/dhs-authorizes-federal-law-enforcement-to-implement-trump-immigration-policies/>; Ximena Bustillo, Chiara Eisner, *As Trump shrinks other parts of government, immigration task forces grow*, NPR (Mar. 4, 2025), <https://www.npr.org/2025/03/04/nx-s1-5311686/trump-immigration-task-force>; *DHS authorizes DOJ personnel to enforce immigration law as immigration officers*, IMMIGR. POL’Y TRACKING PROJECT (last visited Apr. 14, 2025), <https://immigrationpolicytracking.org/policies/dhs-grants-broader-immigration-arrest-powers-to-justice-dept-federal-agents/#/tab-policy-documents>.

⁵⁹ While Ex. 10 (Exec. Order (Adams) No. 50) describes the Homeland Security Investigations as a division of ICE “that conducts criminal investigations into transnational crime, including the illegal movement of people, goods, money, contraband, drugs, weapons and sensitive technology into, out of and through the United States,” this is no longer true. On his first day in office, President Trump issued an executive order directing that “the *primary mission* of U.S. Immigration and Customs Enforcement’s Homeland Security Investigations division is the enforcement of the provisions of the INA and other Federal laws related to the illegal entry and unlawful presence of aliens in the United States and the enforcement of the purposes of this order.” *Protecting the American People Against Invasion*, WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

agenda.⁶⁰ For example, Executive Order 50 contemplates that the DOC intelligence bureau partnering with the federal government to coordinate investigations and share information, but once information is shared, it cannot be un-learned—the bell cannot be unrung—and federal agents will be able to use that information beyond its intended purpose, including for civil immigration enforcement.⁶¹

72. Moreover, a Council oversight hearing and investigatory work from civil society groups both uncovered a “culture of collusion” between DOC correctional officers and ICE officials to undermine sanctuary city laws.⁶² If ICE is permitted back on Rikers, this “culture of collusion” will go into hyperdrive with DOC correctional officials informally sharing information, such as a detainee’s release date, that will assist in ICE’s deportation efforts. As in the past, DOC leadership will be powerless to stop this opaque violation of sanctuary city laws.

73. Additionally, where federal immigration authorities have unrepentantly flouted direct orders from federal courts—to which they at least pay lip service of respect—it is inconceivable that they will respect City’s sanctuary laws—for which they have undisguised disdain. For instance, although a Maryland federal judge ordered the Trump Administration to return an immigrant that the Administration *admitted* was mistakenly deported, Kilmar Abrego Garcia, back to the United States, the Department of Justice has ignored the order and “made no

⁶⁰ Luis Ferré-Sadurní and Chelsia Rose Marcius, *Adams Is Allowing ICE to Return to Rikers. Here's What to Know.*, N.Y. TIMES (Apr. 10, 2025), <https://www.nytimes.com/2025/04/10/nyregion/rikers-island-ice-adams-trump.html> (“I think this gives ICE a lot of what it wants,” said John Sandweg, who served as an acting director of ICE under President Obama. “Even though this is essentially limited to criminal investigations, this will significantly bolster ICE’s capacity to do regular immigration enforcement on Rikers Island.”).

⁶¹ *Id.*

⁶² *The Immigrant Defense Project and Black Alliance for Just Immigration Release Emails Showing Clear Collusion Between the Department of Corrections and ICE*, IMMIGR. DEF. PROJECT (Feb. 22, 2023), <https://www.immigrantdefenseproject.org/the-immigrant-defense-project-and-black-alliance-for-just-immigration-release-emails-showing-clear-collusion-between-the-department-of-corrections-and-ice/> (“The language in the emails [between ICE and DOC correctional officers] also illustrated a deep and shocking culture of collusion, a desire to facilitate the deportation of immigrant New Yorkers, and complete disregard for the rights of people they detain.”); see also Ex. 11 (uncovering multiple instances where DOC and ICE officials colluded to unlawfully transfer Rikers detainees into ICE custody);

meaningful effort to comply” with the court’s directive.⁶³ As of April 14, 2025, Mr. Garcia has still not been returned to the United States, and it appears that he never will be. The Trump Administration has continued to scoff at the idea of facilitating Mr. Garcia’s return, and the President of El Salvador has said that he would not order the return of Mr. Garcia, calling the idea “preposterous.”⁶⁴ In another case, a federal judge found that “the government acted in bad faith throughout th[e] day” when he directed the government to turn around in-flight planes carrying deportees, but the government defied the order and made no effort to return the immigrants to the United States as ordered—leading the judge to contemplate initiating contempt proceedings against the federal government.⁶⁵ Justice Sotomayor recently noted that, in defense of its deportation efforts, the Trump Administration has repeatedly engaged in “noncompliance” with court orders, “ignored its obligations to the rule of law,” and has posed an “extraordinary threat to the rule of law.”⁶⁶

74. Furthermore, ICE has long been notorious for sweeping unintended targets into its enforcement activities, meaning that allowing ICE back onto Rikers for the purpose of criminal investigation purposes is only a short and slippery slope to civil immigration enforcement. In fact, ICE routinely arrests immigrants who simply happen to be in the vicinity of its intended target, despite lacking a warrant or even probable cause with respect to those “collateral”

⁶³ Melissa Quinn and Jacob Rosen, *Judge says Trump administration “failed to comply” to provide information on man mistakenly deported to El Salvador*, CBS NEWS (Apr. 11, 2025), <https://www.cbsnews.com/news/justice-dept-ordered-to-facilitate-return-of-man-deported-el-salvador-mistake/>.

⁶⁴ Franco Ordoñez & Danielle Kurtzleben, *El Salvador’s Bukele says ‘preposterous’ to suggest he return Abrego Garcia to U.S.*, NPR (Apr. 14, 2025, 3:58 PM ET), <https://www.npr.org/2025/04/14/nx-s1-5364502/trump-bukele-el-salvador-deportation>.

⁶⁵ Peter Charalambous, et al., *Judge Boasberg says he’s contemplating ‘contempt proceedings’ over Trump deportations*, ABC NEWS (Apr. 3, 2025), <https://abcnews.go.com/US/judge-hear-arguments-trump-deportation-flights-defied-court/story?id=120446845>.

⁶⁶ See *Trump v J.G.G. et al*, No. 24A931, 2025 WL 1024097 (U.S. Apr. 7, 2025) (Sotomayor, J., dissenting).

arrestees.⁶⁷ And it continues to do so in violation of a federal court order that limited this practice in 2022 but which it has flagrantly disregarded.⁶⁸

75. The risk of unlawful cooperation with federal immigration enforcement efforts is further heightened by the recent passage of the Laken Riley Act,⁶⁹ which makes certain undocumented immigrants subject to mandatory immigration detention if they have simply been *charged with, or arrested for*, burglary, theft, larceny, or shoplifting, among other offenses. Once ICE becomes aware that such charges have been filed against an immigrant detained at Rikers, there is little the City will be able to do to ensure they are afforded due process and the opportunity to fight the criminal charges brought against them.

76. Executive Order 50 is a blank check. Its ostensible limitations are a farce written in erasable ink. Once ICE re-establishes a presence on Rikers Island, it will have no regard for the City's laws.

FIRST CAUSE OF ACTION (Injunction for Violating CPLR 7803(2))

77. Petitioner repeats and realleges the preceding paragraphs as though fully set forth herein.

⁶⁷ Evelyn Griggs and Brian Schaeffer, *The Cost of ICE's Policies and Practices*, IMMIGR. AND HUM. RTS. POL'Y CLINIC U.N.C. CHAPEL HILL at 35 (May 2009), <https://law.unc.edu/wp-content/uploads/2019/10/thecostoficespoliciesandpractices.pdf>; Gabe Gutierrez, et al., *ICE agents search for those with criminal histories but say 'collateral arrests' are possible*, NBC NEWS (Jan. 27, 2025), <https://www.nbcnews.com/news/us-news/ice-agents-chicago-migrants-criminal-histories-collateral-damage-rcna189478>.

⁶⁸ Press Release, ACLU, 22 People Arrested in ICE Raids Announce Federal Court Action Challenging Unlawful Warrantless ICE Arrests Under New Trump Administration (Mar. 17, 2025), <https://www.aclu-il.org/en/press-releases/22-people-arrested-ice-raids-announce-federal-court-action-challenging-unlawful>; Press Release, Nat'l Immigr. Just. Ctr., Final Settlement Regarding ICE Warrantless Arrests and Vehicle Stops: Overview of Settlement Requirements and Remedies (last updated Jan. 17, 2025), <https://immigrantjustice.org/NavaSettlement?eType=EmailBlastContent&eld=1febb8fe-b0e6-4475-97cf-d178d8948dc4>.

⁶⁹ Laken Riley Act, S.5, 119th Cong. (2025–2026), <https://www.congress.gov/bill/119th-congress/senate-bill/5>.

78. New York City Charter § 2604(b)(3) strictly forbids any public official—including the Mayor—from using their “position as a public servant” to obtain any “private or personal advantage.”

79. Executive Order 50 is the product of a corrupt bargain between the Mayor and the federal government in which he agreed to issue an executive order to permit ICE to re-establish an office on Rikers Island in exchange for federal prosecutors dropping the corruption charges against him. That *quid pro quo* bargain is amply evidenced by statements from the Mayor and his legal team, Border Czar Homan, and prosecutors’ stated justifications for dismissing the charges.

80. Although the Mayor—in the face of an unambiguous appearance of a conflict of interest—delegated to Mastro the decision as to whether to permit ICE back at Rikers, the Mayor did not recuse himself from that decision, thereby ensuring that Mastro could not conduct a truly independent analysis uninfluenced by the Mayor’s personal conflicts, or otherwise cleanse Executive Order 50 of the taint of the Mayor’s conflict of interest.

81. Border Czar Homan’s and the White House’s statements concerning their intentions for ICE’s operations at Rikers also make clear that federal immigration authorities will undoubtedly be using the ICE Rikers office to fuel the administration’s illegal mass deportation agenda, despite unequivocal New York City sanctuary laws that forbid the use of City property for civil immigration enforcement.

82. As a result of the foregoing, Defendants-Respondents are, in the words of CPLR 7803(2), “proceeding or . . . [are] about to proceed without or in excess of [their] jurisdiction.”

83. The wrongful conduct of Defendants-Respondents threatens to cause immediate irreparable harm to many residents of New York City.

84. Plaintiff-Petitioner is entitled to injunctive relief.

85. Plaintiff-Petitioner has no adequate remedy at law.

SECOND CAUSE OF ACTION
(Declaratory Judgment—CPLR 3001)

86. Petitioner repeats and realleges the preceding paragraphs as though fully set forth herein.

87. Executive Order 50 is the quid given in his *quid pro quo* bargain for the quo of his personal advantage in the dismissal of the federal prosecution against him. It, therefore, violates New York City Charter § 2604(b)(3)'s prohibition on a public official's use of his office for personal benefit and is null and void.

88. It is also null and void on the independent basis that it represents an illegal and ineffective delegation of authority.

89. As a result of the foregoing, Petitioner is entitled to a judgment pursuant to CPLR 3001 declaring that Executive Order 50 is null and void.

CLAIM FOR RELIEF

WHEREFORE, Petitioner requests that the Court:

a. Pursuant to CPLR 7805 and 7806, enjoin Defendants-Respondents and any of their agents and all New York City government officials, officers, personnel and agencies, including the DOC, from taking any steps to facilitate the presence of federal law enforcement personnel on Rikers Island or any other property controlled by DOC, where such steps include, but are not limited to, the signing of any Memoranda of Understanding with the federal government regarding federal law enforcement presence or operations on DOC property;

- b. Pursuant to CPLR 3001, declare Executive Order 50 illegal, null, and void and that DOC's compliance would violate Administrative Code § 9-131(h) because Executive Order 50 is not an executive order from the Mayor;
- c. Award Petitioner costs, fees, and disbursements incurred in connection with these proceedings; and
- d. Grant such other and further relief as this court deems just and proper.

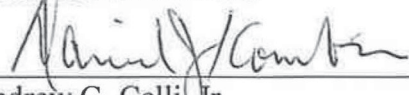
Dated: April 15, 2025
New York, New York

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VERIFICATION

STATE OF NEW YORK)
) ss:
 COUNTY OF NEW YORK)

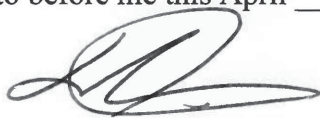
JASON OTAÑO, duly sworn, deposes and says:

I am the General Counsel of the Council of the City of New York ("the Council"), the Plaintiff-Petitioner in this action/proceeding. I have read the attached Verified Petition and hereby affirm that the facts set forth in the Verified Petition pertaining to the Council are true to the best of my knowledge, and as to facts not specifically pertaining to the Council, I believe them to be true. Pursuant to CPLR 2106, I affirm this 15th day of April, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



JASON OTAÑO

Sworn to before me this April 15, 2025



NOTARY PUBLIC

<p>LEON K CHANG NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01CH6405389 Qualified in Queens County My Commission Expires: <u>3-9-2028</u></p>
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