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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

ERICA JIMENEZ, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

DR. ERICA PAN, in her official capacity
as Director of the California Department
of Public Health, et al.,

Defendants.

No. 2:26-cv-03500-SPG-SP

**PLAINTIFF'S COMBINED
REPLY TO DEFENDANTS'
OPPOSITIONS TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: May 13, 2026

Time: 1:30 p.m.

Place: Courtroom 5C, 5th Floor

Judge: Hon. Sherilyn Peace Garnett

Trial Date: Not Set

Action Filed: April 2, 2026

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INTRODUCTION

Plaintiff Erica Jimenez respectfully replies in support of her motion for preliminary injunction (“MPI”), ECF No. 13, to the responses filed by Defendants Dr. Barbara Ferrer and Los Angeles County Department of Public Health (“County Opp.”), ECF No. 24, and Dr. Erica Pan (“Pan Opp.”), ECF No. 28. Mrs. Jimenez does not seek to “gut and restructure” the Black Infant Health Program (“BIH”) as Defendants contend. County Opp. at 3. She seeks only to enjoin Defendants from implementing racial eligibility criteria for participation in a public benefits program. ECF No. 13 at 2.

Yet Defendants’ oppositions repeatedly oscillate between denying that BIH employs race-based eligibility criteria at all and insisting that race-conscious participant selection is essential to the program’s effectiveness. Compare Pan Opp. at 19–20 with *id.* at 25–27 and County Opp. at 18–20. Defendants cannot simultaneously maintain that race plays no role in participation decisions while also defending the necessity of race-conscious administration under strict scrutiny. Nor do Defendants meaningfully confront the constitutional defect at the center of this case: BIH distributes government benefits through explicit racial classifications justified primarily by generalized demographic disparities and race-based assumptions untethered to narrowly tailored criteria.

Because Defendants fail to establish either a compelling governmental interest recognized by Equal Protection doctrine or narrow tailoring sufficient to survive strict scrutiny, preliminary injunctive relief remains warranted. Additionally, because Mrs. Jimenez continues to suffer irreparable constitutional injury, because the requested relief would leave Defendants free to continue race-neutral maternal-health programming, and because the public interest favors compliance with the

1 Equal Protection Clause and Title VI, the Court should grant the requested
2 preliminary injunction.

3 **I. Mrs. Jimenez Has Standing**

4 “The ‘injury in fact’ in an equal protection case of this variety is the denial of
5 equal treatment resulting from the imposition of the barrier, not the ultimate inability
6 to obtain the benefit.” *Ne. Fla. Chapter of Associated Gen. Contractors of Am. v.*
7 *City of Jacksonville*, 508 U.S. 656, 666 (1993); *see also Carroll v. Nakatani*, 342
8 F.3d 934, 941 (9th Cir. 2003). A plaintiff has Article III standing to challenge
9 ineligibility for government benefits if she “contend[s] that [her] ineligibility is due
10 to unconstitutional discrimination.” *Borja v. Nago*, 115 F.4th 971, 977 (9th Cir.
11 2024).

12 Defendants’ imposition of their programs’ racial eligibility criterion
13 constitutes a deprivation of Mrs. Jimenez’s constitutional right to equal protection,
14 which is unquestionably an injury. Pl.’s Mem. in Supp. of Mot. for Prelim. Inj. (“MPI
15 Mem.”), ECF No. 13-6, at 17; *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir.
16 2017). She suffered that injury when she submitted her interest form to Pasadena’s
17 program. Class Action Complaint (“Compl.”), ECF No. 1 ¶¶ 28–33. And she will
18 continue to suffer that injury until Defendants’ use of race for eligibility
19 determinations is enjoined.

20 Defendants’ argument that Mrs. Jimenez has not suffered an injury in fact
21 relies on four assertions, none of which are relevant to her injury of unequal access.
22 First, that Mrs. Jimenez did not submit an application that was not available to her.
23 Pan Opp. at 16–17; County Opp. at 14–15. Second, that she did not avail herself of
24 vague and discretionary exception procedures of which no one but Defendants is
25 aware. County Opp. at 12–13, 14–15; Pan Opp. at 13–14, 17–18. Third, that she was
26 “never actually denied services.” County Opp. at 14; *see also* Pan Opp. at 16–18.

1 And fourth, that she has alternative programs available to her. County Opp. at 15,
2 23–24; Pan Opp. at 13–14, 18, 28–29.

3 But these arguments fundamentally misapprehend Equal Protection standing
4 doctrine. And none of them defeat the obvious: that Mrs. Jimenez was compelled to
5 disclose her race as a condition of eligibility screening and was then screened out of
6 the program by these eligibility requirements. Compl. ¶¶ 31–33; Declaration of Erica
7 Jimenez (“Jimenez Decl.”) ¶¶ 1–5, ECF No. 13-5.

8 Contrary to Defendants’ mischaracterization that Mrs. Jimenez has only made
9 bare assertions that she is “ready and able” to apply, County Opp. at 14,
10 Mrs. Jimenez took the initial step of applying to Pasadena’s BIH program by
11 submitting her information via the program’s “Interest / Eligibility Form.” Jimenez
12 Decl. ¶ 3. While there may be several *more* steps beyond the public-facing first step,
13 Pan Opp. at 16–17; County Opp. at 12, 14, those further steps do not negate
14 Mrs. Jimenez’s demonstrated interest and subsequent action. And even so, because
15 the injury in equal protection cases is the imposition of the barrier—not the ultimate
16 inability to obtain the benefit—there is no requirement to apply.¹ See *Ne. Fla.*
17 *Chapter*, 508 U.S. at 666.

18 Even accepting Defendants’ characterization of events and their policies, no
19 genuine ambiguity as to her properly conceived injury exists here. The very
20

21 ¹ The Ninth Circuit has consistently found that plaintiffs have standing even if they
22 did not formally apply to the challenged program. *Desert Outdoor Adver., Inc. v.*
23 *City of Moreno Valley*, 103 F.3d 814, 818 (9th Cir. 1996); *Taniguchi v. Ashcroft*,
24 303 F.3d 950, 957 (9th Cir. 2002); see also *Dragovich v. U.S. Dep’t of the Treasury*,
25 764 F. Supp. 2d 1178, 1185–86 (N.D. Cal. 2011) (court finding that a failure to apply
26 to the challenged program was not necessary for standing when the program’s
27 exclusionary policies were obvious).

28 Conversely, the Ninth Circuit has denied standing where the failure to apply
introduced ambiguity in the dispute. See *Madsen v. Boise State University*, 976 F.2d
1219 (9th Cir. 1992) (court was uncertain as to the nature of the dispute when
plaintiff took no action to confront the challenged policy). There is no such
ambiguity in the issues presented here that further action by Mrs. Jimenez would
“sharpen.” *Id.* at 1221.

1 existence of a discretionary “exception procedure” for applicants who do not belong
2 to the program’s favored racial group confirms that race operates as a barrier to equal
3 access. A program does not create special mechanisms to admit members of
4 disfavored races unless race is already functioning as a threshold eligibility criterion.
5 Defendants’ insistence that Mrs. Jimenez ought to have availed herself of additional
6 unpublicized exception procedures only further concretizes her injury of unequal
7 access.

8 Defendants do not publicize their still undefined and discretionary exception
9 procedures, and yet they claim that Mrs. Jimenez’s failure to exhaust them is fatal to
10 her standing. County Opp. at 12–13, 14–15; Pan Opp. at 13–14, 17–18. These
11 procedures not only affirm her injury of unequal access as explained above, but there
12 is a “general rule that federal courts cannot require exhaustion under § 1983.” *Patsy*
13 *v. Bd. of Regents of State of Fla.*, 457 U.S. 496, 512 (1982); *see also Porter v. Nussle*,
14 534 U.S. 516, 523 (2002) (plaintiffs suing under § 1983 “need not exhaust
15 administrative remedies before filing suit in court”); *Jones v. Bock*, 549 U.S. 199,
16 212 (2007) (Section 1983 “does not require exhaustion at all”); *Lira v. Herrera*, 427
17 F.3d 1164, 1169 (9th Cir. 2005) (“exhaustion is not a prerequisite to an action under
18 § 1983” (quoting *Patsy*, 457 U.S. at 501)).

19 Equally important is “how Defendants *told* the public and [putative] class
20 members it work[s].” *Brewster v. City of Los Angeles*, 672 F. Supp. 3d 872, 971
21 (C.D. Cal. 2023) (emphasis in original). Every public-facing description of the
22 program communicates that eligibility is conditioned on race, and therefore that
23 access is unequal because of it. Compl. ¶¶ 20–24 (describing statewide BIH
24 eligibility as limited to “all Black women,” Los Angeles County eligibility as limited
25 to “[p]regnant African American women,” and Pasadena eligibility as limited to
26 individuals who “identify as black or African American”).

27 Finally, the alleged availability to Mrs. Jimenez of alternative programs
28 negates neither her injury nor Defendants’ role in causing it. The injury here is

1 unequal access to BIH, not the ultimate availability of some other government
2 benefit. Providing an available “alternative” for a litigant to pursue does not excuse
3 the government from liability for violating constitutional rights. *Fed. Election*
4 *Comm’n v. Cruz*, 596 U.S. 289, 298 (2022) (“[d]emanding that the [litigant] comply
5 with the Government’s ‘alternative’ would therefore require it to forgo [its
6 constitutional right that the court] must assume it has”).

7 **II. Mrs. Jimenez Is Likely to Succeed on the Merits**

8 Mrs. Jimenez is likely to succeed in proving that Defendants’ racial
9 classifications fail strict scrutiny because Defendants have reframed racial balancing
10 as public health, while employing race-based stereotypes and classifications without
11 any logical endpoint. *Students for Fair Admissions, Inc. v. President & Fellows of*
12 *Harvard Coll.*, 600 U.S. 181, 214–22 (2023) (*SFFA*).

13 “[A]ll racial classifications, imposed by whatever federal, state, or local
14 governmental actor, must be analyzed by a reviewing court under strict scrutiny.”
15 *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). Defendants, by their
16 own admission of the exception procedures, admit that BIH “distributes burdens or
17 benefits on the basis of individual racial classifications.” *Parents Involved in Cmty.*
18 *Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 720 (2007). Therefore, the use of the
19 classifications must survive the “daunting two-step examination”: (1) does the use
20 further compelling government interests; and (2) is the use “‘narrowly tailored’—
21 meaning ‘necessary’—to achieve that interest.” *SFFA*, 600 U.S. at 206 (quoting
22 *Fisher v. University of Tex. at Austin*, 570 U.S. 297, 311–312 (2013)).

23 **A. Defendants’ articulated interest is patently unconstitutional**

24 Defendants have not articulated a compelling interest sufficient to justify the
25 racial classifications employed here. Although Defendants invoke broad concepts
26 like “health,” “safety,” and “child welfare,” the interest actually advanced
27 throughout their briefing is reducing disparities between racial groups and closing
28 the “Black-White gap” in maternal and infant outcomes. *See County Opp.* at 5–8,

1 18–20; Pan Opp. at 10–13, 21–25. Defendants admit that the program’s endpoint is
2 the elimination of this disparity itself. County Opp. at 20–21. Properly understood,
3 that is an interest in racial balancing through race-conscious administration.

4 The Supreme Court has consistently rejected racial balancing as a compelling
5 governmental interest. *See Parents Involved*, 551 U.S. at 726 (racial balancing
6 “condemned as illegitimate”); *SFFA*, 600 U.S. at 217–23 (racial balancing is
7 “patently unconstitutional” (quoting *Fisher*, 570 U.S. at 311)). The Equal Protection
8 Clause does not permit the government to classify individuals by race whenever
9 officials identify unequal statistical outcomes between racial groups. That is because
10 the guarantee of equal protection commands that the government “must treat citizens
11 as individuals, not as simply components of a racial, religious, sexual or national
12 class.” *SFFA*, 600 U.S. at 223 (quoting *Miller v. Johnson*, 515 U.S. 900, 911 (1995)).
13 Were it otherwise, strict scrutiny would impose little meaningful constraint
14 whenever state officials invoke disparities in health, education, poverty,
15 incarceration, or other high-level government interests. Defendants’ own framing
16 instead mirrors the type of demographic outcome management the Supreme Court
17 explicitly rejected in *Parents Involved* and *Students for Fair Admissions*. When BIH
18 screens eligibility or imposes “exception procedures” based on an applicant’s race,
19 Defendants are treating her as a component of a racial class, all in furtherance of a
20 goal that dismisses her individual risk profile.

21 The mismatch between Defendants’ asserted interest and their cited
22 authorities confirms the point. The cases Defendants rely upon involve protecting
23 specific individuals from concrete and immediate harms—not governmental
24 management of demographic disparities through explicit racial classification. *PJ ex*
25 *rel. Jensen v. Wagner* pertained to emergency medical decision-making concerning
26 a specific child suffering from cancer. 603 F.3d 1182, 1198 (10th Cir. 2010). *Globe*
27 *Newspaper Co. v. Superior Court* involved protecting specific minor victims of
28 sexual assault from the trauma of public testimony. 457 U.S. 596, 607 (1982). *Hill*

1 *v. Colorado* concerned content-neutral buffer-zone regulations protecting patient
2 access to healthcare facilities—not race-based classifications. 530 U.S. 703, 715
3 (2000). And *Hodel v. Virginia Surface Mining & Reclamation Ass’n* addressed
4 emergency administrative action necessary to protect the public from imminent
5 environmental and safety harms. 452 U.S. 264, 300 (1981). None of these authorities
6 sanction governmental racial classifications justified by generalized demographic
7 disparities among racial groups.²

8 Defendants are nonetheless persistent in ignoring clear Supreme Court
9 authority and precedent, arguing that the limited exceptions to equal protection that
10 *SFFA* set forth only apply to racial preferences in school admissions, and not a
11 purportedly “forward-looking public health intervention.” County Opp. at 21. But
12 nothing in *SFFA* indicates that the equal protection analysis is limited in the way
13 Defendants want it to be. *SFFA* cites *Shaw v. Hunt*, 517 U.S. 899, 909–10 (1996), a
14 redistricting case, to reiterate that the only applicable compelling interest in racial
15 classifications is to remedy specific, identified instances of prior discrimination. 600
16 U.S. at 207. *SFFA* cites *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 505–06 (1989),
17 a government contracting case, to emphasize that alleviating the effects of societal
18 discrimination is not a compelling interest. 600 U.S. at 226. The Supreme Court has
19 repeated *SFFA*’s limited compelling interests in another redistricting case, *Louisiana*
20 *v. Callais*, No. 24–109, 2026 WL 1153054, at *10 (U.S. Apr. 29, 2026). *SFFA*’s
21 application of the same strict scrutiny framework across multiple contexts is no
22

23 ² Defendants also rely on *Bakke*’s dicta observation that “facilitating the health care
24 of its citizens” could be a “sufficiently compelling” interest “to support the use of a
25 suspect classification.” *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 310 (1978).
26 But that narrow and conditional statement does not establish a freestanding rule that
27 generalized public-health objectives automatically justify racial classifications. To
28 the contrary, *Bakke* itself invalidated the challenged racial classification and
repeatedly warned against the use of race to allocate benefits based on broad
demographic objectives. *Id.* at 307–10. The Supreme Court’s later explicit rejection
of racial balancing clarifies that a compelling government interest cannot be
supported by population-level disparities.

1 accident. That is because “[e]liminating racial discrimination means eliminating all
2 of it.” *SFFA*, 600 U.S. at 206. BIH is no exception.

3 **B. Defendants’ use of race is not narrowly tailored**

4 Defendants invoke “empirical fact” to defend the program’s use of race.
5 County Opp. at 18–19; *see also* Pan Opp. at 11–13. But the existence of statistical
6 disparities between racial groups does not itself establish that explicit racial
7 classifications are narrowly tailored. Strict scrutiny requires more than evidence that
8 disparities exist. It requires proof that the government’s use of race is necessary and
9 precisely fitted to the asserted interest. *SFFA*, 600 U.S. at 206. Nor does the
10 constitutional concern arise only when classifications are motivated by hostility or
11 overt prejudice. *Croson*, 488 U.S. at 500 (racial classifications are suspect even when
12 enacted for a “benign” or “legitimate purpose.”); *Adarand*, 515 U.S. at 227 (“all
13 racial classifications . . . must be analyzed by a reviewing court under strict
14 scrutiny”). Strict scrutiny applies precisely because government racial classifications
15 risk treating individuals as representatives of racial groups rather than as individuals.
16 *SFFA*, 600 U.S. at 223 (equal protection commands that the government treat
17 citizens as individuals).

18 Defendants’ own theory illustrates the problem. They repeatedly move from
19 statistical observations about population-level disparities to assumptions about
20 which individuals should receive race-conscious programming. County Opp. at 1–
21 2, 5–10, 18–22; Pan Opp. at 10–14, 22–27. But statistical disparities between racial
22 groups do not eliminate the constitutional requirement for individualized
23 governmental decision-making. *SFFA*, 600 U.S. at 223. The leap Defendants keep
24 making is precisely why racial classifications are constitutionally suspect. Even if
25 certain disparities disproportionately affect black women as a group, race remains a
26 proxy for the individualized experiences, stressors, cultural backgrounds, socio-
27 economic conditions, and healthcare barriers Defendants claim to target. *Bush v.*
28

1 *Vera*, 517 U.S. 952, 968 (1996) (using race as a proxy and stereotype triggers strict
2 scrutiny).

3 Defendants' reliance on sickle-cell anemia and Tay-Sachs hypotheticals only
4 underscores the absence of narrow tailoring here. County Opp. at 18–19; Pan Opp.
5 at 26. Those examples involve tightly connected medical or research contexts in
6 which the causal mechanism for the disorder is known: the disorders themselves are
7 directly associated with identifiable hereditary and population-based genetic
8 mechanisms. *Hunter ex rel. Brandt v. Regents of Univ. of Cal.*, 190 F.3d 1061, 1066
9 n.11 (9th Cir. 1999); *Nuziard v. Minority Bus. Dev. Agency*, 721 F. Supp. 3d 431,
10 491 (N.D. Tex. 2024); *Bush*, 517 U.S. at 984. BIH, by contrast, is not a genetic
11 screening program, disease-specific treatment protocol, or controlled research study.
12 It is a broadly administered public-benefits program justified by generalized
13 demographic disparities and sociological propositions untethered to any similarly
14 precise causal mechanism. *See* County Opp. at 4–10, 18–22; Pan Opp. at 10–14, 22–
15 27.

16 Defendants' oppositions ultimately confirm—not rebut—the constitutional
17 defect at the center of this case. Defendants repeatedly justify BIH through explicit
18 reliance on racial classifications, racialized outcome disparities, and generalized
19 assumptions about race, culture, stress, and lived experience. Yet they fail to identify
20 a compelling governmental interest recognized by Equal Protection doctrine or
21 demonstrate that their use of race is narrowly tailored to any such interest. Instead,
22 the record demonstrates precisely what strict scrutiny is designed to prevent: the
23 allocation of governmental benefits based on broad racial categories untethered to
24 individualized criteria. Mrs. Jimenez is therefore likely to succeed on the merits of
25 her Equal Protection and Title VI claims.

26 The supremacy that Defendants place in the judgment of public health
27 authorities does not satisfy narrow tailoring. The Supreme Court has consistently
28 held that experts and academics are not given complete deference on whether a racial

1 classification is necessary. *Parents Involved*, 551 U.S. at 744 (Rejecting deference
2 to local school boards’ knowledge and expertise on the need for racial classifications
3 as “fundamentally at odds with our equal protection jurisprudence.” (quoting
4 *Johnson v. California*, 543 U.S. 499, 506 n.1 (2005)); *Croson*, 488 U.S. at 501
5 (“[B]lind judicial deference to legislative or executive pronouncements of necessity
6 has no place in equal protection analysis.”); *Fisher*, 570 U.S. at 311 (“[T]he
7 University receives no deference” on whether the means it chooses to achieve
8 diversity are narrowly tailored.); *SFFA*, 600 U.S. at 217 (no deference to universities
9 outside of constitutionally prescribed limits).

10 *Hunter* does not support the Defendants’ deference to experts for
11 demonstrating narrow tailoring. See 190 F.3d at 1066–67. *Hunter* predates the
12 Supreme Court’s decisions in *Parents Involved*, *Fisher*, and *SFFA* that courts owe
13 no deference to experts on whether race-conscious measures are essential. And
14 although the Ninth Circuit in *Hunter* recognized the reasons asserted by academic
15 researchers for utilizing racial classifications, it did not defer to them on whether
16 such classifications were necessary and survived constitutional scrutiny. 190 F.3d at
17 1066–67. Subsequent cases of the Supreme Court reiterated that independent judicial
18 review, and not the insistence of experts, ultimately determines whether a race-
19 conscious program satisfies strict scrutiny.

20 Meanwhile, despite BIH’s 37-year existence, Defendants warn that recent
21 data still shows the mortality rates for Black infants remain higher than that of white
22 infants, and pregnancy related mortality rates for Black mothers remain higher than
23 that of white mothers. County Opp. at 17–18. The persistence of the problem that
24 BIH purports to address despite its race-conscious intervention demonstrates that
25 racial classifications are not necessary. “The minimal impact of [Defendants’] racial
26
27
28

1 classifications . . . casts doubt on the necessity of using racial classifications.”
2 *Parents Involved*, 551 U.S. at 734.

3 Because ongoing constitutional injury constitutes irreparable harm, and
4 because the requested injunction is narrow and would leave Defendants free to
5 continue race-neutral maternal-health programming, the remaining *Winter* factors
6 likewise favor preliminary relief.

7 **III. Mrs. Jimenez Faces Likely Irreparable Harm**

8 Defendants’ irreparable-harm arguments merely restate their flawed merits
9 and standing arguments. County Opp. at 22–25; Pan Opp. at 28–30. Because
10 Mrs. Jimenez is likely to succeed on her Equal Protection and Title VI claims, the
11 ongoing deprivation of her constitutional rights constitutes irreparable injury.
12 *Hernandez*, 872 F.3d at 994; *see also Associated Gen. Contractors of Cal., Inc. v.*
13 *Coal. for Econ. Equity*, 950 F.2d 1401, 1416 (9th Cir. 1991).

14 Defendants incorrectly characterize Mrs. Jimenez’s injury as the denial of
15 particular maternal-health services. But the injury to Mrs. Jimenez is the unequal
16 access to BIH because of her race, not medical or emotional harm. *Ne. Fla. Chapter*,
17 508 U.S. at 666. Nor does the existence of alternative programs defeat the irreparable
18 harm of racial discrimination. The government may not impose racial barriers to one
19 program and insulate itself from scrutiny by directing disfavored applicants
20 elsewhere. The constitutional injury is unequal access itself. *Id.*

21 Because Mrs. Jimenez continues to face unequal treatment based on race in
22 her access to the BIH program, irreparable harm is ongoing absent injunctive relief.

23 **IV. The Balance of Equities Favors Enjoining Unconstitutional Racial** 24 **Classifications**

25 Defendants’ balance-of-equities argument rests on the same contradiction that
26 pervades their merits briefing. On one hand, Defendants insist that BIH does not
27 actually exclude or deny participation based on race and that non-black participants
28 may be admitted through discretionary exceptions. Pan Opp. at 19–20, 26–27;

1 County Opp. at 12–13, 19–20. On the other hand, Defendants argue that enjoining
2 race-based eligibility criteria would fundamentally alter the program and undermine
3 its effectiveness. County Opp. at 2–3, 23–24; Pan Opp. at 13–14, 25–27, 29. Both
4 propositions cannot simultaneously be true.

5 Mrs. Jimenez does not seek to dismantle BIH, prohibit maternal-health
6 programming, or eliminate support services. And although Defendants repeatedly
7 blur the distinction between race and culture (County Opp. at 8–10, 23; Pan Opp. at
8 10–14, 25–27), the two are not synonymous. Any culturally tailored outreach or
9 programming could therefore continue unaffected on a race-neutral basis.
10 Mrs. Jimenez seeks only to enjoin Defendants from conditioning access to a public-
11 benefits program on race. If, as Defendants repeatedly contend, BIH already permits
12 participation irrespective of race, then the requested injunction would merely require
13 Defendants to operate the program in the manner they claim it already functions.

14 Defendants remain free to pursue race-neutral measures to improve maternal
15 and infant health outcomes, including outreach, support services, stress-reduction
16 programming, geographic targeting, socioeconomic criteria, and culturally tailored
17 voluntary programming.

18 By contrast, denying preliminary relief would permit ongoing use of explicit
19 racial classifications in the administration of public benefits. The balance of equities
20 and public interest therefore favor injunctive relief.

21 CONCLUSION

22 The Court should grant Plaintiff’s motion for a preliminary injunction.
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25 DATED: May 13, 2026.
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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Plaintiff Erica Jimenez, certifies that this brief contains 3,703 words, which complies with the word limit of L.R. 11-6.1.

DATED: May 13, 2026.

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