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2026-CV-0204232
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IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT
COUNTY OF LARAMIE, STATE OF WYOMING

JUNTOS, THE UNITARIAN UNIVERSALIST CHURCH OF CHEYENNE, AND DREW'S BARBERSHOP,

Plaintiffs,

vs.

BRIAN KOZAK, in his official capacity as Laramie County Sheriff, and the LARAMIE COUNTY SHERIFF'S OFFICE,

Defendants.

Case No. 2026-CV-0204232

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

THIS MATTER came before the Court on Defendants' *Motion to Dismiss Pursuant to Wyo. R. Civ. P. 12(b)(1) and 12(b)(6)*, filed on June 24, 2026, the Plaintiffs' *Response,* and Defendants' *Reply*. The Court held a hearing on July 27, 2026, and having considered the arguments of counsel and the record herein, and being otherwise fully advised in the premises, finds, concludes, and orders as follows:

SUMMARY

The Court considered Defendants' request to dismiss Count I pursuant to Wyoming Rules of Civil Procedure (W.R.C.P.) 12(b)(1) based on Plaintiff's failure to comply with the notice requirements of the Wyoming Governmental Claims Act (W.G.C.A.). Finding that the notice requirements of the W.G.C.A. are not jurisdictional, Defendants' *Motion to Dismiss* Count I is DENIED.

The Court also considered Defendants' request to find that Plaintiffs did not have standing to bring Counts I and II. Plaintiffs allege sufficiently particularized and non-conclusory injuries arising from Defendants' immigration enforcement activities under the 287(g) agreements. Those injuries, however, do not arise from the statutory violations alleged in Counts I and II, which are Defendant Kozak's alleged lack of authority to enter into the agreements without approval of the Laramie County Board of Commissioners. Because Plaintiffs have not alleged injuries resulting from the statutory violations they ask this Court to remedy, they lack standing to bring Counts I and II. Defendants' *Motion to Dismiss* Counts I and II pursuant to W.R.C.P. 12(b)(6) is therefore GRANTED.

The Court also *sua sponte* considered Plaintiffs' standing to bring Count III under the Wyoming Administrative Procedure Act (W.A.P.A.). Plaintiffs' alleged organizational and economic injuries arise from immigration enforcement activities rather than the alleged failure to comply with the W.A.P.A rulemaking procedures, while their alleged deprivation of notice and an opportunity to comment is not an injury particularized to Plaintiffs. Accordingly, Plaintiffs lack standing to bring Count III and that Count must also be dismissed under W.R.C.P. 12(b)(6) for failure to state a claim upon which relief may be granted.

The following provides the Court's full analysis and decision to dismiss this action. Although the Court denies Defendants' request for dismissal based upon Plaintiffs' alleged failure to comply with the W.G.C.A., it grants Defendants' *Motion to Dismiss* because Plaintiffs lack standing to pursue the claims asserted in the *Complaint* under either the W.G.C.A. or the W.A.P.A. The Court therefore does not reach or decide whether Defendant Kozak possessed authority under

Wyoming law to enter into the challenged agreements without approval from the Laramie County Board of Commissioners. The Commissioners are not parties to this action and have not asserted any resulting injury. Although Plaintiffs allege concrete harms arising from immigration enforcement, they have not alleged a particularized injury arising from the alleged infringement of the Commissioners' authority. Accordingly, the underlying question of Defendant Kozak's authority and statutory authority remain unresolved. "It is not the function of the judicial branch to pass judgment on the general performance of other branches of government. Instead, it is our function to resolve specific controversies between adverse parties and determine whether those parties, in the context of that controversy, have complied with the law." *William F.W. Ranch, LLC v. Tyrrell*, 2009 WY 62, ¶ 32, 206 P.3d 722, 733 (Wyo. 2009). The standing doctrine is rooted in separation of powers principles. *Allred v. Bebout,* 2018 WY 8, ¶ 30, 409 P.3d 260, 268 (Wyo. 2018). "It is the role of courts to provide relief to claimants . . . who have suffered, or will imminently suffer, actual harm; it is not the role of courts, but that of the political branches, to shape the institutions of government in such fashion as to comply with the laws and the Constitution." *Id*. (internal quotations omitted).

For the reasons further analyzed below, the Court GRANTS Defendants' *Motion to Dismiss* Counts I and II and DISMISSES Count III *sua sponte*. Plaintiffs' *Complaint* is therefore dismissed in its entirety.

THE PARTIES

Plaintiff, Juntos (Juntos), is a 501(c)(3) non-profit organization dedicated to advocating for immigrants and marginalized communities across Wyoming. *Complaint*, ¶ 95. Juntos educates, organizes, and advocates for all individuals to address discrimination and inequality, with its "primary focus [] on protecting Wyoming's immigrant families and communities of color from systemic discrimination." *Id*. at ¶ 96.

Plaintiff, The Unitarian Universalist Church of Cheyenne (the Church), is a non-profit religious congregation based in Laramie County. *Complaint*, ¶ 116. Its core principles include: "affirming and promoting: the inherent worth and dignity of every person; justice, equity and compassion in human relations; acceptance of one another and encouragement to spiritual growth in congregations; and the right of conscience and the use of the democratic process within its congregations and in society at large." *Id*. at ¶ 117.

Plaintiff, Drew's Barbershop (Drew's), has provided barbering services in Cheyenne since 2020. *Complaint*, ¶ 132. One of Drew's barbers, who was "licensed by the Wyoming Board of Barber Examiners and had legal authorization to work in the country," was pulled over by a Laramie County Sheriff's Deputy while driving with his family and his pregnant partner. *Id*. at ¶¶ 136, 140. He was taken into custody pursuant to authority granted in the 287(g) agreements." *Id*. at ¶ 142. Drew's alleges that it subsequently lost revenue and the owners decided to sell the business as a result. *Id.* at ¶¶ 147, 151.

Defendant, Brian Kozak (Kozak), is the duly elected Sheriff of Laramie County, Wyoming. *Complaint*, ¶ 157. In May 2025, he signed three memoranda of agreements, commonly referred to as 287(g) agreements, with United States Immigration and Customs Enforcement (ICE). *Id.* Defendant, Laramie County Sheriff's Office (LCSO), is the named local law-enforcement party in the three 287(g) agreements with ICE that are at issue in this proceeding. *Id*. at ¶ 158.

BACKGROUND FACTS ALLEGED IN THE COMPLAINT AND MOTION TO DISMISS, AND THE PROCEDURAL POSTURE OF THE CASE

Plaintiffs seek declaratory and injunctive relief concerning whether Defendant Kozak complied with Wyoming law when he entered into three agreements with the federal government for immigration enforcement. Plaintiffs challenge Defendant Kozak's authority under Wyoming law to enter into the agreements without approval from the Laramie County Board of Commissioners (Commissioners) and without complying with the rulemaking procedures they contend were required under the W.A.P.A.

In May 2025, Defendant Kozak signed three 287(g) agreements with ICE. Congress has authorized the Attorney General to approve such voluntary agreements under the Immigration and Nationality Act (INA). 8 U.S.C.A. § 1357. The agreements are intended to allow state and local agencies to engage in certain immigration enforcement activities "at the expense of the State or political subdivision and to the extent consistent with State and local law." 8 U.S.C. 1357(g).

Plaintiffs assert that the three agreements expanded LCSO's immigration enforcement activities by authorizing LCSO personnel to: 1) identify possible non-citizens in their custody and to process them for immigration proceedings; 2) train, certify, and allow them to serve and execute administrative warrants on non-citizens in the LCSO jail; and 3) carry out immigration enforcement activities in non-custodial settings, allowing them to actively stop, question, and arrest individuals suspected of being undocumented individuals. See *Complaint*, generally.

Plaintiffs also allege that Defendant LCSO expended approximately $75,000 between September 1, 2025, and January 31, 2026, as a result of its participation under the agreements. According to Plaintiffs, Defendant Kozak entered into and Defendant LCSO performed activities authorized by the three agreements without the approval of or input from the Commissioners or Laramie County residents.

Plaintiffs further allege that, because Defendant Kozak entered into the agreements without approval from the Commissioners, they were deprived of the opportunity to discuss or oppose the agreements with the Commissioners. Plaintiffs also allege harms resulting from LCSO's immigration enforcement activities under the agreements. Juntos and the Church changed the programming they offer to community members and have adjusted their operating budgets to account for and respond to the impact of these enforcement activities on the community. Drew's alleges that it lost revenue and ultimately decided to sell the business after one of its employees was detained and ultimately deported through Defendant LCSO's immigration enforcement activities authorized by these agreements.

Plaintiffs filed their *Complaint for Declaratory and Injunctive Relief*, asserting three claims. In Count I, Plaintiffs allege Defendant Kozak exceeded his authority and violated Wyo. Stat. Ann. § 18-2-101 by signing the three agreements without first obtaining approval from the Commissioners. *Complaint*, ¶¶ 159-163. Plaintiffs seek a declaration that the agreements are invalid and that the Commissioners, and not the Sheriff, have authority to enter into such agreements. Plaintiffs also seek preliminary and permanent injunctive relief prohibiting Defendants from engaging in any immigration enforcement activities authorized by the agreements as well as attorney fees and costs pursuant to Wyo. Stat. Ann. § 1-37-112.

In Count II, Plaintiffs allege Defendant Kozak exceeded his authority and violated Wyo. Stat. Ann. § 18-6-313 in signing the three agreements with ICE and that Defendants incurred expenses without authorization from the Commissioners. *Complaint*, ¶ 164. Plaintiffs again seek a declaration that the agreements are invalid and seek injunctive relief prohibiting Defendants from engaging in the immigration enforcement activities authorized by them, as well as attorney fees and costs pursuant to Wyo. Stat. Ann. § 1-37-112.

In Count III, Plaintiffs allege Defendant Kozak violated the W.A.P.A. at Wyo. Stat. Ann. § 16-3-101 through 115, by signing the three agreements without following the W.A.P.A.'s mandatory rulemaking procedures. *Complaint* at ¶ 169. Plaintiffs seek a declaration pursuant to Wyo. Stat. Ann. § 16-3-114(c)(ii) that the agreements are unlawful and setting them aside as having been entered into in violation of the W.A.P.A. Plaintiffs also seek preliminary and permanent injunctive relief preventing Defendants from engaging in any immigration enforcement activities identified in the agreements.

On June 24, 2026, Defendants filed their *Motion to Dismiss Pursuant to Wyo. R. Civ. P. 12(b)(1) and 12(b)(6)* (*Motion to Dismiss*). Defendants seek dismissal of the action on two grounds: 1) Plaintiffs' failure to comply with the notice requirements of the W.G.C.A. deprives the Court of subject matter jurisdiction under W.R.C.P. 12(b)(1); and 2) Plaintiffs lack standing to pursue declaratory or injunctive relief, requiring dismissal under Wyo. R. Civ. P. 12(b)(6). *Mem. In Support of Mot. to Dismiss*, p. 2. On June 30, 2026, Plaintiffs filed their *Motion for Preliminary Injunctive Relief* (*Preliminary Injunction Motion*), asking the Court to issue a preliminary injunction against the Defendants' alleged expansion of their powers under these 287(g) agreements. *Mot. for Preliminary Injunction*, p. 2.

The Court held a hearing on July 27, 2026, on the Defendants' *Motion to Dismiss*, at which the parties presented arguments in support of their respective positions. Further facts will be set forth below as necessary to resolve the pending *Motion to Dismiss*.

LEGAL ANALYSIS

A. Motion to Dismiss.

I. Standards Governing Motions to Dismiss.

The standards governing motions to dismiss are well established in Wyoming. When reviewing the dismissal of an action under W.R.C.P. 12(b)(1) or 12(b)(6), this Court must accept the allegations in the complaint as true and consider the facts in the light most favorable to the non-movant. *McNair v. Beck*, 2024 WY 85, ¶ 12, 553 P.3d 771, 775 (Wyo. 2024); *Cantrell v. Sweetwater Cnty. Sch. Dist. No. 2*, 2006 WY 57, ¶ 4, 133 P.3d 983, 984 (Wyo. 2006). Dismissal is a drastic remedy, and it should be sparingly granted only if it is certain on the face of the complaint that the Plaintiff cannot assert any facts that create entitlement to relief. *Dowlin v. Dowlin*, 2007 WY 114, ¶ 6, 162 P.3d 1202, 1204 (Wyo. 2007); *Simon v. Teton Bd. Of Realtors*, 4 P.3d 197 (Wyo. 2000). Pleadings must be liberally construed "to do justice to the parties." *Johnson v. Aetna Cas. & Sur. Co. of Hartford, Conn.*, 608 P.2d 1299, 1302 (Wyo. 1980); see also Wyo. R. Civ. P. 8(e). Finally, a complaint should be dismissed only when it shows that the Plaintiff cannot achieve relief under any stated facts. *Swinney v. Jones*, 2008 WY 150, ¶ 6, 199 P.3d 512, 515 (Wyo. 2008).

II. Preliminary matter – Defendants' newly pled grounds for relief.

In their *Reply* to Plaintiffs' Response, Defendants raise two grounds for dismissal not presented in their *Motion to Dismiss* or supporting memorandum. First, Defendants argue that, although compliance with the W.G.C.A. is not jurisdictional, Plaintiffs' failure to comply with the Act nevertheless requires dismissal under W.R.C.P. 12(b)(6) for failure to state a claim upon which relief may be granted. Second, Defendants seemingly argue that Count III fails under W.R.C.P. 12(b)(6) for failure to state a claim upon which relief may be granted because 287(g) agreements are not "rules" subject to the W.A.P.A.

The Court will not consider these new arguments raised for the first time in Defendants' *Reply* because doing so does not allow Plaintiffs' adequate notice or opportunity to respond. A reply is meant to respond to arguments raised by the opposing party in its response — not to introduce new claims, new legal theories, or new grounds for relief that were not in the original motion and memorandum. The Court will, instead, consider Defendant's *Reply* only as it addresses Plaintiffs' *Response*, and will otherwise decide the issues raised in Defendants' *Motion* and *Memorandum* seeking dismissal of the action.

The Court will, however, *sua sponte* consider whether Plaintiffs have standing to bring Count III under the W.A.P.A. Wyoming law treats standing as a jurisprudential, rather than jurisdictional, principle unless the legislature clearly provides otherwise, and a court "may still, and should, raise standing issues *sua* sponte when the parties do not." *Matter of Adoption of L-MHB*, 2018 WY 140, ¶ 24, 431 P.3d 560, 568 (Wyo. 2018) (internal citation omitted). Moreover, Plaintiffs expressly addressed their standing arguments as to Count III in their Response. *Response*, pp. 15-17.

III. Analysis

Defendants seek dismissal of Plaintiffs' *Complaint* on two grounds: (1) Plaintiffs' failure to comply with the W.G.C.A. deprives the Court of subject matter jurisdiction, requiring dismissal under W.R.C.P. 12(b)(1); and (2) Plaintiffs lack standing to pursue Counts I and II, requiring dismissal under W.R.C.P. 12(b)(6). The Court will first consider Defendants' jurisdictional argument under the W.G.C.A., followed by the standing claims, which the Court will resolve as to all Counts.

1. Whether Plaintiffs' failure to comply with the Wyoming Governmental Claims Act (W.G.C.A.) is a jurisdictional bar to this Court's review?

a. Subject matter jurisdiction.

Defendants argue that Plaintiffs' failure to comply with the W.G.C.A.'s notice of claim requirement is jurisdictional, and that failure to comply requires dismissal under Wyo. R. Civ. P. 12(b)(1). Specifically, Defendants contend the W.G.C.A.'s notice-of-claim requirement at Wyo.

Stat. Ann. § 1-39-113(a) is "mandatory" and a "condition precedent" to suit, and that Plaintiffs' failure to comply is an "absolute bar" to this Court exercising jurisdiction over this action. *Mem. In Support of Mot. to Dismiss*, pp. 2-3. In support, Defendants rely on *Stroth v. N. Lincoln Cnty. Hosp. Dist.*, 2014 WY 81, ¶ 9, 327 P.3d 121, 126 (Wyo. 2014); *City of Gillette v. Hladky Constr., Inc.*, 2008 WY 134, ¶ 18, 196 P.3d 184, 193 (Wyo. 2008); *Coffinberry v. Bd. of Cnty. Com'rs of Cnty. of Hot Springs*, 2008 WY 110, ¶ 4, 192 P.3d 978, 980 (Wyo. 2008).

Plaintiffs respond that Defendants' jurisdictional argument is contrary to *Harmon v. Star Valley Medical Center*, 2014 WY 90, 331 P.3d 1174 (Wyo. 2014), which held that compliance with the W.G.C.A.'s claim requirements is not jurisdictional. Plaintiffs further respond that the W.G.C.A. only applies to declaratory actions that are tort or contract claims seeking monetary relief, and that this is not such a case.

The Court agrees that compliance with the W.G.C.A. is not jurisdictional. Defendants' jurisdictional argument relies on cases overruled in *Harmon v. Star Valley Med. Ctr.*, 2014 WY 90, 331 P.3d 1174 (Wyo. 2014). In *Harmon*, the Wyoming Supreme Court held that the W.G.C.A. claim requirements "are not jurisdictional, and... can be waived" and "the failure to execute [a W.G.C.A.] claim as required does not deprive the district court of subject matter jurisdiction." *Id.* at ¶ ¶ 31, 45, 331 P.3d at 1182, 1187. To the extent prior decisions treated compliance with the W.G.C.A.'s claim requirements as jurisdictional, *Harmon* overruled that precedent. *Id.* at ¶ 45, 331 P.3d at 1187. Defendants concede as much in their *Reply*. For that reason, the Court will not further consider the jurisdictional claim raised by Defendants seeking dismissal of Count I under Wyo. R. Civ. P. 12(b)(1), and Defendants' *Motion to Dismiss* for lack of subject matter jurisdiction is DENIED.

b. Declaratory judgment actions and the W.G.C.A.

More important to this Court's review of Defendants' *Motion to Dismiss*, however, is Plaintiffs' contention that the W.G.C.A. does not apply at all in this proceeding. In response to Defendants' assertion that the action is subject to dismissal for Plaintiffs' failure to comply with the W.G.C.A.'s notice requirements, Plaintiffs argue the W.G.C.A. applies to declaratory judgment actions only when they involve tort or contract claims seeking monetary relief. *See Rocky Mountain Oil & Gas Ass'n v. State*, 645 P.2d 1163, 1165-66 (Wyo. 1982) (holding that it is only "when a declaratory judgment action also involves contract or tort claims, [that] the Governmental Claims Act applies") and *Hochhalter v. City of Gillette*, 120 P.3d 674, 679 (Wyo. 2005) (opining that "[c]ertainly, there are legal claims which can be made against governmental entities pursuant to the Declaratory Judgments Act which do not constitute governmental claims subject to the Governmental Claims Act[.]"). In line with these cases, Plaintiffs assert that the W.G.C.A. applies to declaratory judgment actions only "when a claim is made which, if successful, will require the expenditure of governmental money in satisfaction." *Coffinberry v. Bd. Of Cnty. Com'rs of Cnty. of Hot Springs*, 192 P.3d 978, 980 (Wyo. 2008) (failure to comply with the W.G.C.A. not fatal to non-monetary claims for declaratory relief); *Laughter v. Bd. of Cnty. Comm'rs for Sweetwater Cnty*., 110 P.3d 875, 879 (Wyo. 2005) (failure to comply with the W.G.C.A. only dispositive of monetary claims). Plaintiffs do not seek monetary damages nor are they raising tort or contract claims. *Response*, p. 5.[1]

Defendants reply without support or authority that declaratory judgment actions "are the modern equivalent of tort claims against the government" and that "the nature of the underlying

[1] Plaintiffs seek recovery of attorney fees and costs as ancillary relief through the declaratory judgment action pursuant to Wyo. Stat. Ann. § 1-37-112. The attorney fees and costs are not "damages" pursuant to contract or tort, and thus do not, themselves, bring this action within the notice of claim requirements of the W.G.C.A.

alleged wrong, not the label attached to the requested remedy, dictates whether the WGCA applies." *Reply*, at 3. The Court disagrees. Tort claims seek damages for a breach of duty resulting in injury, while a declaratory judgment action seeks a legal determination – in this case a legal declaration regarding the process required in several statutory provisions. The elements of the claims are different, and the remedies sought by parties in these cases are equally as different.

Consequently, the Court finds that the W.G.C.A. notice and claims provisions do not apply to Counts I and II, as they are not based on either tort or contract, and Defendants' *Motion to Dismiss* Counts I and II under Wyo. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted for failure to comply with the W.G.C.A. is DENIED.

2. Whether Plaintiffs lack standing under Counts I and II to pursue declaratory relief?

a. Standard of review.

In seeking the relief requested in this action, Plaintiffs must be "interested" persons. *Weldon v. Gordon*, 2022 WY 115, ¶ 8, 517 P.3d 550, 553 (Wyo. 2022) (internal quotes omitted); Wyo. Stat. Ann. § 1-37-103 (2025).[2] To determine whether a plaintiff is "interested," courts apply a "prudential standing test, also known as the *Brimmer* test." *Williams v. Bd. of Cnty. Comm'rs of Johnson Cnty.*, 2025 WY 127, ¶ 10, 579 P.3d 1128, 1132 (Wyo. 2025) (footnote omitted). The *Brimmer* test is as follows:

> First, a justiciable controversy requires parties having existing and genuine, as distinguished from theoretical, rights or interests. Second, the controversy must be

[2] Wyo. Stat. Ann. § 1-37-103 provides:

> Any person interested under a deed, will, written contract or other writing constituting a contract, or whose rights, status or other legal relations are affected by the Wyoming constitution or by a statute, municipal ordinance, contract or franchise, may have any question of construction or validity arising under the instrument determined and obtain a declaration of rights, status or other legal relations.

> one upon which the judgment of the Court may effectively operate, as distinguished from a debate or argument evoking a purely political, administrative, philosophical or academic conclusion. Third, it must be a controversy the judicial determination of which will have the force and effect of a final judgment in law or decree in equity upon the rights, status or other legal relationships of one or more of the real parties in interest, or, wanting these qualities be of such great and overriding public moment as to constitute the legal equivalent of all of them. Finally, the proceedings must be genuinely adversary in character and not a mere disputation, but advanced with sufficient militancy to engender a thorough research and analysis of the major issues. Any controversy lacking these elements becomes an exercise in academics and is not properly before the courts for solution.

Id. (citing *Allred*, ¶ 37, 409 P.3d at 270) (quoting *Brimmer v. Thomson*, 521 P.2d 574, 578 (Wyo. 1974)).

Under the *Brimmer* test, a justiciable controversy requires that parties have a personal stake in the outcome of the case, distinguishable from those that could be raised by the general citizenry. *Id*. ¶ 12, 579 P.3d at 1133. "Where a law is not directly applied to a party and he cannot otherwise demonstrate that he is particularly affected by the action he challenges, he cannot establish the first *Brimmer* element." *Id*. (internal citations omitted).

Satisfaction of the first element of the standing test is "readily apparent' in cases where the governmental action being challenged by the plaintiffs is a direct regulation of that party. *Protect Our Water Jackson Hole v. Wyo. Dep't of Env't Quality*, 2025 WY 36, ¶ 16, 566 P.3d 181, 186 (Wyo. 2025). It is more difficult, however, to satisfy the first element when the plaintiff is not regulated by the challenged governmental action. *Id*., ¶ 19, 566 P.3d at 187. When the plaintiff is not directly regulated by the governmental action, "it bears the burden to plead that its interests are distinguishable from those of the general public, as well as to explain how those interests are harmed by the governmental action." *Id.*, ¶ 20, 566 P.3d at 187-88. As to the second part of the test, "[a] justiciable controversy does not exist under the Declaratory Judgments Act if the plaintiffs are asking for a declaration to remedy someone else's problem or potential future problem that is not certain to occur." *William F.W. Ranch,* ¶ 2, 206 P.3d at 725.

The second *Brimmer* element requires that the controversy be "one upon which the judgment of the court may effectively operate." *Williams*, ¶ 10, 579 P.3d at 1132. The Wyoming Supreme Court has held these two elements are "inextricably linked: if a plaintiff fails to allege that an interest has been harmed, a judicial decision cannot remedy a nonexistent harm." *Allred*, ¶ 50, 409 P.3d at 274. Further, when a case involves matters of great public interest or importance, the requirement of a justiciable controversy may be relaxed. *Allred*, ¶ 40, 409 P.3d at 271. Relaxing these requirements should be exercised with caution, however. *Id*.

Defendants do not refer to the *Brimmer* test in their *Motion to Dismiss* but appear to argue that Plaintiffs lack standing under the first two elements of the test. The Court agrees that those elements of the test are dispositive and will therefore focus on them in the following analysis.

b. **Analysis.**

Juntos alleges that, in responding to Defendants' immigration enforcement activities under the agreements, it established an emergency fund to cover expenses and costs resulting from immigrants' detention under the agreements, which also required it to alter its budgets. *Complaint*, at 108, 110–112. It also dedicated staff time and resources to field calls and assist families in these situations and changed meetings from in-person to online formats. *Id*. at ¶¶ 109, 113.

The Church similarly alleges it had to alter its budget and programming by organizing the Friends of Immigrants Responding Ethically (FIRE) ministry to provide direct support to affected families. *Complaint* at ¶¶ 119–125. More specifically, the Church contends it redirected roughly $4,000 from its beneficent funds to the FIRE ministry and gathered and distributed $6,000 in food and supplies to community members impacted by the Defendants' enforcement activities. *Id*. In the absence of the enforcement efforts, the Church alleges that these funds would have been directed towards other Church priorities. *Id*. at ¶ 122. Juntos and the Church additionally allege they were deprived of an opportunity to educate their members and lobby the Commissioners before Defendant Kozak entered into the agreements. *Id.* at ¶¶ 100–106, 128–129.

Drew's contends that it lost an employee and subsequent revenue because of the LCSO's immigration enforcement activities under the agreements, leading its owners to decide to sell the business. *Complaint* at ¶¶ 135–151.

In their *Motion to Dismiss*, Defendants assert that Juntos and the Church have failed to allege a concrete, particularized, and legally protected injury sufficient to confer standing. Defendants argue that Juntos and the Church instead allege only generalized grievances shared by any citizen or organization that disagrees with a governmental decision. *Mem. In Support of Mot. to Dismiss*, at 9. Defendants further characterize Juntos and the Church's decisions to divert funding resources and staff time to these issues as voluntary, "self-inflicted injuries" resulting from their own policy decisions that do not directly result from Defendant Kozak's alleged actions. *Def.'s Reply*, at 5–6. As to Drew's, Defendants argue separately that Drew's economic injuries resulted from the arrest and deportation of its employee under federal immigration law, rather than Defendant Kozak's alleged lack of authority to enter into the 287(g) agreements. Defendants argue that entry into the 287(g) agreements merely changed the identity of the enforcing entity but did not create the legal basis for Drew's employee's arrest and deportation.

The Court finds that Juntos and the Church provide specific and non-conclusory allegations and tangible interests that have been harmed, as the services they provide in the community have been impacted, altered, and/or harmed by the diversion and expenditure of funds in ways different from how they were utilized prior to the enforcement activities of the LCSO. Drew's also suffered particularized harm as a result of Defendants' enforcement activities, and Plaintiffs do not claim otherwise. The fact that Juntos and the Church chose to devote organizational resources to responding to the effects of immigration enforcement does not, standing alone, render those alleged injuries insufficient for standing purposes. See *Protect Our Water Jackson Hole*, ¶¶ 15-18, 566 P.3d at 186-88 (internal citations omitted) (expenditure of an organization's funds can serve as the basis for standing if the expenditures are specific, not conclusory, and are sufficiently connected to the challenged action).

The existence of a particularized injury, however, does not end the inquiry under elements one and two of the *Brimmer* test — and it is here that Plaintiffs' claims falter. The injury must necessarily be related to the governmental action challenged in the claims before the Court. It is not enough that a plaintiff has suffered harm that is connected to the general subject matter of the suit. Standing requires a specific causal link between the harm alleged and the illegality the plaintiff asks the Court to remedy. While it is true, as Plaintiffs argue, that traceability is not a freestanding requirement under the *Brimmer* test, the second element of the *Brimmer* test is similar to the federal traceability requirement in that a judicial decision must be able to remedy the harm. *William F.W. Ranch*, ¶ 12, 206 P.3d at 727, n. 2. For instance, in *Maxfield v. State*, standing existed because the plaintiff "alleged a connection between a specific statutory provision... and the particular harm he will suffer." 2013 WY 14, ¶ 24, 294 P.3d 895, 901 (Wyo. 2013). By contrast, in *William F.W. Ranch*, the Court found the plaintiffs' claims "too general" because they "do not connect the alleged deficiencies in the State's administration of water to a direct harm they have suffered." ¶ 50, 206 P.3d at 738.

Like the plaintiffs in *William F.W. Ranch*, Plaintiffs here have alleged a harm that is no doubt real and particularized in the abstract but that is not directly connected to the specific statutory violations that provide the basis of their claims in Counts I and II. That is, while Juntos and the Church have alleged specific harm as identified above, those harms relate to the Defendants' enforcement activities, and not to the issue pled which is Defendant Kozak's alleged unauthorized approval of the agreements in violation of various statutes.

Even when construing Plaintiffs' *Complaint* liberally and in the light most favorable to them, Plaintiffs have failed to allege a harm that is causally connected to the specific illegality they ask this Court to remedy. The injuries Plaintiffs identify are therefore not "fairly traceable," in the sense required by *Brimmer's* first and second elements, to the specific procedural defect Plaintiffs ask the Court to redress. *See William F. W. Ranch*, ¶ 50, 206 P.3d at 738; *Maxfield*, ¶ 24, 294 P.3d at 901.

This defect likewise defeats the second *Brimmer* element. A judgment declaring that Defendant Kozak violated the Commissioner approval requirements, or compelling compliance with that requirement going forward, would not redress the harms Plaintiffs describe, because those harms are a function of the underlying enforcement activities, not the approval process. Plaintiffs' contrary theory necessarily assumes that, had Commissioner approval been sought, the Commissioners would have declined to approve the agreements. Nothing in the *Complaint* supports that assumption, and the Court cannot speculate as to the outcome of a governmental decision-making process that did not occur. A decision from the Commissioners on the agreement approval question could leave the immigration enforcement services, and Plaintiffs' resulting injuries, unchanged; conversely, correcting the harms Plaintiffs describe would require relief directed at the substance of the immigration enforcement services, which are not the violations pled. Because "the judgment of the court" cannot "effectively operate" to remedy the harm actually alleged, Plaintiffs fail the second *Brimmer* element as well. *Williams*, ¶ 10, 579 P.3d at 1132.

Plaintiffs ask the Court to relax the standing requirements under the *Brimmer* test, alleging this case concerns a matter of great public interest. *Allred*, ¶ 37, 409 P.3d at 270. In support, however, Plaintiffs focus almost exclusively on the nature and effects of Defendants' immigration enforcement activities under the agreements, rather than the underlying statutory process that Defendant Kozak allegedly bypassed. The public interest surrounding those activities must be distinguished from the legal questions actually presented in the *Complaint*. The *Complaint* does not ask that the Court determine the legality or propriety of federal immigration policy or Defendants' immigration enforcement activities themselves. Instead, the *Complaint* presents a narrower question of Wyoming law concerning whether a county sheriff possesses statutory authority to enter into a contractual agreement without approval from its attendant board of county commissioners.

More importantly, even assuming the legal questions presented in the *Complaint* constitute matters of great public interest, relaxation of the *Brimmer* test does not eliminate the requirement that Plaintiffs possess a sufficient stake in the particular controversy before the Court. The Court in *Allred* made clear that it would "continue to require parties to assert enough of a stake in the outcome to permit the judiciary to exercise jurisdiction . . . without exceeding its authority and violating separation of powers limitations." ¶ 58, 409 P.3d at 277. Thus, even under a relaxed *Brimmer* analysis, Plaintiffs must connect their alleged harms to the statutory violations they ask the Court to remedy. As discussed above, they have not done so.

Accordingly, the Court concludes that Plaintiffs have failed to satisfy the first and second elements of the *Brimmer* test. Because a failure of any of the *Brimmer* elements is independently sufficient to defeat standing, and because the harm and redressability elements are "inextricably linked," the Court need not reach the third and fourth elements. *Allred*, ¶ 50, 409 P.3d at 274.

3. Whether Plaintiffs lack standing to pursue an action under the Wyoming Administrative Procedures Act?

a. Standard of review.

The requirements for standing under the W.A.P.A. are identified in the statute, allowing "any person aggrieved or adversely affected in fact by a final decision of an agency in a contested case, or by other agency action or inaction, or any person affected in fact by a rule adopted by an agency" the right to judicial review. Wyo. Stat. Ann. § 16-3-114(a).

> An aggrieved or adversely affected person is one who has a legally recognizable interest in that which will be affected by the action. A potential litigant must show injury or potential injury by alleg[ing] a perceptible, rather than a speculative, harm resulting from the agency action. The interest which will sustain a right to appeal must generally be substantial, immediate, and pecuniary. A future, contingent, or merely speculative interest is ordinarily not sufficient.

HB Family Lmtd. Partnership v. Teton Cnty. Bd. of Cnty. Comm'rs, 2020 WY 98, ¶ 21, 468 P.3d 1081, 1089 (Wyo. 2020).

b. Analysis.

Plaintiffs allege they have standing under the W.A.P.A. because their organizational interests have been injured and because they were deprived of their ability to participate in the statutorily guaranteed notice and comment period to organize in opposition to the agreements. *Response*, pp. 15-17. Relying on *N. Laramie Range Found. v. Converse Cnty. Bd. of Cnty. Comm'rs*, Plaintiffs assert organizational or associational standing based upon injuries to their organizations or their members. *N. Laramie Range Found.*, 2012 WY 158, ¶ 29, 290 P.3d 1063, 1074-75. Plaintiffs allege injury to their organization's interests, budgets, programming; Drew's identifies injuries to its revenue and on-going business interests, through these 287(g) agreements, and the loss of an opportunity to participate in notice and comment. *Response*, p. 16.

Plaintiffs also rely on *Hoke v. Moyer*, 865 P.2d 624 (Wyo. 1993) for the proposition that "even potential injuries and indirect harms can satisfy WAPA's standing requirement." *Response*, p. 15. In *Hoke*, a landowner sought review under the W.A.P.A. of a zoning change adopted by the commissioners without compliance with applicable notice and comment period requirements. The plaintiff in *Hoke* owned property adjacent to the rezoned land and alleged that the zoning change would negatively impact his property. *Id*. at 626-27. The Wyoming Supreme Court agreed with the district court that the landowner had standing because "[d]oubling the density of adjacent property raises a number of perceptible harms for a property owner which are different than the harm to the general public, such as increased traffic and congestion." *Id*. at 628.

Defendants assert that the agreements are not "rules" within the W.A.P.A. and therefore the agreements are not subject to its rulemaking requirements. That argument is not a standing argument but rather a merits argument as to Count III and was not raised in the *Motion to Dismiss*. As noted above, because this statutory interpretation argument was raised for the first time in Defendants' *Reply*, and Plaintiffs have not had the opportunity to respond to it, the Court will not consider it at this time.

Under Wyo. Stat. Ann. § 16-3-114(a) "[a] potential litigant must show injury or potential injury" by "alleg[ing] a perceptible, rather than a speculative, harm resulting from the agency action[.]" *Hoke*, 865 P.2d 628. The alleged injury must also distinguish the plaintiff from the general public. *Id.* Thus, in *Hoke*, the Court found standing existed because the zoning change created perceptible harm to plaintiff's adjacent property that differed from any harm suffered by the public generally, such as increased traffic and congestion. *Id.*

By contrast, "[c]laims of injury of a broad and general nature" indistinguishable "from that which could be raised by any citizen" do not satisfy the W.A.P.A. standing requirements at Wyo.

Stat. Ann. § 16-3-114(a). *Jolley v. State Loan & Investment Bd*., 2002 WY 7, ¶ 8, 38 P.3d 1073, 1077 (Wyo. 2002). In *Jolley*, a newspaper publisher challenged a board's alteration of its public meeting schedule without allegedly complying with the W.A.P.A. *Id.* The Wyoming Supreme Court concluded the plaintiff lacked standing because he had not demonstrated a "personal stake in the outcome of the controversy" nor any injury different from the general public. *Id*.

Plaintiffs allege two categories of injury, and neither establishes standing under Count III. First, and as discussed above, the organizational and economic harms alleged by Juntos, the Church, and Drew's arise from immigration enforcement activities conducted under the agreements. As discussed with respect to Counts I and II, those particularized harms did not result from the failure to conduct W.A.P.A. rulemaking, but from immigration enforcement activities under the agreements. Second, Plaintiffs allege an injury that does result directly from the asserted W.A.P.A. violation: they were deprived of the opportunity to receive notice, participate in the rulemaking process, and organize opposition to the agreements. This alleged procedural injury, however, is not particularized to Plaintiffs. If W.A.P.A. rulemaking was required, the opportunity to participate in that process should be available to the public generally, and the alleged deprivation of that opportunity affected Plaintiffs in the same manner as any other member of the public who wished to participate. Like the plaintiff in *Jolley*, *supra*, Plaintiffs have not identified a personal stake in the alleged procedural violation distinguishable from the interest and injury to the general public.

Accordingly, Plaintiffs cannot establish that the alleged failure to provide notice and an opportunity for comment caused the organizational and economic harms they identify. Additionally, Plaintiffs cannot establish a particularized harm under Count III that is different from that suffered by the general public and for that reason, cannot establish standing under Count III.

Consequently, the Court finds Plaintiffs lack standing under Count III, and this claim is **DISMISSED**.

CONCLUSION

The Court emphasizes the limited nature of its holding. Plaintiffs ask the Court to determine whether Defendant Kozak exercised authority that Wyoming law reserves to the Laramie County Board of Commissioners. The Court does not reach that question. The alleged statutory violations, if established, would concern the respective legal authorities of the Sheriff and the Commissioners. The Commissioners, whose statutory authority Plaintiffs contend was infringed, are not parties to this action and have not appeared to assert such an injury. The Plaintiffs, who are before the Court, have alleged concrete harms resulting from immigration enforcement, but for the reasons explained above, they have not alleged a particularized injury resulting from the asserted infringement upon the Commissioners' authority. Nothing in this Order should be construed as determining whether Defendant Kozak possessed authority to enter into the agreements without Commissioner approval, or whether compliance with the W.A.P.A. was required. That question remains unresolved because no party with a sufficient particularized interest arising from the alleged infringement of the Commissioners' statutory authority is before the Court.

IT IS HEREBY ORDERED that for the reasons identified above, the Court finds and orders that Counts I, II and III in Plaintiffs' Complaint are **DISMISSED**.[3]

DATED this 25th day of August, 2026

/s Robin S. Cooley
DISTRICT COURT JUDGE

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[3] In their *Response*, Plaintiffs argued their statutorily guaranteed procedural rights were further violated for Defendants' failure to comply with Wyo. Stat. Ann. § 16-4-403(a) guaranteeing that county commission meetings are public. This claim is not alleged in the *Complaint* so the Court will not consider it.