



Written by [Rebecca Terrell](#) on April 20, 2026

Judicial Accountability in Immigration Enforcement Sparks Nationwide Debate

Recent high-profile cases and legislative efforts have intensified public debate about the balance between judicial authority and federal immigration enforcement. A notable example involves former Milwaukee County Circuit Court Judge Hannah Dugan, whose [conviction for obstructing federal agents](#) has drawn widespread attention.

Hannah Dugan

In April 2025, Immigration and Customs Enforcement agents arrived at the Milwaukee County Courthouse with an administrative arrest warrant for Eduardo Flores-Ruiz, an undocumented Mexican national appearing in Dugan's courtroom on unrelated charges. According to trial testimony and court records, Dugan confronted the agents in a hallway, directed them to the chief judge's office, and then allowed Flores-Ruiz and his attorney to exit through a restricted juror-only door. Agents later apprehended Flores-Ruiz after a foot chase outside the building. He was deported in November.

One month later, a federal jury convicted Dugan of felony obstruction of a federal proceeding while acquitting her on a misdemeanor charge of concealing an individual. Prosecutors argued she knowingly hindered the agents' efforts. Dugan maintained she acted within her judicial authority amid confusing courthouse guidelines on handling immigration enforcement.

On April 6, U.S. District Judge Lynn Adelman issued a 39-page order denying Dugan's motions for acquittal or a new trial. Adelman rejected claims of judicial immunity, finding sufficient evidence that Dugan deliberately impeded federal officers and that her actions were not performed in her official judicial capacity. Dugan, who resigned from the bench in January, faces up to five years in prison and a \$350,000 fine at her sentencing, scheduled for June 3. Her legal team has announced plans to appeal to the 7th U.S. Circuit Court of Appeals.

No Rogue Rulings

This case coincides with congressional efforts to address concerns over expansive judicial remedies. In February 2025, Representative Darrell Issa (R-Calif.) introduced H.R. 1526, the No Rogue Rulings Act ([NORRA](#)). The bill, which passed the House by a 219 to 213 vote, seeks to limit federal district courts'



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authority to issue nationwide injunctions. Under the legislation, injunctive relief would generally be restricted to the parties in a specific case, with limited exceptions requiring involvement of multiple state attorneys general and a three-judge panel. The measure is now pending in the Senate Judiciary Committee.

Supporters argue the bill prevents single judges from halting national executive policies, while opponents are trying to spin it as an attempt to curb legitimate judicial checks on executive power. Governors on the state level are pushing back against the federal level of government. Increasingly they are pursuing new legal strategies to inhibit law enforcement officials from executing federal immigration injunctions. Their tactic is using “Bivens Acts” (or “converse-1983” laws), which address a gap left by the narrowing of the federal *Bivens* doctrine. As of early 2026, five states have enacted such statutes, with more considering similar legislation.

The U.S. Supreme Court’s 1971 decision in *Bivens v. Six Unknown Named Agents* recognized an implied right to sue federal officials for damages when they violate certain constitutional protections, such as the Fourth Amendment. Unlike 42 U.S.C. § 1983, which allows suits against state and local officials for federal rights violations, no equivalent federal statute exists for federal agents. Over the past several decades, the Supreme Court has sharply limited *Bivens* claims, refusing to extend them to most new contexts. This has left many plaintiffs of alleged federal constitutional violations without a clear path to monetary damages in federal court.

States Exploiting the Gap

States have begun efforts to exploit this (trying to misapply protections meant for legal Americans to foreigners in the country illegally). California’s Bane Act (1987), Massachusetts’ Civil Rights Act (1979), and similar statutes in Maine and New Jersey already authorize damages actions against “any person” who interferes with constitutional rights, language that courts have interpreted to reach federal officials in some cases.

The Illinois Bivens Act

Illinois became the fifth state to act when Governor J.B. Pritzker signed the Illinois Bivens Act ([Public Act 104-0440](#)) on December 9, 2025. The law is narrowly tailored: It creates a state-law cause of action against any individual who, “while conducting civil immigration enforcement,” knowingly violates the Illinois or U.S. Constitution. Plaintiffs are encouraged to seek monetary damages (including punitive damages), injunctive and declaratory relief, and attorney fees if they prevail. Specific factors for assessing punitive damages include whether the defendant wore a facial covering, failed to identify as law enforcement, operated a vehicle without proper plates, or used crowd-control equipment. Qualified immunity remains available as a defense. The statute also includes whistleblower protections for employees who report violations.

The law took effect immediately. On December 22, 2025, the [U.S. Department of Justice sued](#) Governor Pritzker and Attorney General Kwame Raoul in federal court, arguing that the Illinois Bivens Act violates the Supremacy Clause by attempting to regulate and discriminate against federal immigration enforcement operations. The suit claims the measure exposes federal officers to personal liability and chills lawful federal activity. As of April 2026, the law remains in effect; the federal government did not seek a preliminary injunction.

Whether these state laws survive legal challenges will likely shape future efforts to close what many



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view as an accountability gap in government.

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