



Written by [R. Cort Kirkwood](#) on October 22, 2025

McIver Seeks Dismissal of Charges in ICE Facility Brawl; Judge Says DHS Must Remove Anti-McIver Social Media Posts

Far-left Democratic Representative LaMonica McIver of New Jersey appeared in court yesterday to answer felony assault charges stemming from the rumble in which she participated outside an Immigration and Customs Enforcement (ICE) detention facility in the Garden State.

McIver's attorney sought a dismissal from U.S. District Judge Jamel Semper.

Semper didn't buy McIver's argument that she was charged because she is a far-left, hate-Trump Democrat. But the judge also ordered federal prosecutors to produce more videos of the melee. He also told the assistant U.S. attorney prosecuting the case, Mark McCarren, to push the Department of Homeland Security (DHS), ICE's parent agency, to remove social media posts "that are not factual" about the scrap that fingered McIver.



AP Images
LaMonica McIver





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McIver was charged following a May scuffle outside a federal immigration facility when two other Democratic members of Congres...

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Background — The Rumble

McIver’s legal battle began on May 9 when she and two other far-left Democrat representatives, Bonnie Watson Coleman and Rob Menendez, also of New Jersey, visited the Delaney Hall detention center in Newark. Also there was far-left Democratic Newark Mayor Ras Baraka, nationality unknown.

[McIver approached](#) Delaney Hall “allegedly to conduct a congressional oversight inspection” that just happened to coincide with a pro-illegal-alien protest at the facility, the [indictment alleges](#):

When Delaney Hall’s security gate opened momentarily to allow a vehicle to enter into the secured area of the facility, McIver [along with Watson Coleman and Menendez] moved quickly inside to the secured area before the gate closed.

After the three landed in the reception area, Baraka and his security detail showed up in an unsecured area and told a guard that he was with the delegation. The guard denied Baraka entry. However, guards



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later permitted the contingent to enter the secured area because the “guard became concerned” for Baraka’s safety “amidst the crowd of protesters,” the [indictment says](#).

While the congressmen and Baraka were in the secured area, a federal agent approached Baraka and ordered him to leave because he was not authorized to be there, the indictment alleges. Otherwise, the agent warned, Baraka would be arrested.

McIver, Menendez, and Watson Coleman argued against Baraka’s removal. The congressmen were authorized to enter the facility, the agent explained, but Baraka was not. When the agent moved to arrest Baraka, Hurricane McIver blew in, the [indictment alleges](#):

McIver interjected, yelling “Hell, no! Hell, no!” ...

McIver initially remained inside the secured area of Delaney Hall as [Baraka] was escorted by his security detail outside the gate into the unsecured area of the facility.

While [Baraka] was in the unsecured area outside the gate, HSI [Homeland Security Investigations] agents again attempted to handcuff [him]. At that time, McIver hurried outside towards the agents and attempted to thwart the arrest as others yelled “circle the mayor.” Once she arrived near [Baraka], McIver faced [him] and placed her arms around him in an effort to prevent HSI from completing the arrest.

During her attempt to thwart the arrest of [Baraka], McIver slammed her forearm into the body [the agent]. McIver also reached out and tried to restrain [the agent] by forcibly grabbing him.

McIver used both forearms on another agent and otherwise interfered with his duties.

Result: Three felony counts of “assaulting, resisting, impeding, and interfering with a federal officer.” A [federal grand jury indicted](#) McIver on June 10.

[Federal prosecutors dropped](#) a misdemeanor trespass charge against Baraka.



US Attorney Habba
 @USAttyHabba · [Follow](#)



Today a federal grand jury seated in Newark, New Jersey returned a three-count indictment charging U.S. Representative LaMonica McIver with forcibly impeding and interfering with federal law enforcement officers. This indictment has a maximum penalty of 8 years for Count One, an [Show more](#)

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In Court

Appointed by President Joe Biden, Judge Semper didn't buy McIver's claim that the prosecution was "selective" and "vindictive," [Politico reported](#).

He "repeatedly asked how he could reach the conclusion that the Trump administration was targeting McIver following a May scuffle outside a federal immigration facility when two other Democratic members of Congress — Reps. Bonnie Watson Coleman and Rob Menendez — were also there but not prosecuted," the website explained.

"She was charged with something she never would have been charged with if she was a Republican," McIver's attorney Paul Fishman said. But, again, the other two who were in the "scrum" weren't charged, Semper noted. Yet "Semper ... did less to telegraph his views of McIver's other attempt to get the charges thrown out," the [website continued](#).

McIver argued that the charges must be dismissed because the federal Constitutions' "speech and debate" clause immunizes congressmen when they are performing their duties. McIver argues that she was conducting oversight, which is part of her job.

The judge told the prosecutor to urge DHS to remove "fact-free" social media posts, [The New York Times reported](#):

"Make sure they are removed," Judge Semper said, noting that [McIver's attorneys] should "not be in a position to play Whac-a-Mole when there are government officials who are saying things that are not factual."



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Rep. LaMonica McIver



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Hearing prosecutors say I could get 17 years in jail for showing up to do my job, for protecting the people that I represent, who have elected me to protect them—it is stressful. Some nights are sleepless, but we have to stand up for each other.

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Watch on X

> CORRUPTION OF JUSTICE

REP. MCIVER APPEARS IN COURT OVER TRUMP DOJ CHARGES



ALL IN WITH CHRIS HAYES

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After the hearing, [McIver appeared](#) outside the courthouse to argue her case.

“We all know why this is happening,” she said:

I’m clear why this is happening: It’s because I was doing my job and I continue to do so.

I’m not going to stop holding this administration accountable — not because someone appointed me to do it, but because the people of the 10th Congressional District elected me to do it.

What part of McIver’s job includes clobbering or wrestling with federal agents and interfering in the arrest of a trespasser she did not explain.

On X, McIver fretted about the “stressful” ordeal’s causing her “sleepless nights” because she could



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land in prison for 17 years.



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