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UNITED STATES DISTRICT COURT

DISTRICT OF NORTHERN CALIFORNIA

City and County of San Francisco,)	Case No. 3:17-cv-00485-WHO
Plaintiff,	)	Case No. 3:17-cv-00574-WHO
v.	)	Case No. 3:17-cv-01535-WHO
)	
Donald J. Trump, et al.	)	MOTION FOR LEAVE TO FILE BRIEF
Defendants.	)	AMICI CURIAE FOR STATES OF
	)	WEST VIRGINIA, LOUISIANA,
County of Santa Clara,	)	ALABAMA, ARKANSAS, MICHIGAN,
Plaintiff,	)	NEVADA, OHIO, OKLAHOMA,
v.	)	SOUTH CAROLINA, AND TEXAS
	)	IN SUPPORT OF THE UNITED
Donald J. Trump, et al.,	)	STATES' MOTIONS TO DISMISS;
Defendants.	)	PROPOSED ORDER

City of Richmond,	)	Hon. William H. Orrick
Plaintiff.)	
v.)	
)	
Donald J. Trump, et al.,)	
Defendants.)	
_____)	

MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE*

The States of West Virginia, Louisiana, and eight other States hereby request permission to file the attached amicus brief in support of the United States’ motions to dismiss the Plaintiffs’ complaints challenging the constitutionality of Section 9(a) of the President’s Executive Order 13,768, “Enhancing Public Safety in the Interior of the United States” (the “Order”), in related actions filed by Plaintiffs the City and County of San Francisco (Case No. 3:17-cv-00485-WHO), County of Santa Clara (Case No. 3:17-cv-00574), and City of Richmond (Case No. 3:17-cv-01535-WHO). The proposed amicus brief is attached to this motion as Exhibit 1. A proposed order is attached to this motion as Exhibit 2. Consistent with this Court’s Order of March 21, 2017, *amici* States respectfully request waiver of this Court’s rules governing admission *pro hac vice* and permission to file this brief in the above-captioned matters. The United States and City of San Francisco do not object to the filing of this motion. *Amici* were not able to obtain the position of the other parties prior to this filing.

IDENTITY OF THE *AMICI*: *Amici* are the States of West Virginia, Louisiana, Alabama, Arkansas, Michigan, Nevada, Ohio, Oklahoma, South Carolina, and Texas.

INTEREST OF THE *AMICI*: *Amici* States have two important interests in the outcome of this litigation. *First*, as the chief legal officers of their States, the undersigned Attorneys General have an important interest in complying with federal immigration law and instructing state and local law enforcement to do the same. Sanctuary jurisdictions—cities and localities that prohibit

or otherwise obstruct cooperation between federal and local officials on immigration enforcement—undermine the rule of law and deprive law enforcement of the tools necessary for effective civil and criminal enforcement. *Second*, the States have an important interest in ensuring that all federal immigration policy—including the directives in the Order—respect the principles of separation of powers and federalism inherent in our constitutional structure.

REASON WHY BRIEF OF *AMICI* STATES IS DESIRABLE: Amici States have a unique perspective as the chief law enforcement officers of their respective States. The attached brief explains how the Order can be interpreted and applied consistent with the principles of federalism and separation of powers in the U.S. Constitution. *Amici* States respectfully submit that the brief will aid this Court in resolution of the issues presented in the motions brought by the United States.

Dated: June 16, 2017

Respectfully submitted,

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By: /s/ Elizabeth Baker Murrill
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ATTORNEY ATTESTATION

I, Thomas M. Johnson, Jr., am the ECF user whose ID and password are being used to file this Motion for Leave to File Brief *Amici Curiae* for the States of West Virginia, Louisiana, Alabama, Arkansas, Michigan, Nevada, Ohio, Oklahoma, South Carolina, and Texas. In compliance with N.D. Cal. Civil L.R. 5-1(i)(3), I hereby attest that I have the authority to file this document and its related exhibits and attachments on behalf of each of the signatories.

By: /s/ Thomas M. Johnson, Jr. _____
Thomas M. Johnson

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2017, I electronically filed the above document with the Clerk of Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

By: /s/ Thomas M. Johnson, Jr.
Thomas M. Johnson