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21 **UNITED STATES DISTRICT COURT**
22 **SOUTHERN DISTRICT OF CALIFORNIA**

23 Ms. L.,
24
25 **Petitioner-Plaintiff,**
26
27 v.
28
29 U.S. Immigration and Customs
30 Enforcement, *et al.*,
31
32 **Respondents-Defendants.**

Case No.: 3:18-CV-0428

District Judge: Dana M. Sabraw
Courtroom: 13A

**APPLICATION OF SCHOLARS OF
HABEAS CORPUS AND
CONSTITUTIONAL LAW TO FILE
BRIEF AMICUS CURIAE IN
SUPPORT OF PLAINTIFFS'
MOTION FOR STAY OF REMOVAL
AND EMERGENCY TRO PENDING
RULING ON THE STAY MOTION**

1 **APPLICATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

2 Applicants, as proposed amici curiae, are scholars with expertise in the law of
3 habeas corpus and constitutional law who believe it would assist the Court to offer their
4 perspectives on the history and application of the habeas writ and the Suspension Clause.
5 Amici appear in their individual capacities. Respective institutional affiliations are
6 provided for identification purposes only. Applicants are:

7 Erwin Chemerinsky, Jesse H. Choper Distinguished Professor of Law and Dean,
8 University of California, Berkeley School of Law.

9 Lee Kovarsky, Professor of Law, University of Maryland Francis King Carey
10 School of Law.

11 Christopher N. Lasch, Associate Professor of Law, University of Denver Sturm
12 College of Law.

13 James S. Liebman, Simon H. Rifkind Professor, Columbia Law School.

14 Hiroshi Motomura, Susan Westerberg Prager Distinguished Professor of Law,
15 UCLA School of Law.

16 Gerald L. Neuman, J. Sinclair Armstrong Professor of International, Foreign, and
17 Comparative Law, Harvard Law School.

18 Judith Resnik, Arthur Liman Professor of Law, Yale Law School.

19 Michael Wishnie, William O. Douglas Clinical Professor of Law, Yale Law
20 School.

21 Stephen I. Vladeck, A. Dalton Cross Professor in Law, University of Texas School
22 of Law.

23 Amici have collectively spent many years on research, study, and writing about the
24 writ of habeas corpus and the Suspension Clause of Article I, Section 9 of the
25 Constitution, and they have a professional interest in ensuring that this Court is accurately
26 informed regarding the history and application of the habeas writ and the Suspension
27 Clause.

28 Federal district courts possess inherent authority to accept briefs submitted by

1 amici curiae, *Padilla v. Beard*, No. 2:14-CV-1118, 2017 WL 1364666, at *5 (E.D. Cal.
2 Apr. 14, 2017), and retain “broad discretion regarding the appointment of amici,”
3 *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). Amicus briefs are “normally
4 allowed” when, among other considerations, “the amicus has unique information or
5 perspective that can help the court beyond the help that the lawyers for the parties are
6 able to provide.” *Community Ass’n for Restoration of Env’t (CARE) v. DeRuyter Bros.*
7 *Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999) (citing *Northern Secs. Co. v. United*
8 *States*, 191 U.S. 555, 556 (1903)). “There are no strict prerequisites that must be
9 established prior to qualifying for amicus status; an individual seeking to appear as
10 amicus must merely make a showing that his participation is useful to or otherwise
11 desirable to the court.” *In re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal.
12 1991) (quoting *United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990)). *See*
13 *also* Dkt. 17, 23 (granting leave to file amicus curiae briefs in this action).

14 Applicants submit that there is good cause for the Court to accept their brief
15 amicus curiae and consider their views on the subject.

16 DATED: July 16, 2018

WILMER CUTLER PICKERING

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19 By: /s/ Christopher T. Casamassima

20 Christopher T. Casamassima

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22 *Attorneys for Amici Curiae Scholars*
23 *of Habeas Corpus and Constitutional Law*
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CERTIFICATE OF SERVICE

I hereby certify that on this sixteenth day of July, 2018, I electronically transmitted the foregoing **APPLICATION OF SCHOLARS OF HABEAS CORPUS AND CONSTITUTIONAL LAW TO FILE BRIEF *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS' MOTION FOR STAY OF REMOVAL AND EMERGENCY TRO PENDING RULING ON THE STAY MOTION** to the Clerk's office using the CM/ECF system, which will send a notice of filing to all counsel of record.

/s/ Chris Casamassima _____

Christopher T. Casamassima

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