

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

CITY OF AUSTIN’S OPPOSED MOTION FOR JUDICIAL NOTICE

TO THE HONORABLE JUDGE ORLANDO L. GARCIA:

The City of Austin (“City”) files this motion for judicial notice, as authorized by Federal Rules of Evidence, Rule 201, in support of its concurrently filed motion for preliminary injunction.

MOTION

1. The City requests judicial notice of the 2016 report by the Pew Research Center, “Overall Number of U.S. Unauthorized Immigrants Holds Steady Since 2009,” authored by Jeffrey S. Passel and D’Vera Cohn. *See* Ex. A. Specifically, the City requests judicial notice of the nations of origin of unauthorized immigrants in the United States, including the facts that: as of 2014, approximately 11,100,000 unauthorized immigrants lived in the United States; approximately 5,850,000 of those immigrants were Mexican; approximately 700,000 were from El Salvador; approximately 525,000 were from Guatemala; approximately 350,000 were from Honduras; approximately 170,000 were from the Dominican Republic; approximately 130,000 were from Ecuador; approximately 130,000 were form Columbia; and approximately 100,000 were from Peru. *Id.* at 14.

2. The court may take notice of adjudicative facts that are not subject to reasonable dispute if the facts either (1) are generally known within the court's territorial jurisdiction or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. FED. R. EVID., R. 201(b); *Taylor v. Charter Medical Corp.*, 162 F.3d 827, 829 (5th Cir. 1998).

3. Many federal courts have relied upon Pew Research Center reports as part of their decisions. *See, e.g., Fisher v. University of Texas at Austin*, 136 S.Ct 2198, 2230 fn. 8 (2016) (report regarding rates of interracial marriage); *Riley v. California*, 134 S.Ct. 2473, 2484 (2014) (report regarding rate of smart phone ownership). In a case before the Southern District of Texas, Brownsville Division, the United States government relied upon the same report that the City introduces here. *See Texas v. U.S.*, 86 F.Supp.3d 591, 612 and fn. 11 (S.D.Tex. 2015).

4. The City seeks judicial notice of facts that can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Accordingly, the City asks the Court to take judicial notice of the requested facts.

Respectfully submitted,

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/s/ Michael Siegel

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CERTIFICATE OF CONFERENCE

This is to certify that I attempted to confer with attorneys for the State of Texas prior to filing this motion. Brantley Starr confirmed that his client opposes the motion.

/s/ Michael Siegel
MICHAEL SIEGEL

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing pleading on all parties, or their attorneys of record, via the Court's ECF/CM system, in compliance with the Federal Rules of Civil Procedure, this 19th day of June, 2017.

/s/ Michael Siegel
MICHAEL SIEGEL