

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE and CITY OF
PORTLAND,

Plaintiffs,

vs.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. C17-497-RAJ

ORDER AND JUDGMENT GRANTING
DECLARATORY RELIEF

Upon consideration of the parties' briefs and the balance of the record, the decision in *City and County of San Francisco v. Trump*, 897 F.3d 1225 (9th Cir. 2018), and the parties' agreement on the appropriate disposition of this case, it is hereby

ADJUDGED against defendants Jefferson B. Sessions, III, Attorney General, and Kirstjen M. Nielsen, Secretary of Homeland Security, that Section 9(a) of Executive Order 13,768, "Enhancing Public Safety in the Interior of the United States," is unconstitutional; and it is further

1 ADJUDGED against the same defendants that, because Section 9(a) of Executive
2 Order 13,768 directs Executive Branch administrative agencies to withhold funding that
3 Congress has not tied to compliance with 8 U.S.C. § 1373, it would be unconstitutional for
4 Executive Branch agencies to withhold appropriated funds from plaintiffs Cities of Seattle
5 and Portland pursuant to Section 9(a) of the Executive Order.

6 This Order and Judgment does not address whether any specific statutory grant
7 program permits grants to be conditioned on compliance with 8 U.S.C. § 1373.

8 DATED this 24th day of October, 2018.

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11 The Honorable Richard A. Jones
12 United States District Judge