

lodged proposal order
2011 MAR 15 PM 2:44
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
CP

FILED

1 THOMAS E. PEREZ
Assistant Attorney General
2 SAMUEL R. BAGENSTOS
Principal Deputy Assistant Attorney General
3 JONATHAN SMITH (DC Bar # 396578)
Chief, Special Litigation Section
4 TIMOTHY D. MYGATT (PA Bar # 90403)
Special Counsel
5 EMILY A. GUNSTON (SBN 218035)
SAMANTHA K. TREPTEL (DC Bar #992377)
6 Trial Attorneys
United States Department of Justice
7 Civil Rights Division
Special Litigation Section
8 950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
9 Telephone: (202) 514-6225
Facsimile: (202) 514-4883
10 Email: timothy.mygatt@usdoj.gov
emily.gunston@usdoj.gov
11 samantha.trepel@usdoj.gov

12 ANDRÉ BIROTTE JR.
United States Attorney
13 LEON W. WEIDMAN
Assistant United States Attorney
14 Chief, Civil Division
15 ROBYN-MARIE LYON MONTELEONE
Chief, Civil Rights Unit
16 ERIKA JOHNSON-BROOKS (SBN 210908)
Assistant United States Attorney
17 Federal Building, Suite 7516
300 North Los Angeles Street
18 Los Angeles, CA 90012
Telephone: (213) 894-0474
19 Facsimile: (213) 894-7819
Email: erika.johnson@usdoj.gov
20

21 Attorneys for the United States of America

22 **UNITED STATES DISTRICT COURT**
23 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

24 SUKHJINDER S. BASRA,)
25)
26 Plaintiff,)
27)
28 UNITED STATES OF AMERICA,)

No. 2:11-cv-01676 SVW (FMOx)

UNITED STATES' MOTION TO
INTERVENE PURSUANT TO THE
RELIGIOUS LAND USE AND

1	Applicant for Intervention,)	INSTITUTIONALIZED PERSONS
)	42 U.S.C. § 2000cc
2	v.)	(CIVIL RIGHTS)
3	CATE, <i>et al.</i> ,)	
4)	Date: April 25, 2011
5	Defendants.)	Time: 1:30 p.m.
6)	Courtroom: 6
)	The Judge Stephen V. Wilson

UNITED STATES' MOTION TO INTERVENE

The United States of America, by and through its undersigned counsel, pursuant to Rule 24, Federal Rules of Civil Procedure, moves this Honorable Court to intervene in the above styled case, to wit, *Basra v. Cate*, No. CV11-01676 SVW (FMOx) (C.D. Cal., filed Feb. 25, 2011). In support, the United States submits that:

1. Plaintiff Basra has asserted a claim under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc.

2. RLUIPA grants the United States the authority to intervene in or bring an action for injunctive or declaratory relief to enforce RLUIPA. 42 U.S.C. § 2000cc-2(f).

3. The United States moves this Court for intervention of right, pursuant to Rule 24(a)(2), and alternatively for permissive intervention, pursuant to Rule 24(b).

4. Pursuant to Local Civil Rule 7-5(b), the United States submits a Memorandum of Points and Authorities in Support of United States' Motion to Intervene.

5. The United States has attached a Complaint in Intervention, pursuant to Rule 24(c).

1 WHEREFORE, the United States respectfully requests that this Court grant
2 this Motion to Intervene and enter an order:

- 3 a. Granting the United States' Motion to Intervene;
- 4 b. Adding the United States to Case No. 2:11-cv-01676 SVW (FMOx)
- 5 as a full party plaintiff-intervenor;
- 6 c. Ordering the Clerk of the Court to enter the United States' Complaint
- 7 in Intervention, and allowing it to proceed on its claim stated therein;
- 8 and
- 9 d. Permitting the United States to participate in any preliminary
- 10 injunction hearing.

11
12 Respectfully submitted,

13
14 s/ Thomas E. Perez
15 THOMAS E. PEREZ
16 Assistant Attorney General
17 Civil Rights Division

18 s/ Samuel R. Bagenstos
19 SAMUEL R. BAGENSTOS
20 Principal Deputy Assistant
21 Attorney General
22 Civil Rights Division

23 ANDRÉ BIROTTE JR.
24 United States Attorney
25 LEON W. WEIDMAN
26 Assistant United States Attorney
27 Chief, Civil Division
28 ROBYN-MARIE LYON MONTELEONE
Assistant United States Attorney
Chief, Civil Rights Unit

s/ Erika Johnson-Brooks
ERIKA JOHNSON-BROOKS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

s/ Jonathan M. Smith
Chief
Special Litigation Section

s/ Timothy D. Mygatt
Special Counsel
Special Litigation Section

s/ Emily A. Gunston
EMILY A. GUNSTON
SAMANTHA K. TREPEL
Trial Attorneys
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Intervene was served on March 15, 2011, to the following individuals:

Through the electronic filing service:

Cassandra E. Hooks
Jonathan M. Gordon
Leib Mitchell Lerner
Alston & Bird LLP

Peter J. Eliasberg
ACLU Foundation of Southern California

Daniel Mach
American Civil Liberties Union,
Program on Freedom of Religion and Belief

Harsimram Kaur Dang
The Sikh Coalition
Attorneys for Plaintiff

By U.S. Mail:

Matthew Cate
c/o Legal Office
1515 "S" Street
Room 314-S
Sacramento, CA 95811

Warden Terri Gonzalez
c/o Andrew Pitoniak
Litigation Coordinator
Men's Colony
Highway 1
San Luis Obispo, CA 93409

Defendants