

No. 10-16645

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff–Appellee,

v.

STATE OF ARIZONA; JANICE K. BREWER,
Governor of the State of Arizona, in her official capacity,
Defendants–Appellants.

On Appeal from the United States District Court
for the District of Arizona, Civil Action No. 2:10-cv-10-1413,
The Honorable Susan R. Bolton, District Judge

**AMENDED MOTION FOR LEAVE TO BECOME
AMICUS CURIAE AND TO JOIN *AMICUS CURIAE*
BRIEF OF THE UNITED MEXICAN STATES
IN SUPPORT OF PLAINTIFF-APPELLEE**

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The Governments of Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru respectfully file this amended motion for leave of court to become an *amicus curiae* and to join the *amicus curiae* brief already filed by the United Mexican States (“Mexico”) on September 30, 2010, requesting that this Court uphold the preliminary injunction of sections 2(B), 3, 5(C) and 6 of Arizona Senate Bill 1070, 49th Leg., 2nd Reg. Sess., Ch. 113 (Az. 2010) (“SB 1070”).¹ As is evidenced in this Court’s docket, the Governments of Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru filed a motion for leave to join Mexico’s *amicus curiae* brief on September 30, 2010. In this instance, these Governments file this amended brief in order to clarify their position before the court – that the Governments of Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru seek only to join an *amicus curiae* brief already filed rather than file a new brief on their own.

Mexico and Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru share a commonality of interests – differing not in substance, but merely in proportionality and degree of impact – with regard to SB 1070. Similar to Mexico; Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru have a substantial and compelling interest

¹ Counsel for Plaintiff-Appellee has consented to this motion.

in ensuring that its bilateral diplomatic relations with the government of the United States of America (“U.S.”) are transparent, consistent and reliable, and not frustrated by the actions of individual U.S. states, in this case Arizona. As with U.S.–Mexico relations, SB 1070 raises substantial challenges to the bilateral economic, immigration and security policies of the United States and Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru.

Furthermore, Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru have a substantial and compelling interest to ensure that its citizens are accorded human and civil rights when present in the United States in accordance with federal immigration law. Like Mexico; Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru are gravely concerned that SB 1070 will lead to racial profiling and disparate treatment of its nationals. Accordingly, Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru have a substantial and compelling interest to ensure that the ethnicity of its citizens is not used as basis for state-sanctioned acts of discrimination.

As such, Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Nicaragua, Paraguay, and Peru have a compelling interest in requesting that this Court affirm the preliminary injunction order of SB 1070 sections 2(B), 3, 5(C) and 6.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the Appellate CM/ECF system on September 30, 2010. Participants in this case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Carla Gorniak
Carla Gorniak