

CASE NO. 10-16645

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

United States of America,

Plaintiff-Appellee,

V.

State of Arizona and 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, Case No. 2:10-Cv-01413-SRB,
Honorable Susan R. Bolton, District Judge

**THE CENTER ON THE ADMINISTRATION OF CRIMINAL LAW'S MOTION
FOR LEAVE TO FILE AMICUS CURIAE BRIEF OUT OF TIME IN SUPPORT
OF APPELLEE-PLAINTIFF THE UNITED STATES OF AMERICA**

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**Not admitted to practice in this jurisdiction

Pursuant to Federal Rules of Appellate Procedure Rule 29(b) and 29(e), the Center on the Administration of Criminal Law (the “Center”) respectfully moves this Court for leave to participate in this matter as *amicus curiae* and file the accompanying brief out of time in support of Plaintiff-Appellee the United States of America.

I. INTEREST OF THE MOVANT

The Center, based at New York University School of Law, is dedicated to defining and promoting good government practices in the criminal justice system through academic research, litigation, and participation in the formulation of public policy. The Center’s litigation practice aims to use the Center’s empirical research and experience to assist courts in important criminal justice cases. As the Center’s name suggests, it is devoted to improving the quality of the administration of criminal justice and advocating the adoption of best practices through its scholarship, litigation, and public policy work.

The Center’s Executive Director, Anthony S. Barkow, was a federal prosecutor for 12 years and worked in two United States Attorney’s Offices – the United States Attorney’s Office for the Southern District of New York, where he prosecuted terrorism cases, and the United States Attorney’s Office for the District of Columbia – and in the United States

Department of Justice in Washington, D.C. The Center's Senior Fellow, Anne Milgram, was the Attorney General of the State of New Jersey from 2007 to 2010, where she spearheaded investigations into gang violence, public corruption, and mortgage foreclosure and debt reduction schemes. Before that, she was a prosecutor in the Manhattan District Attorney's Office and in the United States Department of Justice's Civil Rights Division, Criminal Section, where she prosecuted human trafficking crimes.

II. THE CENTER'S PARTICIPATION IS DESIRABLE AND PRESENTS MATTERS RELEVANT TO THE DISPOSITION OF THE CASE

The Center wishes to bring to the Court's attention factual and legal arguments concerning the deleterious impact that Arizona Senate Bill 1070, as amended by Arizona House Bill 2162 (the "Arizona immigration law"), will have on the ability of police officers to effectively serve their communities. The Arizona immigration law is counterproductive to good government practices in the criminal justice system and the law enforcement community overall. In particular, the Center is concerned that the law, by placing local police officers in the position of acting as immigration officials, will drive a wedge between police officers and the immigrant communities they serve.

The principal mission of local law enforcement officers is to enforce State, County, and local criminal laws and to protect the communities they serve. A critical component of achieving success in that mission is having the cooperation and trust of the members of those communities. Maintaining a strong, positive relationship between police officers and the community promotes public safety because individuals feel more comfortable coming forward to report suspicious activity and to cooperate with law enforcement working to solve or prosecute a crime. The Arizona immigration law threatens to undermine those relationships with a large segment of the community – in particular, immigrant members – by making them fearful that interacting with police officers will result in deportation for themselves or someone they know. Public safety and national security will suffer as police officers lose valuable information that allows them to prevent and solve crime locally and to prevent terrorist acts against our nation.

III. CONCLUSION

For the foregoing reasons, the Center respectfully requests that this Court grants its motion to participate in this matter as *amicus curiae* and file the accompanying brief in support of Plaintiff-Appellee the United States of America.

Dated: October 19, 2010

Respectfully submitted,

s/ Ricardo Solano Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2010, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all participants in this case.

s/ Ricardo Solano Jr.

Ricardo Solano, Jr.