

No. 10-16645

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

THE UNITED STATES OF AMERICA,
Plaintiff/Appellee,

vs.

**THE STATE OF ARIZONA; and JANICE K. BREWER, GOVERNOR OF THE
STATE OF ARIZONA, in her official capacity,**
Defendant/Appellant.

On Appeal From a Preliminary Injunction Order
of the United States District Court, District of Arizona
D.C. No. CV-10-1413-PHX-SRB, The Honorable Susan R. Bolton

**MOTION BY LEGAL MOMENTUM FOR LEAVE
TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF
APPELLEE'S ARGUMENT FOR AFFIRMANCE**

**MANATT, PHELPS & PHILLIPS, LLP
JOANNA S. MCCALLUM
GREGORY N. PIMSTONE
RONALD G. BLUM
LYDIA MENDOZA
SIRENA CASTILLO
11355 W. Olympic Blvd.
Los Angeles, CA 90064
Tel: (310) 312-4000
Fax: (310) 312-4224**

Counsel for Amicus Curiae Legal Momentum

Pursuant to Federal Rule of Appellate Procedure 29(b), Legal Momentum hereby requests leave to file an *amicus curiae* brief in support of Appellee and in support of affirmance of the District Court's grant of a preliminary injunction. In particular, Legal Momentum requests leave to provide additional legal and factual perspectives on Appellee's arguments that Arizona Senate Bill 1070 conflicts with federal law, deprives immigrants of constitutional rights, and will cause irreparable harm if not enjoined. Legal Momentum has communicated with numerous other organizations that have expressed support for Legal Momentum's brief. Those 91 organizations are identified in the exhibit to the Declaration of Joanna S. McCallum (Attachment A to this motion). Legal Momentum, supported by 83 organizations, participated as *amicus curiae* before the District Court in the matter of *Friendly House et al. v. Whiting et al.*, No. CV-10-1061-PHX-SRB, in support of the Plaintiffs' motion for a preliminary injunction of SB 1070, similar to the injunction issued by the court in this matter.

The proposed brief, lodged as Attachment B to this motion, highlights an important aspect of the need to ensure that the preliminary injunction remains in effect pending the outcome of the

litigation on the merits. The brief explains a particularly profound negative effect and irreparable harm caused by SB 1070 on a significant subgroup of Arizona's immigrant population: women. Immigrant women, whether documented or undocumented, suffer a disproportionate impact from the bill's provisions requiring local law enforcement officials to question persons based on a "reasonable suspicion" that the person has violated a law and may be undocumented. Immigrants are already reticent to call the police to report crimes or seek a restraining order or family court orders because they fear immigration consequences. The community needs to trust that contact with law enforcement for assistance will not lead to detention and possible removal. Underreporting of domestic violence, sexual assault, and other violence is already a major issue among immigrant populations, and SB 1070, if not enjoined, will only amplify the problem.

The effect of the bill, if the injunction is not kept in place, will be to discourage immigrants from contacting law enforcement for help or seeking special immigration relief designed to protect immigrant crime victims, to trample immigrants' federally protected rights and interests in accessing services that Congress and

the Attorney General have deemed necessary to protect life and safety, and to disrupt mothers' constitutional rights to care for and nurture their children. Moreover, other states are considering similar legislation, and anti-immigrant policies and sentiment discourage immigrants from coming forward even outside of Arizona to seek federal protections and benefits.

No party, party's counsel, or amicus has contributed money to the preparation of this brief.

INTEREST OF *AMICUS*

Legal Momentum is the nation's oldest legal defense and education fund dedicated to advancing the rights of all women and girls. For 40 years, Legal Momentum has made historic contributions through public policy advocacy and litigation to secure personal and economic security for women. Its Immigrant Women Program ("IWP") is the national expert on the rights and services available to immigrant victims of domestic, sexual, and other violence, sharing this expertise through training, comprehensive publications, and technical assistance for lawyers, advocates, and justice and health care professionals nationwide. IWP leads national advocacy efforts for legal protections, social services, and economic justice for immigrant

women. Legal Momentum's leadership has included crafting and assisting in implementation of the immigration protections in the Violence Against Women Act ("VAWA"), other federal laws and federally supported services necessary to protect life and safety, and family law protections for immigrant women.

The attached Declaration of Joanna S. McCallum includes a list of the organizations that have expressed support for Legal Momentum's brief.

Legal Momentum respectfully requests leave to file an *amicus curiae* brief.

Dated: September 30, 2010

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Joanna S. McCallum
Joanna S. McCallum
Attorneys for Amicus Curiae
LEGAL MOMENTUM

CERTIFICATE OF SERVICE
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users. I have mailed the foregoing document by First-Class Mail, postage prepaid,
or have dispatched it to a third party commercial carrier for delivery within 3
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Signature s/Brigette Scoggins

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2010, I served the attached documents by U.S. Mail on the following, who are not registered participants in the appellate CM-ECF system:

Michael A. Cox, Esq.
Michigan Attorney General
P.O. Box 30212
Lansing, MI 48909

Ray Elbert Parker
P.O. Box 320636
Alexandria, VA 22320

/s/Brigette Scoggins
Brigette Scoggins