

R E C E I V E D  
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U.S. COURT OF APPEALS

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No. 17-35105

FILED  
DOCKETED  
DATE 17-35105

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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STATE OF WASHINGTON, et al.,  
Plaintiffs-Appellees

v.

DONALD TRUMP, President of the United States, et al.,  
Defendant-Appellants.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON

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MOTION FOR LEAVE TO FILE BRIEF OF  
*AMICUS CURIAE DANIEL O. ESCAMILLA, PRO SE*  
IN SUPPORT OF DEFENDANT-APPELLANTS

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*Amicus curiae, in pro se*

The undersigned natural-born U.S. Citizen and resident of California, respectfully moves this Court under Fed. R. App. P. 29(a)(2), for leave to file the attached brief *amicus curiae* in support of the Appeal filed by the Department of Justice to the Temporary Restraining Order (TRO) issued by the U.S. District Court for the Western District of Washington, relating to President Trump's *Executive Order: Protecting The Nation From Foreign Terrorist Entry Into The United States*.

#### **STATEMENT OF MOVANT'S INTEREST AND RELEVANCY OF BRIEF**

Movant is a native-born U.S. Citizen, son of an immigrant and a graduate of an ABA-accredited law school.<sup>1</sup> Movant concluded his legal education by attending several overseas programs<sup>2</sup> and has traveled to eighty-five (85) countries in his lifetime, including several during the past decade in connection with his employment as a California bail fugitive recovery agent.

Movant is not actively involved in politics but, like many Americans, believes that national security should be of paramount concern while balancing our compassion for immigrants, especially refugees, in accordance with our nation's values and ideals and with absolute deference to the established rule of law.

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<sup>1</sup> Class of 2000, Chapman University, School of Law, re-named in 2013 to The Dale E. Fowler School of Law.

<sup>2</sup> One of these programs included the Austria Summer Program hosted by the McGeorge School of Law and taught by Supreme Court Associate Justice Anthony M. Kennedy.

The proposed brief will assist the Court in addressing important and potentially dispositive issues (beyond the arguments relating to “standing”) which have, for the most part, not been fully discussed by the parties’ briefs or addressed during oral argument.

Movant’s assistance to the court properly sets forth “ideas, arguments, theories, insights, facts or data that are not to be found in the parties’ briefs.” See *Northern Mariana Islands v. United States*, 2009 U.S. Dist. LEXIS 125427, 3-4 (D.D.C. Mar. 6, 2009).

## **CONCLUSION**

For the foregoing reasons, proposed *amicus* respectfully requests leave of the Court to file the proposed brief *amicus curiae* in support of Defendant-Appellants, Donald J. Trump et al.

DATED: February 8, 2017

Respectfully submitted,



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## CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C)(i), the undersigned individual, appearing *pro se*, certifies that this motion:

(i) Complies with the typeface requirements of Rule 32(a)(5) and the type style requirements of Rule 32(a)(6). It has been prepared using Microsoft Office Professional Plus 2013 and is set in Times New Roman with a font size of 14-point,

(ii) Complies with the length requirement of Rule 27(d)(2) because it contains 822 words.

DATED: February 8, 2017

Respectfully submitted,



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## **STATEMENT OF COMPLIANCE WITH CIRCUIT RULE 29-3**

Movant endeavored to obtain the consent of all parties prior to the filing of the brief as required under Circuit Rule 29-3.

Each of the attorneys making an appearance for the Appellant and Appellee were contacted by e-mail at 7:00am PST on February 8, 2017 requesting their consent to the filing of an amicus brief by the undersigned. As of 4:00pm on February 8, 2017 no attorney has responded.

DATED: February 8, 2017

Respectfully submitted,



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## **CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2017, a true and correct copy of the foregoing: MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE* DANIEL O. ESCAMILLA, *PRO SE* IN SUPPORT OF DEFENDANT-APPELLANTS with first class postage prepaid has been deposited in the U.S. Mail in Santa Ana, California, and properly addressed to the persons whose names and addresses are listed below.

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DATED: February 8, 2017



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