

No. 17-35105

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

STATE OF WASHINGTON, et al.,
Plaintiffs-Appellees,

v.

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

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON,
THE HONORABLE JAMES L. ROBERT PRESIDING,
CASE NO. 2:17-cv-00141-JLR.

**MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE HIAS, INC.
IN SUPPORT OF PLAINTIFFS-APPELLEES**

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**MOTION FOR LEAVE TO FILE BRIEF OF
HIAS, INC. AS *AMICUS CURIAE* IN SUPPORT OF APPELLEES**

Pursuant to Rule 29 of the Federal Rules of Appellate Procedure and Circuit Rule 29-3, *amicus curiae*, by and through undersigned counsel, respectfully moves for leave to file an 18-page *amicus curiae* brief in support of Appellees' Opposition to Appellants' Emergency Motion for Stay Pending Appeal. *Amicus* states as follows:

1. *Amicus* HIAS (“Amicus”) is an organization dedicated to rescuing the most vulnerable refugees, helping them build new lives and reuniting them with their families in safety and freedom, as well as advocating for the protection of refugees and assuring that displaced people are treated with dignity and respect. *Amicus* and its clients are effected by the Executive Order issued on January 27, 2017, titled "Protecting the Nation from Foreign Terrorist Entry into the United States" (the "Order").

2. The Order represents a significant departure from the principles and actions of the United States in committing to offering safety and the hope of a new life to refugees fleeing violence and persecution around the world. The Order also conflicts with statutory requirements imposed by the Refugee Act of 1980. The Order inflicts significant harm on refugees and those agencies dedicated to assisting those refugees.

3. The proposed *amicus* brief, attached to this motion as Exhibit A, explains how the Order will harm *amicus* and its clients, and is contrary to law.

4. Counsel for Appellants and Appellees both have consented to the filing of an *amicus* brief.

5. Out of an abundance of caution, *amicus* files this motion to request the Court's leave to file an 18-page brief.

6. Neither the Federal Rules of Appellate Procedure nor this Court's Rules clearly authorize the filing of an *amicus curiae* brief in connection with a motion for a stay, even when the parties have consented to its filing.

7. In addition, Fed. R. App. P. 29(a)(5) states that, except with the Court's permission, an *amicus* brief may be no more than one-half the maximum length authorized by these rules for a party's principal brief. Circuit Rule 27-(1)(d) does not speak in terms of "briefs," instead stating that, except with the Court's permission, a motion or response to a motion may not exceed 20 pages. Because it is unclear whether Circuit Rule 27-1 limits *amici* to 10 pages, and because *amicus* believe that an 18-page brief is warranted in light of the importance and novelty of the issues presented, *amicus* request the Court's leave to file an 18-page brief.

CONCLUSION

Amicus respectfully request that the Court grant their motion for leave to file an 18-page *amicus curiae* brief and accept for filing the *amicus curiae* brief attached as Exhibit A.

Respectfully submitted,

Dated: February 6, 2017

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C), the undersigned counsel 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) because it has been prepared using Microsoft Office Word 2007 and is set in Times New Roman font in a size equivalent to 14 points or larger and,

(ii) complies with the length requirement of Rule 27(d)(2) because it is less than 5200 words.

Dated: February 6, 2017

CERTIFICATE OF SERVICE

I certify that on this 6th day of February 2017, I served the foregoing Motion for Leave to File Brief of HIAS, Inc. as *Amicus Curiae* in Support of Appellees via the Court's ECF system upon all counsel.

Dated: February 6, 2017

/s/ Robert J. Stein