

No. 17-35105

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON, *et al.*

Plaintiffs-Appellees,

v.

DONALD TRUMP, *et al.*,

Defendants-Appellants.

On Appeal from an Entry of a Temporary Restraining Order by the
United States District Court for the Western District of Washington
Case No. 2:17-cv-141, Hon. James L. Robart

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE OF MUSLIM
ADVOCATES, AMERICAN MUSLIM HEALTH PROFESSIONALS, COUNCIL FOR
THE ADVANCEMENT OF MUSLIM PROFESSIONALS, ISLAMIC MEDICAL
ASSOCIATION OF NORTH AMERICA, MUPPIES, INC., NATIONAL ARAB
AMERICAN MEDICAL ASSOCIATION, AND NETWORK OF ARAB-AMERICAN
PROFESSIONALS IN SUPPORT OF APPELLEES IN FAVOR OF AFFIRMANCE

FARHANA KHERA
AZIZ HUQ
BRENDA ABDELALL
MADIHHA AHUSSAIN
JUNAID SULAHRY
*Muslim Advocates
P.O. Box 71080
Oakland, CA 94612
(415) 692-1484*

ANTON A. WARE
*Bar No: 257848
Arnold & Porter Kaye Scholer
Three Embarcadero Center
10th Floor
San Francisco, CA 94111-4024
(415) 471-3100*

Counsel for Amicus Curiae

Motion For Leave to File Brief of Muslim Advocates as Amici Curiae in Support of Appellees

Pursuant to Rule 29 of the Federal Rules of Appellate Procedure and Circuit Rule 29-3, *amici curiae*, by and through undersigned counsel, respectfully move for leave to file a 24-page *amicus curiae* brief in support of Appellees' Opposition to Appellants' Emergency Motion for Stay Pending Appeal. *Amici* state as follows:

1. **Muslim Advocates**, a national legal advocacy and educational organization formed in 2005, works on the frontlines of civil rights to guarantee freedom and justice for Americans of all faiths. Muslim Advocates advances these objectives through litigation and other legal advocacy, policy engagement, and civic education, and by serving as a legal resource for the American Muslim community, promoting the full and meaningful participation of Muslims in American public life. The issues at stake in this case directly relate to Muslim Advocates' work fighting institutional discrimination against the American Muslim community.

2. **American Muslim Health Professionals (AMHP)** works to improve the health of Americans. AMHP has three areas of focus: (1) health promotion and education; (2) professional development; and (3) state and national advocacy on public health issues. AMHP has been a

leader in expanding healthcare coverage by hiring a team of state liaisons and working with interfaith communities through its “Connecting Americans to Coverage” campaign. Its leadership has been at the forefront of raising awareness about bullying, identity development, and other mental health issues impacting the most vulnerable segment of society – our children and youth. AMHP has also spearheaded many social just initiatives including “EnabledMuslim,” an online platform that provides spiritual and social support for individuals and families impacted by disability.

3. **Council for the Advancement of Muslim Professionals (CAMP)** is an association of mid- to senior-level Muslim professionals, which works to facilitate and inspire the development of Muslim Professionals across the United States. CAMP currently has a membership base of approximately 7,500 professionals and has a physical presence in Chicago, New Jersey, New York, Philadelphia and Washington D.C. Founded in 1994 in Chicago as a face-to-face networking organization, CAMP has grown to become a multi-city professional association, which empowers Muslim professionals to advance and excel, not only in their careers, but also in their broader community and philanthropic efforts.

4. The Islamic Medical Association of North America, IMANA, was founded in 1967 as a nonprofit 501(c)(3) tax-exempt organization. IMANA represents the largest network of American Muslim physicians, dentists and allied healthcare professionals in North America. IMANA provides professional networking opportunities for healthcare practitioners; acts as a resource for medical ethics to educational institutions, medical professionals and medical students, residents and fellows; and provides continuing medical education (CME) for physicians and mentoring for medical students, residents and fellows for their schooling or medical career choices. IMANA has active medical relief programs and emergency relief efforts to respond to disasters, and helps build healthcare capacity and facilitate the transfer of medical knowledge around the world. The mission of IMANA is to provide humanitarian aid and medical relief worldwide and to be an advocate of compassionate, sustainable and quality healthcare policies. Its objectives are to connect and assist Muslim physicians, dentists and allied health professionals in North America with orientation, adjustment, finding appropriate training and job opportunities. IMANA wishes to continue to promote and facilitate medical education, research, publications and improve global healthcare

delivery by encouraging American-Muslim diplomacy, through medical relief work and other charitable activities.

5. **Muppies, Inc.**, also known as Muslim Urban Professionals (Muppies), is a nonprofit, charitable organization dedicated to empowering and advancing Muslim business professionals to be leaders in their careers and communities. Its mission is to create a global community of diverse individuals who will support, challenge, and inspire one another by providing a platform for networking, mentorship, and career development.

6. **The National Arab American Medical Association (NAAMA)** is the largest international organization of Arab American health care providers, trainees and medical students based in North America. Since its founding, twenty-seven chapters have been established in the United States and Canada. In 1990, the NAAMA Foundation was created to support international medical assistance projects, educational exchanges, scholarships, research grants, and emergency medical aid in areas of conflict. Members of the association include well-trained clinicians, high ranking university professors, leaders of several medical societies, and scientists involved in cutting edge research and innovation. In the United States, the foundation supports professional and educational activities aimed at Arab American health education and disease prevention in

cooperation with community-based organizations. Members have also donated their time and money to help the relief efforts following Hurricanes Katrina and Rita. Internationally, the foundation sponsors projects, focusing on the Arab world. It has sponsored humanitarian projects in Iraq in the wake of the Iraq War. Currently, volunteers from the association conduct periodic missions to countries surrounding Syria to provide humanitarian medical care and establish eye care and dental clinics to benefit local populations and refugees.

7. **Network of Arab-American Professionals (NAAP)** is a professional organization grounded in the notion that all Arabs in America need to connect to advance the community. Through collective contribution to strengthen our individual and community standing, NAAP provides a channel for Arab-Americans to realize their passions and pursue their interests through community involvement. NAAP promotes professional networking and social interaction among Arab-American and Arab professionals in the US and abroad; educates both the Arab-American and non-Arab communities about Arab culture, identity, and concerns; advances the Arab-American community by empowering, protecting and promoting its political causes and interests in the US and abroad within all levels of society; supports the Arab student movement in the United

States; and serves society through volunteerism and community service efforts

8. The *amici* are affected by the Executive Order issued on January 27, 2017, entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (the “Executive Order”).

9. The Executive Order is an unconstitutional infringement upon the rights of Muslims. It inflicts significant harm on the American Muslim community and American Muslim professionals. It threatens American Muslims’ ability to practice their professions in the United States; it threatens American Muslims who live, work, travel, and have families abroad; and it subjects Muslims to a damaging stigma.

10. The proposed *amicus* brief, attached to this motion, as Exhibit A, explains why the Court should review the Executive Order, how the order is unconstitutionally motivated by animus against the Muslim community, and the effects of the order and its associated animus on American Muslims.

11. Counsel for Appellees has consented to the filing of this *amicus curiae* brief. Counsel for Appellants, however, has not fully consented to the filing of this *amicus curiae* brief. Accordingly, out of an abundance of

caution, *amici* file this motion to request the Court's leave to file a 24-page brief.

13. Given the importance of the issues, movants respectfully request leave to file a 24-page brief.

Conclusion

Amici respectfully request that the court grant their motion for leave to file a 24-page *amicus curiae* brief and accept for filing the *amicus curiae* brief attached as Exhibit A.

Respectfully submitted,

/s/ Anton Ware

ANTON A. WARE

Bar No: 257848

Arnold & Porter Kaye Scholer

Three Embarcadero Center

10th Floor

San Francisco, CA 94111

(415) 471-3100

Counsel for Amicus Curiae

Date: February 6, 2017

CERTIFICAT 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 Century Schoolbook font in a size equivalent to 13.5 points or larger and,

(ii) complies with the length requirement of Rule 27(d)(2) because it is 1,535 words.

Dated: February 6, 2017

/s/ Anton Ware

ANTON WARE

Bar No: 257848

Arnold & Porter Kaye Scholer

Three Embarcadero Center

10th Floor

San Francisco, CA 94111

(415) 471-3100

CERTIFICATE OF SERVICE

I certify that on February 6, 2017 the foregoing motion was filed using the Court's CM/ECF system. All participants in the case are registered CM/ECF users and will be served electronically via that system.

Dated: February 6, 2017

/s/ Anton Ware

ANTON WARE

Bar No: 257848

Arnold & Porter Kaye Scholer

Three Embarcadero Center

10th Floor

San Francisco, CA 94111

(415) 471-3100

Counsel for Amicus Curiae