

Docket 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
Civil Action No. 2:17-cv-00141-JLR
The Honorable James L. Robart

**MOTION FOR LEAVE TO FILE BRIEF OF
AMERICAN IMMIGRATION COUNCIL, NATIONAL IMMIGRATION
PROJECT OF THE NATIONAL LAWYERS GUILD, NORTHWEST
IMMIGRANT RIGHTS PROJECT, HUMAN RIGHTS FIRST, KIND
(KIDS IN NEED OF DEFENSE), AND THE TAHIRIH JUSTICE
CENTER AS *AMICI CURIAE* IN SUPPORT OF APPELLEES**

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Northwest Immigrant Rights Project, National Immigration Project of the National Lawyers Guild, American Immigration Council, KIND (Kids in Need of Defense), Human Rights First, and Tahirih Justice Center (collectively, “*Amici*”) respectfully move for leave to file an *amicus curiae* brief in support of Appellees’ Response to the Government’s Emergency Motion for Stay Pending Appeal.

Counsel for all parties have consented to the filing of an *amicus* brief; however, out of an abundance of caution, *Amici* also file this motion to request the Court’s leave to file an *amicus* brief by 11:59 p.m. on February 6, 2007. *Amici* state as follows:

1. *Amici* are organizations that provide, *inter alia*, legal assistance and technical support to immigrant communities, advocate in favor of immigrant rights, educate the public and policymakers about the enduring contributions of America’s immigrants, and promote justice and equality of treatment in all areas of immigration law.

2. *Amici* are concerned about the real-life implications of the Executive Order issued on January 27, 2017, entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (the “Executive Order”). *Amici* are concerned with the interference in familial relations that will result from enforcement of the Executive Order, as well as limitations on immigrant travel and economic interests.

3. The proposed *amicus* brief, attached to this motion, explains why the Court should not hear this extraordinary appeal of a temporary restraining order, how the Executive Order will harm *amici* and the populations they serve, and how the Executive Order is unlawful.

4. Although all parties consented to the filing of an *amicus* brief, *amici* file this motion out of an abundance of caution because neither the Federal Rules of Appellate Procedure nor this Court's Rules expressly address the filing of an *amicus* brief in connection with a motion for a stay.

5. The Federal Rules of Appellate Procedure and this Court's Rules similarly are unclear regarding the deadline for filing an *amicus* brief in light of the expedited briefing schedule on the Appellants' emergency motion. The Court ordered that Appellees file their opposition by 1:00 a.m. on February 6, 2017, and Appellants file their reply by 3:00 p.m. on February 6, 2017. Out of an abundance of caution, *amici* request leave to file their *amicus* brief within twenty-three hours of the filing of Appellants' reply brief, by 11:59 p.m. on February 6, 2017.

6. Out of an abundance of caution, *amici* file this motion to request the Court's leave to file a 16-page brief, because the Federal Rules of Appellate Procedure are unclear as to the permitted length of an *amicus* brief under these circumstances, and because *amici* believe that a 16-page brief is warranted in light of the importance of the issues presented.

CONCLUSION

Amici respectfully request that this Court grant them leave to file the 16-page *amicus* brief attached hereto.

Respectfully submitted,

 /s/ Harrison (Buzz) Frahn
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