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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

THE UNITED STATES OF AMERICA

Plaintiff - Appellee,

Court of Appeals No. 10-16645

THE STATE OF ARIZONA; and
JANICE K. BREWER,
Governor of Arizona,
In her Official Capacity

D.C. No. CV-10-1413-PHX-SRB
District of Arizona,
Phoenix

MOTION FOR LEAVE TO FILE
AMICI CURIAE BRIEF

Defendants Appellants

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**MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF
OF MICHIGAN SENATE MAJORITY LEADER MIKE BISHOP**

NOW COMES Senate Majority Leader Mike Bishop, duly elected and serving member of the Michigan Legislature, by and through their attorneys, and request that this Court grant his motion for leave to file this Amici Curiae Brief in the above-entitled matter, and in support of his motion state the following:

1. That Mike Bishop is a duly elected and serving member of the Michigan Senate and holds the position of Senate Majority Leader.

2. The *amicus curiae* is a duly elected leader of the Michigan Senate whose constitutional duties, in part, involve determining public policy of this state to support the health, safety, and general welfare of its citizens by ensuring that only those lawfully entitled to receive those benefits do so.

3. Michigan's shoreline is longer than any other state except Alaska, and Michigan is home to the world's busiest international trade border-crossing in the Detroit-Windsor Ontario corridor, which is the subject of pending state legislation to significantly increase its border crossing capacity.

4. Michigan's population has grown more diverse as immigration has driven growth in both the Asian and Latino communities, including a sizeable migrant farm worker population.


5. The geographic and population characteristics of Michigan provide the state with a unique and particular interest in this legal proceeding which implicates fundamental questions of great public importance in regards to the proper relationship between the federal and state governments. There are important legal, constitutional, and public policy issues of which the *amicus curiae* wants the Court to be informed, such as:

- (a) The proper scope of constitutional authority of the United States and individual states in the regulation of illegal aliens where Congress provides enforcement power to the states.
- (b) The proper scope of constitutional authority of the Michigan Legislature to enact laws which are consistent with an act of Congress.

- (c) The erosion of the Sovereign Powers of the state under the 10th Amendment to the United States Constitution to enact laws to support the health, safety, and general welfare of its citizens insofar as individuals who have defied federal law to illegally enter the country and reside in a state improperly divert limited state resources from Michigan citizens.
- (d) The proper scope of the state's ability to enforce federal laws where the state is specifically directed by federal statute to enforce federal law.
- (e) The proper scope of the state's ability to enact laws to provide for the general welfare of its citizens within its borders when the federal government, which is charged with maintaining the security of the nation at its borders, fails to enforce federal immigration laws.

WHEREFORE, Senate Majority Leader Mike Bishop respectfully requests that this Honorable Court grant his motion for leave to file Amici Curiae Brief in the above-entitled matter.

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DATED August 20th 2010