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Harry Sandick (*pro hac vice* pending)
Email: hsandick@pbwt.com
Jamison Davies (*pro hac vice* pending)
Email: jmdavies@pbwt.com
Michael D. Schwartz (*pro hac vice* pending)
Email: mschwartz@pbwt.com
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, New York 10036
Telephone: (212) 336-2000

Kevin A. Calia (SB# 227406)
Email: kevin@calialaw.com
LAW OFFICE OF KEVIN A. CALIA
1478 Stone Point Drive, Suite 100
Roseville, CA 95661
Telephone: (916) 547-4175

Attorneys for Amici Curiae

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THE UNITED STATES OF AMERICA

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. 2:18-cv-00490-JAM-KJN

UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* ADMINISTRATIVE LAW, CONSTITUTIONAL LAW, CRIMINAL LAW AND IMMIGRATION LAW SCHOLARS IN OPPOSITION TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

NO HEARING NOTICED

Complaint Filed: March 6, 2018

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Professors Seth Davis, Christopher Lasch, and the other legal scholars listed in the attached Appendix A hereby move the Court for leave to file a brief as *amici curiae* in the above-captioned case in support of plaintiff’s motion for a preliminary injunction. Both parties have consented to the filing of the proposed *amicus* brief. A copy of the proposed *amicus* brief is appended as an exhibit to this motion. This motion is timely pursuant to the Court’s order of March 29, 2018, setting the due date for *amici curiae* briefs in support of defendants as May 18, 2018. ECF No. 41.

The proposed brief of amici curiae, attached as Exhibit A to this motion, provides the perspective of a group of scholars of administrative, constitutional, criminal and immigration law, and sets out an independent perspective on the constitutional questions presented by the case.

I. THE MOTION FOR LEAVE TO FILE SHOULD BE GRANTED

District courts have broad discretion to permit third parties to participate in an action as amici curiae, and generally courts have “exercised great liberality” in allowing amicus briefs. *Woodfin Suite Hotels, LLC v. City of Emeryville*, 2007 U.S. Dist. LEXIS 4467, *7-8 (N.D. Cal. Jan. 9, 2007). Amicus briefs from nonparties are particularly useful to the court where, as here, “the amicus has unique information or perspective that can help the court beyond the help that the lawyers from the parties are able to provide.” *Nat’l Petrochemical & Refiners Ass’n v. Goldstene*, No. CV-F-10-163, 2010 U.S. Dist. LEXIS 61394, at *5 (E.D. Cal. June 3, 2010) (internal quotation marks omitted).

The *amici*, all of whom are independent of the parties to this action, are law professors and scholars who have a professional interest in the issues presented on this case. See App’x A. *Amici* have researched, studied, and taught in the areas of constitutional law, administrative law, and immigration law and have specific expertise in the issues of separation of powers and executive power addressed in this brief.

1 *Amici* include professors who have taught and published extensively in the area of
2 constitutional law, administrative law, criminal law, and immigration law. On the basis
3 of their expertise, scholarship, and experience in these fields, *amici* meet the broad
4 discretionary standard for filing an *amicus curiae* brief. *Nat'l Petrochemical & Refiners*
5 *Ass'n*, 2010 U.S. Dist. LEXIS 61394, at *5. *Amici* have special expertise in separation of
6 powers and complex immigration issues that provide them with a special interest in the
7 litigation and their perspective will be useful to the Court. *See id.* Similar briefs filed by
8 these *Amici* were accepted in cases arising out of challenges to the federal government's
9 immigration-related restrictions on federal grant money brought by the City of Chicago
10 and the City of Philadelphia. *City of Chicago v. Sessions*, No. 17-cv-5720, ECF No. 53
11 (N.D. Ill. Aug. 31, 2017) & No. 17-2991, ECF No. 88 (7th Cir. Jan. 4, 2018); *City of*
12 *Philadelphia v. Sessions*, No. 17-cv-3894, ECF No. 77 (E.D. Pa. Nov. 15, 2017).
13 Moreover, the potential ramifications of this case go far beyond the parties, as the
14 outcome may determine the scope of state and local interactions with respect to
15 immigration, not only for defendant, but also for many other jurisdictions around the
16 country. For the foregoing reasons, the motion for leave to file an *amici curiae* brief
17 should be granted.

1 Dated: May 18, 2018

By: /s/ Kevin A. Calia

2 Kevin A. Calia
3 LAW OFFICE OF KEVIN A. CALIA
4 1478 Stone Point Drive, Suite 100
5 Roseville, CA 95661
6 Telephone: (916) 547-4175

7 Harry Sandick (*pro hac vice* pending)
8 Jamison Davies (*pro hac vice* pending)
9 Michael D. Schwartz (*pro hac vice* pending)
10 PATTERSON BELKNAP WEBB & TYLER
11 LLP
12 1133 Avenue of the Americas
13 New York, New York 10036
14 Telephone: (212) 336-2000

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25
26
27
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Attorneys for Amici Curiae

APPENDIX A*

1
2 Kathryn Abrams
3 Herma Hill Kay Distinguished Professor of Law
4 University of California, Berkeley School of Law

5 Amna Akbar
6 Assistant Professor
7 The Ohio State University, Moritz College of Law

8 Carolina Antonini
9 Adjunct Professor
10 Georgia State University College of Law

11 Sabi Ardalan
12 Assistant Clinical Professor
13 Harvard Law School

14 David Baluarte
15 Associate Clinical Professor of Law
16 Washington and Lee University School of Law

17 Jon Bauer
18 Clinical Professor of Law and Richard D. Tulisano '69 Scholar in Human Rights
19 University of Connecticut School of Law

20 Steven W. Bender
21 Professor and Associate Dean for Planning and Strategic Initiatives
22 Seattle University School of Law

23 Henry Allen Blair
24 Robins Kaplan Distinguished Professor
25 Mitchell Hamline School of Law

26 Linda Bosniak
27 Distinguished Professor of Law
28 Rutgers Law School

* *Amici curiae* appear in their individual capacities; institutional affiliations and titles are provided here for identification purposes only.

1 Jason Cade
Associate Professor
2 University of Georgia School of Law
3
4 Benjamin Casper Sanchez
Director
5 James H. Binger Center for New Americans, University of Minnesota Law School
6
7 Linus Chan
Associate Professor of Clinical Law
8 University of Minnesota
9
10 Violeta R. Chapin
Clinical Professor of Law
University of Colorado Law School
11
12 Matthew H. Charity
Professor of Law
Western New England University
13
14 Erwin Chemerinsky
Dean and Jesse H. Choper Distinguished Professor of Law
15 University of California, Berkeley School of Law
16
17 Gabriel J. Chin
Edward L. Barrett Jr. Chair & Martin Luther King Jr. Professor of Law
18 University of California, Davis School of Law
19
20 Marisa S. Cianciarulo
Professor of Law
Chapman University Fowler School of Law
21
22 Stephen Cody
Research Fellow
23 Human Rights Center, University of California, Berkeley
24
25 Dr. Neil H. Cogan
Professor of Law
Whittier Law School
26
27 David S. Cohen
Professor of Law
28 Drexel University Thomas R. Kline School of Law

- 1 Marjorie Cohn
2 Professor Emerita
3 Thomas Jefferson School of Law
- 4 Ericka Curran
5 Clinical Professor
6 Florida Coastal School of Law
- 7 Seth Davis
8 Assistant Professor of Law
9 University of California, Irvine School of Law
- 10 Frank E. Deale
11 Professor of Law
12 CUNY Law School
- 13 Ingrid Eagly
14 Professor of Law
15 UCLA school of law
- 16 Stella Burch Elias
17 Professor of Law
18 University of Iowa College of Law
- 19 Richard H. Frankel
20 Associate Professor
21 Drexel University Thomas R. Kline School of Law
- 22 Craig B. Futterman
23 Clinical Professor of Law
24 University of Chicago Law School
- 25 Lauren Gilbert
26 Professor of Law
27 St. Thomas University School of Law
- 28 Denise Gilman
29 Director, Immigration Clinic
30 University of Texas School of Law

1 Joseph Harbaugh
Emeritus Dean and Emeritus Professor
2 College of Law, Nova Southeastern University
3
4 Dina Francesca Haynes
Professor of Law
5 New England Law
6
7 Geoffrey A. Hoffman
Director
University of Houston Law Ctr. Immigration Clinic
8
9 Aziz Huq
Frank and Bernice Greenberg Professor of Law
10 University of Chicago Law School
11
12 Alan Hyde
Distinguished Professor
Rutgers University
13
14 Ulysses Jaen
Director & Asst. Professor
15 Ave Maria School of Law
16
17 Kevin R. Johnson
Dean and Mabie Apallas Professor of Public Interest Law
18 University of California, Davis School of Law
19
20 Michael Kagan
Professor
University of Nevada, Las Vegas
21
22 Anil Kalhan
Associate Professor of Law
23 Drexel University Thomas R. Kline School of Law
24
25 Jennifer Lee Koh
Professor of Law
26 Western State College of Law
27
28 Hiroko Kusuda
Clinic Professor
Loyola University New Orleans

- 1 Kevin Lapp
2 Professor of Law
3 Loyola Law School, Los Angeles
- 4 Christopher N. Lasch
5 Associate Professor
6 University of Denver Sturm College of Law
- 7 Karen Pita Loor
8 Clinical Associate Professor of Law
9 Boston University School of Law
- 10 Peter Markowitz
11 Professor of Law
12 Cardozo School of Law
- 13 Fatma Marouf
14 Professor of Law
15 Texas A&M University School of Law
- 16 Julie Marzouk
17 Associate Clinical Professor
18 Chapman University—Fowler School of Law
- 19 Elizabeth McCormick
20 Associate Clinical Professor of Law
21 University of Tulsa College of Law
- 22 Vanessa Merton
23 Professor
24 Elisabeth Haub School of Law at Pace University
- 25 Nancy Morawetz
26 Professor of Clinical Law
27 New York University School of Law
- 28 Hiroshi Motomura
Susan Westerberg Prager Professor of Law
School of Law, University of California, Los Angeles (UCLA)

1 Elora Mukherjee
Associate Clinical Professor of Law
2 Columbia Law School
3
4 Karen Musalo
Professor
5 U.C. Hastings, College of the Law
6
7 Howard S. (Sam) Myers, III
Adjunct Professor of Law
8 University of Minnesota School of Law
9
10 Zhulmira Paredes
Attorney at Law
John Marshall Law School
11
12 William Quigley
Professor of Law
Loyola University New Orleans
13
14 Jaya Ramji-Nogales
I. Herman Stern Research Professor
15 Temple Law School
16
17 Andrea V. Ramos
Clinical Professor of Law
18 Southwestern Law School
19
20 Sarah Rogerson
Clinical Professor of Law
Albany Law School
21
22 Tom Romero II
Associate Professor
23 University of Denver Sturm College of Law
24
25 Victor Romero
Associate Dean for Academic Affairs, Maureen B. Cavanaugh Distinguished Faculty
26 Scholar & Professor of Law
Penn State Law (University Park)
27
28

1 Michael Rooke-Ley
Professor of Law Emeritus
2 Nova Southeastern University

3 Carrie Rosenbaum
4 Adjunct Professor
5 Golden Gate University School of Law

6 Rachel E. Rosenbloom
7 Professor of Law
8 Northeastern University School of Law

9 Sarah Sherman-Stokes
10 Associate Director
Boston University School of Law

11 Juliet P. Stumpf
12 Robert E. Jones Professor of Advocacy and Ethics
13 Lewis & Clark Law School

14 Maureen A. Sweeney
15 Law School Associate Professor
University of Maryland Carey School of Law

16 JoAnne Sweeny
17 Associate Professor of Law
18 University of Louisville, Brandeis School of Law

19 David B. Thronson
20 Professor of Law and Associate Dean for Experiential Education
21 Michigan State University College of Law

22 Katharine Tinto
23 Assistant Clinical Professor of Law
UC Irvine School of Law

24 Philip L. Torrey
25 Managing Attorney, Harvard Immigration and Refugee Clinical Program
26 Harvard Law School

27 Mary Pat Treuthart
28 Professor of Law
Gonzaga University School of Law

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Laurence H. Tribe
Carl M. Loeb University Professor and Professor of Constitutional Law
Harvard Law School

Enid Trucios-Haynes
Professor of Law
University of Louisville, Brandeis School of Law

Diane Uchimiya
Professor and Director of the Justice and Immigration Clinic
University of La Verne College of Law

Julia Vazquez
Director, Community Lawyering Clinic
Southwestern Law School

Leti Volpp
Robert D. and Leslie Kay Raven Professor of Law
UC Berkeley

Robin Walker Sterling
Associate Professor
University of Denver Sturm College of Law

Lindsey Webb
Assistant Professor
University of Denver Sturm College of Law

Jonathan Weinberg
Associate Dean for Research and Faculty Development and Professor of Law
Wayne State University Law School

Deborah M. Weissman
Reef C. Ivey II Distinguished Professor of Law
University of North Carolina School of Law

Richard A. Wilson
Professor
University of Connecticut School of Law

1 Mark E. Wojcik
2 Professor of Law
3 The John Marshall Law School-Chicago
4
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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2018, I electronically filed the foregoing Motion of Administrative Law, Constitutional Law, Criminal Law and Immigration Law Scholars for Leave to File an *Amici Curiae* Brief in Opposition to Plaintiff's Motion for a Preliminary Injunction using the CM/ECF system, which will send notification of such filing to all parties of record.

/s/ Kevin A. Calia
Kevin A. Calia
Attorney for *Amici Curiae*