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CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW
Peter A. Schey (Cal. Bar No. 58232)
Carlos Holguín (Cal. Bar No. 90754)
256 South Occidental Boulevard
Los Angeles, CA 90057
Telephone: (213) 388-8693
Facsimile: (213) 386-9484
Email: pschey@centerforhumanrights.org
crholguin@centerforhumanrights.org

Counsel for Proposed Amicus Curiae

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

UNITED STATES OF AMERICA,)	Case No. CV 2:18-cv-490-JAM-KJN
)	
Plaintiff,)	UNOPPOSED MOTION BY LEGAL
)	SERVICES PROVIDERS FOR
vs.)	LEAVE TO FILE AN <i>AMICUS</i>
)	<i>CURIAE</i> BRIEF OPPOSING
)	PLAINTIFF’S MOTION FOR
THE STATE OF CALIFORNIA, <i>ET AL.</i> ,)	PRELIMINARY INJUNCTION
)	
Defendants.)	Judge: Hon. John A. Mendez
)	
_____)	

Proposed *Amici* respectfully move this Court for leave to file the attached *amici curiae* brief in opposition to Plaintiff’s motion for Preliminary Injunction. Counsel for Proposed *Amici* conferred with counsel for the parties, who have consented to this motion. A proposed Order has been submitted with this motion.

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Proposed Amici Parties

1
2 The proposed *Amici* are California-based non-profit, tax-exempt organizations
3 dedicated to providing free legal services to low-income California residents,
4 including immigrants and U.S. citizens with immigrant family members. *Amici*'s
5 clients are treated by and have obligations to the state of California in accordance
6 with the challenged California laws, and the federal Government in accordance with
7 federal law. *Amici* combined serve over 200,000 California low-income clients a
8 year.

9
10
11 The Center for Human Rights & Constitutional Law is a non-profit, public
12 interest legal services program dedicated to furthering and protecting the civil,
13 constitutional, and human rights of immigrants, refugees, children, prisoners, and the
14 poor. It provides technical support to non-profit legal services programs throughout
15 California in the areas of immigration law, constitutional law, and litigation practice.

16
17 The Legal Aid Foundation of Los Angeles (“LAFLA”) is a nonprofit that
18 provides civil legal aid to poor and low-income people in Los Angeles County.
19 LAFLA provides services to more than 80,000 low-income people a year, including
20 many immigrants and families with immigrant members.

21
22 The Legal Aid Society of Orange County provides civil legal services to
23 seniors and low-income individuals and promotes equal access to the justice system
24 through advocacy, legal counseling, innovative self-help services, in-depth legal
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1 representation, economic development and community education. Many of its
2 clients are immigrants and families with immigrant members.

3
4 El Rescate is a nonprofit organization dedicated to providing a variety of legal
5 services to those who cannot afford legal aid, including those seeking asylum, U
6 visas and VAWA visas. El Rescate conducts weekly "charlas" where staff provides
7 training to immigrants about their rights and assess whether they may qualify for
8 legal status. The vast majority of El Rescate's clients are immigrants.

9
10 International Institute of Los Angeles helps families become self-sufficient,
11 and promotes cross-cultural understanding by providing childcare, transportation,
12 immigration legal services, nutrition services and refugee services from over 25
13 centers and offices throughout southern California.

14
15
16 Legal Aid Foundation of Santa Barbara County provides legal services in
17 order to ensure that low-income persons and seniors have access to the civil justice
18 system in times of crisis – to secure safe, habitable shelter, adequate income, and
19 protection from domestic violence and elder abuse. Many of its clients are
20 immigrants and families with immigrant members.

21
22 The Public Law Center (PLC) is committed to providing access to justice for
23 low-income and vulnerable residents. PLC works with over 1,600 Orange County
24 lawyers, paralegals, law students and other volunteers annually to provide free civil
25 legal services, including: counseling, individual representation, community
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1 education, and strategic litigation and advocacy to challenge societal injustices.

2 Many of its clients are immigrants and families with immigrant members.

3
4 La Raza Centro Legal is a community-based legal organization dedicated to
5 empowering Latino, immigrant and low-income communities in the Mission and
6 throughout the Bay Area, advocating for their civil and human rights. Through its
7 grassroots efforts over the last 45 years, La Raza has provided critical life-changing
8 legal services – at low or no cost. Many of La Raza’s clients are immigrants and
9 families with immigrant members.
10

11
12 Non-profit legal services providers are uniquely positioned to provide the
13 Court with a perspective regarding the U.S. Government’s claims of federal
14 preemption in this case.
15

16 They will offer a perspective that *at an operational and implementation level*,
17 *Amici’s* clients’ – and their employers’ and police departments’ – compliance with
18 the challenged state statutes (AB 450, AB 103, and SB 54) does not adversely impact
19 on or conflict with *Amici’s* clients’ – or their employers’ and police departments’ –
20 compliance with federal immigration law.
21

22 **DISCLOSURE STATEMENT**

23
24 No proposed *Amici* is owned by any publicly held company.

25 **ARGUMENT**

26 District courts have broad discretion regarding the appointment of an *amicus*
27 *curiae*. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). The case before this
28

1 Court implicates issues of general public interest. Amicus briefs from nonparties are
2 regularly allowed when “the amicus has unique information or perspective that can
3 help the court beyond the help that the lawyers from the parties are able to provide.”
4
5 *Nat’l Petrochemical & Refiners Ass’n v. Goldstene*, No. CVF10- 163 LJO DLB,
6 2010 WL 2228471, at *1 (E.D. Cal. June 3, 2010).

7
8 *Amici* believe the parties will adequately brief the precise *textual* meanings of
9 the state and federal laws in question, and the California Attorney General will fully
10 brief why based upon a textual analysis of AB 450, AB 103 and SB 54, and extant
11 federal laws, these state enactments are not preempted.
12

13 The proposed *Amici* seek to share with the Court a different perspective, one
14 based on how the *enactment and implementation* of the state and federal laws in
15 question impact on the actions, rights, and obligations of legal services low-income
16 clients, and viewed at this *operational level*, *Amici* will show that their clients, and
17 indeed all California immigrant residents, and their employers, and their local police,
18 can comply and are complying with both the challenged California statutes and
19 federal law. This fully supports the textual arguments the California Attorney
20 General is likely to focus on and supports this Court denying the United States’
21 motion for a preliminary injunction.
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25 In the proposed *Amici* brief, *Amici* will show that their immigrant clients’
26 treatment, rights and obligations under AB 450, AB 103, and SB 54, in no way
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1 adversely impacts their clients' treatment, rights and obligations under relevant
2 federal immigration laws.

3
4 In short, when viewed through a lens focused on the operational level of
5 implementation of AB 450, AB 103 and SB 54, and of relevant federal immigration
6 laws, *as experienced by those the laws are intended to impact*, immigrants and those
7 enforcing the state and federal laws regarding these immigrants are in full
8 compliance with both the challenged state statutes and applicable federal laws.
9

10 This strongly indicates federal law does not preempt the challenged California
11 statutes.
12

13 CONCLUSION

14 For the foregoing reasons, *Amici* respectfully request that the Court grant this
15 motion without oral argument and order the Clerk to lodge the proposed *amici*
16 *curiae* brief filed herewith on the docket.
17

18
19 Dated: May 18, 2018

Respectfully submitted,

20 CENTER FOR HUMAN RIGHTS &
21 CONSTITUTIONAL LAW
22 Peter A. Schey
23 Carlos Holguín

24 */s/Peter Schey*
25 *Attorneys for Proposed Amici*
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1 CERTIFICATE OF SERVICE

2 I, Peter Schey, declare and say as follows:

3 I am over eighteen years of age and am not a party to this action. I am
4 employed in the County of Los Angeles, State of California. My business address is
5 256 S. Occidental Blvd., Los Angeles, CA 90057, in said county and state.
6

7
8 On May 18, 2018, I electronically filed the following document(s):

- 9 • **UNOPPOSED MOTION BY LEGAL SERVICES PROVIDERS FOR**
10 **LEAVE TO FILE AN AMICUS CURIAE BRIEF OPPOSING**
11 **PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**
12

13 with the United States District Court, Eastern District of California by using the
14 CM/ECF system. Participants in the case who are registered CM/ECF users will be
15 served by the CM/ECF system.
16

17 /s/ Peter Schey
18 *Attorneys for Proposed Amici*
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