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15 *Counsel for Amicus Curiae ACLJ*

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

18		
19	UNITED STATES OF AMERICA,	) Case No. 2:18-cv-490-JAM-KJN
20	Plaintiff,	)
21	vs.	) Unopposed Motion by the American
22	STATE OF CALIFORNIA, <i>et al.</i> ,	) Center for Law and Justice for Leave
23	Defendants.	) to File <i>Amicus Curiae</i> Brief Supporting
24		) Plaintiff's Motion for a Preliminary
25		) Injunction and Incorporated
26		) Memorandum of Law
27		)
28		) Honorable John A. Mendez

1 The American Center for Law and Justice (“ACLJ”) timely moves this Court for leave to  
2 file the attached *amicus curiae* brief in support of Plaintiff’s motion for a preliminary injunction.<sup>1/</sup>  
3 Dkt. Entry 17 (setting March 26, 2018, as the due date for the filing of *amicus* briefs supporting  
4 Plaintiff’s preliminary injunction motion). No party opposes the granting of this motion. A  
5 proposed order has been submitted with this motion.

6 District courts have broad discretion regarding the appointment of an *amicus curiae*.  
7 *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). The case before this Court implicates issues  
8 of general public interest. The proper resolution of this case is a matter of utmost concern to the  
9 ACLJ because of its impact on the integrity of the constitutional process and the safety of  
10 American citizens, many of whom are ACLJ members and supporters.

12 The ACLJ is an organization dedicated to the defense of constitutional liberties secured by  
13 law. Counsel for the ACLJ have presented oral argument, represented parties, and submitted  
14 *amicus curiae* briefs before the Supreme Court of the United States and other courts around the  
15 country in cases involving issues of constitutional law and immigration law. *See, e.g., Trump v.*  
16 *Hawaii*, No. 16-1540, 2017 U.S. LEXIS 4322 (July 19, 2017); *Trump v. Int’l Refugee Assistance*  
17 *Project*, 137 S. Ct. 2080 (2017); *United States v. Texas*, 136 S. Ct. 2271 (2016); *Pleasant Grove*  
18 *City v. Summum*, 555 U.S. 460 (2009); *FEC v. Wis. Right to Life*, 551 U.S. 449 (2007); *McConnell*  
19 *v. FEC*, 540 U.S. 93 (2003); *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384  
20 (1993); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990); *Washington v. Trump*, 847 F.3d 1151 (9th  
21 Cir. 2017); *Int’l Refugee Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017).  
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26 <sup>1/</sup> The ACLJ is a non-profit organization. It has no parent corporation and no publicly held  
27 corporation owns any portion of it.

1 The ACLJ has long advocated for a robust protection of national and border security and  
2 has fought to ensure government compliance with the Constitution. The attached *amicus* brief is  
3 supported by more than 65,000 individuals who have joined the ACLJ's committee opposed to  
4 state actions that violate the Constitution.

5 The issues presented in this case involve matters of constitutional and immigration law.  
6 The ACLJ believes it can offer this Court information and perspective that will assist it in deciding  
7 the pending preliminary injunction motion. As set forth more fully in the attached *amicus* brief, the  
8 ACLJ will provide this Court with insight into how AB 450 violates the Supremacy Clause. AB  
9 450 is an obstacle to the enforcement of federal immigration law. AB 450 prohibits employers  
10 from consenting to searches and inspections by federal immigration enforcement agents and, as  
11 such, places warrant and subpoena requirements on federal agents that are contrary to federal law;  
12 federal law permits voluntary consent. AB 450 interferes with an immigration agent's ability to  
13 locate illegal aliens because it requires employers to give their employees notice of any upcoming  
14 inspection, which will cause any employee who is illegally in this country the opportunity to flee  
15 before the inspection. AB 450 interferes with federal law because it prevents employers from re-  
16 verifying their employee records to determine whether an employee is an alien who may not be  
17 legally employed in this country under federal law. In addition, AB 450 violates well-established  
18 federal public policy that encourages citizens to cooperate with law enforcement agents. Rather  
19 than encourage cooperation, AB 450 prohibits cooperation.

22 Accordingly, for the above-stated reasons, the ACLJ respectfully requests that this Court  
23 grant this unopposed motion and accept for filing the ACLJ's attached *amicus curiae* brief  
24 supporting Plaintiff's motion for a preliminary injunction.  
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Dated: March 26, 2018

Respectfully submitted,  
/s/ Vladimir F. Kozina  
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*Counsel for Amicus Curiae ACLJ*

**CERTIFICATE OF SERVICE**

1  
2 I hereby certify that on March 26, 2018, I electronically transmitted the foregoing  
3 unopposed motion, along with the attached proposed order and *amicus curiae* brief of the ACLJ,  
4 using the United States District Court for the Eastern District of California’s Electronic Document  
5 Filing System (ECF) and that service on all counsel of record will be accomplished via the ECF  
6 system.

7  
8 Respectfully submitted,

9 /s/ Vladimir F. Kozina

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