1	Julie B. Axelrod		
2	California Bar No. 250165 Christopher J. Hajec Mark S. Venezia Immigration Reform Law Institute 25 Massachusetts Ave, Suite 335 Washington, DC 20001		
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5			
6	(202) 232-5590 (Tel) (202) 464-3590 (Fax)		
7	jaxelrod@irli.org chajec@irli.org		
8	mvenezia@irli.org		
9	Counsel for Prospective <i>Amici Curiae</i> National Sheriffs' Association, Advocates for Victims of Illegal Alien Crime, and Fight Sanctuary State		
10			
11	IN THE UNITED STATES DISTRICT COURT		
12	EASTERN DISTRICT OF CALIFORNIA		
13	UNITED STATES OF AMERICA,		
14	Plaintiff,	No. 2:18-cv-00490-JAM-KJN	
15		MOTION OF NATIONAL SHERIFFS' ASSOCIATION AND	
16	V.	VICTIMS' ORGANIZATIONS FOR	
		LEAVE TO FILE AMICI CURIAE BRIEF IN SUPPORT OF	
17	STATE OF CALIFORNIA, et al.,	PLAINTIFF	
18			
19	Defendants.	Judge: Hon. John A. Mendez	
20		NO HEARING NOTICED	
21			
22			
23	Prospective amici curiae National Sheriffs' Association, Advocates for Victims of Illegal		
24	Alien Crime, and Fight Sanctuary State respectfully move this Court for an Order to grant them		
25	leave to file an <i>amici curiae</i> brief in this action. A proposed Order is attached.		
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27			
28			
	1 MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF NATIONAL SHERRIFS' ASSOCIATION AND VICTIMS' ORGANIZATIONS IN SUPPORT OF PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION		

INTEREST AND IDENTITY OF AMICUS CURIAE

The National Sheriffs' Association ("NSA") is a professional association that represents thousands of sheriffs, deputies, other law enforcement officials, public safety professionals, and concerned citizens nationwide. In keeping with its mission to support law enforcement officers and law enforcement, NSA supports the enforcement of the nation's immigration laws, which both California Assembly Bill 450 ("AB 450") and Senate Bill 54 ("SB 54") frustrate.

Advocates for Victims of Illegal Alien Crime ("AVIAC") is an advocacy organization founded and led by individuals, including Californians, who have lost family members because of crimes committed by illegal aliens. AVIAC's mission is to be both a source of support for such victims across the country and an advocate for policies that will enforce the nation's immigration laws and prevent government actors from sheltering illegal aliens, particularly criminal aliens, from deportation. AVIAC therefore takes an interest in the case at bar, which seeks to overturn AB 450 and SB 54, both of which frustrate the enforcement of immigration laws.

Fight Sanctuary State ("FSS") is a California-based advocacy organization also founded and led by individuals who have lost family members because of illegal alien crime. FSS is dedicated specifically to working to overturn or repeal laws in the state of California, such as AB 450 and SB 54, that protect illegal aliens, including criminal aliens, from law enforcement.

CORPORATE DISCLOSURE STATEMENT

None of these prospective amici curiae has a parent company, and none issues stock.

<u>ARGUMENT</u>

NSA, AVIAC, and FSS submit this *amici curiae* brief to assist this Court in understanding how, in numerous ways in addition to those identified in plaintiff's brief in support of its motion for a preliminary injunction, provisions of California's law challenged in this action violate both the U.S. Constitution and federal statutory law.

Proposed amici curiae make several arguments that plaintiffs make either glancingly or

not at all: 1) that the challenged provisions of SB 54 and AB 450 not only are preempted because they stand as obstacles to congressional purposes behind federal immigration law, but that the challenged provisions of SB 54 violate the Supremacy Clause directly, by mandating that local officials attempt to block federal officers from performing their duty to enforce federal law; 2) that the challenged provisions of SB 54 and AB 450 are not exercises of powers reserved to the states by the Tenth Amendment; 3) that, in the challenged provisions of SB 54, California has impermissibly enacted its own foreign policy; 4) that the challenged provisions of SB 54 compel local law enforcement to commit harboring, in violation of federal statutory law; and 5) that the challenged provisions of AB 450 violate the petitioning rights of employers.

The parties have consented to the filing of this *amici curiae* brief. No counsel for a party authored this brief in whole or in part and no person or entity, other than *amici curiae*, their members, or their counsel, has contributed money that was intended to fund preparing or submitting the brief.

CONCLUSION

For the foregoing reasons, the instant motion for leave to file an *amici curiae* brief should be granted.

Dated: April 6, 2018 Respectfully submitted,

/s/ Julie B. Axelrod

Julie B. Axelrod
California Bar No. 250165
Christopher J. Hajec
Mark S. Venezia
IMMIGRATION REFORM LAW
INSTITUTE
25 Massachusetts Avenue, NW
Suite 335
Washington, DC 20001
(202) 232-5590

(202) 232-5590 jaxelrod@irli.org chajec@irli.org mvenezia@irli.org

Attorneys for Amici Curiae

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
Plaintiff,) CASE No. 2:18-cv-00490-JAM-KJN
v.	PROPOSED] ORDER
STATE OF CALIFORNIA, et al.,)
Defendants.	Honorable John A. Mendez

It is hereby ORDERED that the Motion for Leave to File Amici Curiae Brief of prospective amici curiae National Sheriffs' Association, Advocates for Victims of Illegal Alien Crime, and Fight Sanctuary State is GRANTED; and that the Clerk is ordered to file the amici curiae brief that accompanied the motion on the docket. IT IS SO ORDERED this

U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2018, I electronically filed the foregoing motion for leave to file and proposed order, together with the accompanying *amici curiae* brief, with the Clerk of the Court for the United States District Court for the Eastern District of California. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Parties may access this filing through the Court's CM/ECF System.

/s/ Julie B. Axelrod Julie B. Axelrod