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Counsel for Prospective *Amici Curiae* National Sheriffs' Association, Advocates for Victims of Illegal Alien Crime, and Fight Sanctuary State

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

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

**MOTION OF NATIONAL
 SHERIFFS' ASSOCIATION AND
 VICTIMS' ORGANIZATIONS FOR
 LEAVE TO FILE AMICI CURIAE
 BRIEF IN SUPPORT OF
 PLAINTIFF**

Judge: Hon. John A. Mendez

NO HEARING NOTICED

Prospective *amici curiae* National Sheriffs' Association, Advocates for Victims of Illegal Alien Crime, and Fight Sanctuary State respectfully move this Court for an Order to grant them leave to file an *amici curiae* brief in this action. A proposed Order is attached.

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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.

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

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

1 not at all: 1) that the challenged provisions of SB 54 and AB 450 not only are preempted because
2 they stand as obstacles to congressional purposes behind federal immigration law, but that the
3 challenged provisions of SB 54 violate the Supremacy Clause directly, by mandating that local
4 officials attempt to block federal officers from performing their duty to enforce federal law; 2)
5 that the challenged provisions of SB 54 and AB 450 are not exercises of powers reserved to the
6 states by the Tenth Amendment; 3) that, in the challenged provisions of SB 54, California has
7 impermissibly enacted its own foreign policy; 4) that the challenged provisions of SB 54 compel
8 local law enforcement to commit harboring, in violation of federal statutory law; and 5) that the
9 challenged provisions of AB 450 violate the petitioning rights of employers.
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11 The parties have consented to the filing of this *amici curiae* brief. No counsel for a party
12 authored this brief in whole or in part and no person or entity, other than *amici curiae*, their
13 members, or their counsel, has contributed money that was intended to fund preparing or
14 submitting the brief.

15 CONCLUSION

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

18 Dated: April 6, 2018

Respectfully submitted,

19 /s/ Julie B. Axelrod

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28 Attorneys for *Amici Curiae*

UNITED STATES OF AMERICA,)
Plaintiff,) **CASE No. 2:18-cv-00490-JAM-KJN**
) **[PROPOSED] ORDER**
v.)
)
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

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MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF NATIONAL SHERIFFS' ASSOCIATION AND
VICTIMS' ORGANIZATIONS IN SUPPORT OF PLAINTIFF'S MOTION FOR A PRELIMINARY
INJUNCTION

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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