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14
 15 **UNITED STATES DISTRICT COURT**
 16 **EASTERN DISTRICT OF CALIFORNIA**

17
 18 THE UNITED STATES OF AMERICA,
 19 Plaintiff,
 20 v.
 21 THE STATE OF CALIFORNIA;
 EDMUND GERALD BROWN JR.,
 Governor of California, in his Official
 22 Capacity; and XAVIER BECERRA,
 Attorney General of California, in his
 23 Official Capacity,
 24 Defendants.

No. 18-cv-490

**PLAINTIFF’S REQUEST FOR
 LEAVE TO FILE ITS MEMORANDUM IN
 SUPPORT OF ITS MOTION FOR
 PRELIMINARY INJUNCTION IN EXCESS
 OF THE PAGE LIMIT**

25
 26 Pursuant to this Court’s standing order, Plaintiff, the United States, hereby requests an
 27 order granting it leave to file a memorandum of law in support of its motion for preliminary
 28

1 injunction that does not exceed 40 pages. The United States filed its motion and accompanying
2 memorandum on March 6, 2018, before this Court was assigned this case. Under this Court's
3 standing order, unless otherwise permitted by the Court, the current page limit for a
4 memorandum in support of such a motion is 25 pages. Prior to filing, Plaintiff made every effort
5 to make its memorandum in support of its motion for preliminary injunction as short as possible.
6 However, under the current page limit, Plaintiff is unable to present its arguments in sufficient
7 detail to permit their full and careful consideration.
8

9 Plaintiff's motion for preliminary injunction and supporting memorandum involves a
10 constitutional preemption challenge to portions of three provisions of California law, Assembly
11 Bill 103 ("AB 103"), Assembly Bill 450 ("AB 450"), and Senate Bill 54 ("SB 54"). *See*
12 *Complaint*, ECF 1; *Mem. in Support of Mot. for Preliminary Injunction*, ECF 2-1, at 1-2. These
13 laws include several provisions that directly relate to the area of federal immigration law, which
14 is itself "exceedingly complex." *See Local 512, Warehouse and Office Workers' Union v.*
15 *N.L.R.B.*, 795 F.2d 705, 721 (9th Cir. 1986) (abrogated on other grounds); *see also Lok v. INS*,
16 548 F.2d 37, 38 (2d Cir. 1977) (noting that federal immigration laws bear "striking resemblance
17 . . . to . . . King Minos's labyrinth in ancient Crete").
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20 Plaintiff's motion for preliminary injunction and memorandum in support challenges the
21 constitutionality of AB 103, AB 450, and SB 54, which together include several distinct sections
22 relating to different facets of immigration law, including the employment, apprehension,
23 detention, and removal of unlawfully present aliens. In order to fully present its argument for a
24 preliminary injunction, Plaintiff's supporting memorandum must describe in sufficient detail the
25 United States' preemption challenge to eight distinct provisions in these three state laws
26 (Sections 7285.1, 7285.2, 7284.6(a)(1)(C) & (D), 7284.6(a)(4), and 12532 of the California
27
28

1 Government Code and Sections 90.2 and 1019.2 of the California Labor Code). This requires
2 Plaintiff to set forth the relevant federal immigration framework and the ways in which AB 103,
3 AB 450, and SB 54 conflict with that framework and with the United States' conduct of foreign
4 relation, improperly regulate United State officials and contractors, and discriminate against the
5 United States. Further, Plaintiff's supporting memorandum must set forth the irreparable harm
6 that the United States will face if these provisions are not enjoined, as well as the impact that an
7 injunction will have on Defendants and the public as a whole. To this end, Plaintiff has filed
8 multiple supporting declarations from officials within the U.S. Department of Homeland
9 Security's Immigration and Customs Enforcement and Customs and Border Protection, and the
10 U.S. Department of State. Proper treatment of these issues by Plaintiff will require it to exceed
11 the standard page limit.
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14 Moreover, the validity of these laws is a matter of great significance to the nation as a
15 whole, given that other jurisdictions have passed or are considering similar immigration-related
16 measures. It is all the more critical, therefore, to have as complete an argument as possible in this
17 matter.
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19 Plaintiff filed its proposed Motion for Preliminary Injunction and Memorandum of Law
20 in Support prior to this case on March 6, 2018, prior to this case's assignment to this Court.
21 Given the timing of this filing, undersigned counsel has not yet been able to contact counsel for
22 Defendants concerning this motion for an enlargement of pages. Nonetheless, granting this
23 request will not prejudice Defendants. Should this motion be granted, Plaintiff will not oppose a
24 similar request by Defendants, collectively, for leave to file a response with a equivalent number
25 of pages.
26

27 For the foregoing reasons, Plaintiff respectfully requests that this Court grant its Request
28

1 for Leave to File its Motion for Preliminary Injunction and Supporting Memorandum in Excess
2 of the Page Limit.

3 DATED: March 7, 2018

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AUGUST FLENTJE
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WILLIAM C. PEACHEY
Director

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2018, I electronically transmitted the attached document to the Clerk’s Office using the U.S. District Court for the Eastern District of California’s Electronic Document Filing System (ECF) and will include this motion with the summons and Complaint to be served on Defendants in this case.

/s/ Erez Reuveni
EREZ REUVENI
Assistant Director

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