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 17 & FREEDOM FOR IMMIGRANTS

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

20 THE UNITED STATES OF  
 21 AMERICA,

22 Plaintiff,

23 v.

24 THE STATE OF CALIFORNIA;  
 25 EDMUND GERALD BROWN, JR.,  
 26 Governor of California, in his Official  
 27 Capacity; and XAVIER BECERRA,  
 28 Attorney General of California, in his  
 Official Capacity,

Defendants.

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

**UNOPPOSED MOTION BY  
 IMMIGRANT LEGAL RESOURCE  
 CENTER, HUMAN RIGHTS  
 WATCH, AND FREEDOM FOR  
 IMMIGRANTS FOR LEAVE TO  
 FILE *AMICI CURIAE* BRIEF IN  
 SUPPORT OF DEFENDANTS'  
 OPPOSITION TO PLAINTIFF'S  
 MOTION FOR PRELIMINARY  
 INJUNCTION**

Hearing Date: June 20, 2018  
 Hearing Time: 10:00 a.m.  
 Courtroom: 6

The Honorable John A. Mendez

1 Pursuant to the Court’s March 27, 2018 Minute Order (Dkt. No. 37) and  
2 Rule 29 of the Federal Rules of Appellate Procedure, Immigrant Legal Resource  
3 Center (“ILRC”), Human Rights Watch (“HRW”), and Freedom For Immigrants  
4 (“FFI”) respectfully move this Court for leave to file the attached *amici curiae* brief  
5 in support of Defendants’ Opposition to Plaintiff’s Motion for Preliminary  
6 Injunction. No party opposes the granting of this motion.

7 District courts have broad discretion to appoint *amici curiae*. *Hoptowit v.*  
8 *Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982).<sup>1</sup> The *amici curiae* brief of ILRC, HRW,  
9 and FFI, submitted herewith, is both relevant and helpful to the Court. *See* FED. R.  
10 APP. P. 29(b)(2).

11 Immigrant Legal Resource Center is a national nonprofit legal support center  
12 with offices in San Francisco, California and Washington D.C. The mission of the  
13 ILRC is to work with, educate, and enhance the capacity of immigrants, community  
14 organizations, and the legal sector in order to build a democratic society that values  
15 diversity, dignity, and the rights of all people. Founded in 1979, the ILRC is  
16 regarded as one of the foremost experts on engaging immigrants and developing  
17 their leadership in the democratic process, providing expertise on complex issues of  
18 immigration law, procedure and policy, and engaging in advocacy and educational  
19 initiatives on policies that affect immigrants.

20 ILRC has been *amicus curiae* in over fourteen cases over the last two years  
21 including in cases before California District Courts in *California v. Sessions* (Case  
22 No. 3:17-cv-04701), the California Supreme Court in *People v. Patterson* (Case No.  
23 S225193), the Ninth Circuit Court of Appeals in *Marinelarena v. Sessions* (Case No.  
24 14-72003) and the U.S. Supreme Court in *Esquivel-Quintana v. Sessions* (Case No.  
25 16-54), *Jennings v. Rodriguez* (Case No. 15-1204) and *Lee v. United States* (Case  
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28 <sup>1</sup> Abrogated on other grounds by *Sandin v. Conner*, 515 U.S. 472 (1995).

1 No. 16-327).

2 Human Rights Watch is a non-profit, independent organization and the largest  
3 international human rights organization based in the United States. Since 1978,  
4 Human Rights Watch has investigated and exposed human rights violations and  
5 challenged governments to protect the human rights of citizens and noncitizens  
6 alike. Human Rights Watch investigates allegations of human rights violations in  
7 more than 90 countries around the world, including in the United States, by  
8 interviewing witnesses, gathering information from a variety of sources, and issuing  
9 detailed reports. Where human rights violations have been found, Human Rights  
10 Watch advocates for the enforcement of those rights with governments and  
11 international organizations and in the court of public opinion.

12 HRW has been *amicus curiae* on immigration cases before the Board of  
13 Immigration Appeals, the Ninth Circuit Court of Appeals in *Rodriguez v. Swartz*  
14 (Case No. 4:14-cv-02251), *J.E.F.M. v. Lynch*, *Casas-Castrillon v. Lockyer* (Case  
15 No. 2:14-cv-01026); the Inter-American Court of Human Rights in *Wayne Smith and*  
16 *Hugo Armendariz v. the United States of America* (Case No. 12.562); and the US  
17 Supreme Court in, inter alia, *Lynch v. Morales-Santana* (Case No. 15-1191), *Ziglar*  
18 *v. Abbasi et al.* (Case No. 15-1358), and *Jama v. US Immigration and Customs*  
19 *Enforcement* (Case No. 03-674). On other national security, criminal justice, and  
20 human rights issues, the organization regularly serves as *amicus curiae* before  
21 several other US Courts of Appeals, District Courts, the U.S. Supreme Court,  
22 appellate courts in other countries, and international courts and tribunals.

23 Freedom For Immigrants (formerly Community Initiatives for Visiting  
24 Immigrants in Confinement) was founded in 2010 as the first immigration detention  
25 visitation program in California. It then joined forces with four other visitation  
26 programs around the country and established a national visitation network. Between  
27 2012 and 2017, FFI grew the national visitation network to 43 immigrant prisons  
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1 and jails, and launched the largest national free hotline for people in immigration  
2 detention. FFI visits and monitors these 43 immigrant prisons and jails in California  
3 and nationwide. Through these visits, FFI gathers data and stories to combat  
4 injustice at the individual level and push for systematic change.

5 FFI has been *amicus curiae* concerning immigration detention conditions in a  
6 number of federal cases, including the U.S. Supreme Court in *Jennings v. Rodriguez*  
7 (Case No. 15-1204), and the D.C. Circuit Court of Appeals in *Global Tel\*Link v.*  
8 *Federal Communications Commission* (Case No. 15-1461).

9 The *amici curiae* brief of ILRC, HRW, and FFI provides insight into the  
10 conditions of California's immigration detention centers. It offers examples of the  
11 conditions of immigration detention centers in California based on stories learned by  
12 ILRC, HRW, and FFI through their interactions with detained persons. As further  
13 discussed in the brief, these stories are relevant to Defendants' Opposition to  
14 Plaintiff's Motion for Preliminary Injunction because they demonstrate that AB 103  
15 is necessary for the State of California to review and determine the full extent of  
16 general welfare, health, and safety conditions in the immigration detention centers  
17 within its borders.

18 Pursuant to Rule 29(c)(5) of the Federal Rules of Appellate Procedure, ILRC,  
19 HRW, and FFI state that: (A) there is no party or counsel for a party in the pending  
20 case who authored the amicus brief in whole or in part; (B) there is no party or  
21 counsel for a party in the pending case who contributed money that was intended to  
22 fund preparing or submitting the brief; and (C) no person or entity contributed  
23 money that was intended to fund preparing or submitting the brief, other than ILRC,  
24 HRW, FFI, and their members.

25 For the foregoing reasons, ILRC, HRW, and FFI respectfully request that the  
26 Court grant their motion to file the attached brief in support of Defendants'  
27 Opposition to Plaintiff's Motion for Preliminary Injunction.  
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Dated: May 17, 2018

PILLSBURY WINTHROP SHAW  
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By:           /s/ Kirke M. Hasson            
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2018, I electronically transmitted the foregoing unopposed motion, along with the attached proposed order and *amicus curiae* brief of the ILRC, HRW, and FFI, using the United States District Court for the Eastern District of California’s Electronic Document Filing System (ECF) and that service on all counsel of record will be accomplished via the ECF system.

Respectfully submitted,

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