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Attorneys for Amicus Curiae ASIAN AMERICAN JUSTICE CENTER
a member of the Asian American Center for Advancing Justice

**Pro hac vice* motion pending

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

Utah Coalition of La Raza; Service
Employees International Union; Workers’
United Rocky Mountain Joint Board; Centro
Civico Mexicano; Coalition of Utah
Progressives; Latin American Chamber of
Commerce; Salt Lake City Brown Berets;
Jane Doe #1; John Doe #1; Milton Ivan
Salazar-Gomez; Eliana Larios; Alicia
Cervantes; John Doe #2

Plaintiffs.

v.

Gary R. Herbert, Governor of the State of
Utah, in his official capacity; Mark Shurtleff,
Attorney General of the State of Utah, in his
official capacity,

Defendants.

Case No. 2:11-cv-00401-BCW

**MOTION OF THE ASIAN AMERICAN
JUSTICE CENTER AND OTHER AMICI
CURIAE FOR LEAVE TO FILE AMICI
CURIAE BRIEF IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION**

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Twenty-two non-profit organizations respectfully move pursuant to Fed. R. Civ. P. 7 and Local Rule 7.1 for leave of this Court to file their proposed amici curiae brief (the “Proposed Brief”), lodged with the Court concurrently herewith, in support of Plaintiff’s Motion for Preliminary injunction to bar enforcement of Utah’s Illegal Immigration Enforcement Act. (Docket Number 36). The organizations filing this Motion are the Asian American Justice Center, joined by Arab Community Center for Economic and Social Services, Asian American Institute, Asian Law Caucus, Asian Pacific American Labor Alliance AFL-CIO, Asian Pacific American Legal Center, Coalition for Humane Immigrant Rights of Los Angeles, Comunidades Unidas, Heartland Alliance’s National Immigrant Justice Center, Inclusion Center for Community and Justice, Lawyers’ Committee for Civil Rights Under Law, Japanese American Citizens League, National Asian Pacific American Bar Association, National Asian Pacific American Women’s Forum, National Council of La Raza, National Guestworker Alliance, National Korean American Service & Education Consortium, National Tongan American Society, New Orleans Workers’ Center for Racial Justice, Organization of Chinese Americans, Rights Working Group, and South Asian Americans Leading Together.

The Proposed Brief presents issues not directly addressed in Plaintiffs’ Motion for Preliminary Injunction, chiefly from the viewpoint of communities of color who will face significant harm from HB 497’s enforcement. The substance of the Proposed Brief highlights the adverse effects that enforcement of HB 497 will inevitably impart on communities of color, demonstrating how the law will unfairly target and disproportionately affect them.

Persons of color, whether documented or undocumented, will suffer a disproportionate impact from HB 497’s provisions requiring local law enforcement officials

to investigate and detain persons based on a “reasonable suspicion” that the person may be undocumented. The provisions of HB 497 invite a policy of racial-profiling that unfairly target minorities on the grounds of race, ethnicity, accent, English-speaking ability, customs and/or external mannerisms. HB 497 also diminishes community trust in law enforcement officials. Fearing that every encounter with authorities will lead to interrogation about their immigration status and possible detention, immigrants, non-residents, and people of color will hesitate to contact authorities with information about crimes committed against them or crimes they witnessed. Finally, HB 497 detracts from the progress the United States, and particularly Utah, has made in the last century toward civil rights and increased integration of communities. HB 497 also violates United States Supreme Court precedent that facially neutral laws can be unconstitutional if they disparately impact minorities.

The basis for this application is set forth in this Motion, the concurrently filed Memorandum of Law in support thereof, and the Proposed Brief concurrently lodged with this Motion.

DATED: May 27, 2011

Respectfully submitted,

DORSEY & WHITNEY LLP

By: /s/ Milo Steven Marsden
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CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing, and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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Dated: May 27, 2011

Signed: /s/ Katherine J. Santon

Katherine J. Santon