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Attorneys for Plaintiffs (Additional counsel listed on following page)

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

East Bay Sanctuary Covenant; Al Otro Lado;
 Innovation Law Lab; and Central American
 Resource Center in Los Angeles,

Case No.: 18-cv-06810

Plaintiffs,

v.

**MOTION FOR A TEMPORARY
 RESTRAINING ORDER**

[IMMIGRATION ACTION]

Donald J. Trump, President of the United States, in
 his official capacity; Matthew G. Whitaker, Acting
 Attorney General, in his official capacity; U.S.
 Department of Justice; James McHenry, Director
 of the Executive Office for Immigration Review,
 in his official capacity; the Executive Office for
 Immigration Review; Kirstjen M. Nielsen,
 Secretary of Homeland Security, in her official
 capacity; U.S. Department of Homeland Security;
 Lee Francis Cissna, Director of the U.S.
 Citizenship and Immigration Services, in his
 official capacity; U.S. Citizenship and
 Immigration Services; Kevin K. McAleenan,
 Commissioner of U.S. Customs and Border
 Protection, in his official capacity; U.S. Customs
 and Border Protection; Ronald D. Vitiello, Acting
 Director of Immigration and Customs
 Enforcement, in his official capacity; Immigration
 and Customs Enforcement,

Defendants.

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16 **Pro hac vice application forthcoming*
17 ***Application for admission forthcoming*

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NOTICE OF MOTION

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs East Bay Sanctuary Covenant, Al Otro Lado, Innovation Law Lab, and Central American Resource Center of Los Angeles hereby move the Court for a temporary restraining order enjoining Defendants and all persons associated with them from implementing or enforcing the Interim Final Rule and Proclamation. **Plaintiffs request a hearing on their motion on Tuesday, November 13, 2018, in the afternoon, or on Wednesday, November 14, 2018,** in light of the irreparable harm Plaintiffs will face if the Interim Final Rule and Proclamation are not stayed.

This motion is brought pursuant to Federal Rule of Civil Procedure 65 and is based on the accompanying Memorandum in Support and materials cited therein; the pleadings and evidence on file in this matter; the accompanying declarations; and such other materials and argument as may be presented in connection with the hearing on the motion.

Pursuant to Civil L.R. 65-1(b), counsel for Plaintiffs provided notice to Defendants on November 9, 2018, by telephone call to Erez Reuveni, Assistant Director, U.S. Department of Justice, Office of Immigration Litigation – District Court Section. Counsel for Plaintiffs will promptly send a copy of these filings to Mr. Reuveni by email.

Counsel for Defendants requested that Plaintiffs submit the following statement on their behalf: “The government proposes that it file its response by 5:00 p.m. on Thursday, and that the court hold a hearing after that filing next week. This should allow timely adjudication of the request for immediate relief. First, the injuries alleged here are not injuries to individual aliens, but asserted organizational injuries. Congress has directed that an alien actually subject to a new expedited removal procedure like those Plaintiffs describe in their complaint as being aided by their work, would file a claim in the District of the District of Columbia under 8 U.S.C. 1252(e)(3). Second,

1 even considering the impact on aliens rather than Plaintiffs, normal processing of aliens in expedited
2 removal who assert a fear of return takes some time, and includes a determination by an asylum
3 officer, and time for review by an immigration judge. Thus, a faster briefing schedule is not
4 needed.”
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Dated: November 9, 2018

Respectfully submitted,

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