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7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 EAST BAY SANCTUARY COVENANT
ET AL.,

12 Plaintiffs,
13

14 v.

15 DONALD J. TRUMP, PRESIDENT OF
THE UNITED STATES ET AL.,

16 Defendants.
17

Case No. 3:18-cv-06810-JST

**NOTICE OF MOTION AND
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE AMICUS BRIEF**

1 PLEASE TAKE NOTICE that proposed amici curiae Professors of Immigration Law¹
2 request leave to file the accompanying amicus brief in support of plaintiffs' motion for a
3 preliminary injunction.

4 Amici curiae are law professors who teach and publish scholarship about United States
5 immigration law. Amici have collectively studied the implementation and history of the
6 Immigration and Nationality Act ("INA") for decades, and have written extensively on the topic.
7 They accordingly have an abiding interest in the proper interpretation and administration of the
8 Nation's immigration laws, particularly the INA. The proposed amicus brief addresses issues on
9 which plaintiffs rest their motion and as to which amici are uniquely equipped to provide guidance
10 to this Court.

11 "There are no strict prerequisites that must be established prior to qualifying for amicus
12 status; an individual seeking to appear as amicus must merely make a showing that his
13 participation is useful to or otherwise desirable to the court." Dkt. 20 (quoting *In re Roxfords*
14 *Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991)). Recognizing the significant constraints on
15 this Court's time, amici have submitted a concise brief after coordinating with more than twenty
16 professors. Dkt. 50, at 2 (urging amici to submit concise briefs after coordination with others
17 making similar arguments). Amici respectfully submit that their proposed brief could aid this
18 Court's consideration by placing the current dispute in the broader context and history of relevant
19 immigration statutes. Furthermore, the proposed brief will assist the Court in addressing the issues
20 raised in plaintiffs' motion for a preliminary injunction because it offers expertise and an alternate
21 perspective on certain factual premises and legal arguments advanced by both plaintiffs and
22 defendants.

23 Plaintiffs and defendants have consented to the filing of this brief, subject to amici's
24 compliance with a 12.5-page limit (*i.e.*, half the length of party briefs). For the foregoing reasons,
25 amici request that the Court grant leave to file the attached amicus brief.

26
27 ¹ A complete list of amici is set forth in the appendix to this motion. University affiliations are listed solely for
28 informational purposes.

CONCLUSION

For the foregoing reasons, amici's motion for leave to file the attached amicus brief should be granted.

1 DATED: December 5, 2018

Respectfully submitted,

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28 * University affiliations are listed solely for informational purposes.

APPENDIX: LIST OF AMICI*

Sabrineh Ardalan, Assistant Clinical Professor of Law
Harvard Law School

Linda Bosniak, Professor of Law
Rutgers Law School

Jason Cade, Associate Professor of Law
University of Georgia School of Law

Jennifer M. Chacón, Professor of Law
UCLA School of Law

Gabriel J. Chin, Professor of Law
University of California, Davis School of Law

Marisa Cianciarulo, Professor, Associate Dean
Chapman University Dale E. Fowler School of Law

Alina Das, Professor of Clinical Law
New York University School of Law

Ingrid V. Eagly, Professor of Law
University of California, Los Angeles School of Law

Maryellen Fullerton, Interim Dean and Professor of Law
Brooklyn Law School

Denise L. Gilman, Clinical Professor
University of Texas at Austin School of Law

Pratheepan Gulasekaram, Professor of Law
Santa Clara University School of Law

Margaret Hu, Associate Professor of Law
Washington and Lee School of Law

Alan Hyde, Distinguished Professor of Law
Rutgers Law School

Kate Jastram, Professor of Law
University of California Hastings College of the Law

Anil Kalhan, Professor of Law
Drexel University Thomas R. Kline School of Law

* University affiliations are listed solely for informational purposes.

1 Daniel Kanstroom, Professor of Law
2 Boston College Law School

3 Linda Kelly, Professor of Law
4 Indiana University Robert H. McKinney School of Law

5 Stephen Legomsky, Professor Emeritus
6 Washington University Law

7 Matthew Lindsay, Associate Professor of Law
8 University of Baltimore School of Law

9 Peter S. Margulies, Professor of Law
10 Roger Williams University School of Law

11 M. Isabel Medina, Professor of Law
12 Loyola University New Orleans College of Law

13 Michael Olivas, William B. Bates Distinguished Chair in Law
14 University of Houston Law Center

15 Jaya Ramji-Nogales, Associate Dean for Academic Affairs
16 Temple Beasley School of Law

17 David Rubenstein, Professor of Law
18 Washburn University School of Law

19 Andrew Schoenholtz, Professor from Practice
20 Georgetown University Law Center

21 Anita Sinha, Assistant Professor of Law
22 American University Washington College of Law

23 Juliet Stumpf, Professor of Law
24 Lewis & Clark Law School

25 Philip L. Torrey, Lecturer on Law
26 Harvard Law School

27 Shoba Sivaprasad Wadhia, Professor of Law
28 Penn State Law