19-3769-cv

In the United States Court of Appeals for the Second Circuit

MICHAEL P. KEARNS, in his individual capacity and official capacity as Clerk of the County of Erie, New York,

Plaintiff-Appellant,

v.

ANDREW M. CUOMO, in his official capacity as Governor of the State of New York, LETITIA JAMES, in her official capacity as Attorney General of the State of New York, MARK J.F. SCHROEDER, in his official capacity as Commissioner of the New York State Department of Motor Vehicles,

Defendants-Appellees,

NEW YORK STATE CONSERVATIVE PARTY,

Defendant.

On Appeal from the U.S. District Court for the Western District of New York

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AMICUS CURIAE BRIEF OF THE IMMIGRATION REFORM LAW INSTITUTE IN SUPPORT OF PLAINTIFF-APPELLANT

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CORPORATE DISCLOSURE STATEMENT

Amicus Curiae Immigration Reform Law Institute is a 501(c)(3) not-for-profit corporation. It neither issues stock nor has a parent corporation that issues stock.

Dated: January 15, 2020

Respectfully submitted,

/s/ Lawrence J. Joseph

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IDENTITY, INTEREST AND AUTHORITY TO FILE

Amicus curiae Immigration Reform Law Institute ("IRLI") files this *amicus curiae* brief with all parties' written consent.[1] IRLI is a not for profit 501(c)(3) public interest law firm incorporated in the District of Columbia. IRLI is dedicated to litigating immigration-related cases on behalf of United States citizens, as well as organizations and communities seeking to control illegal immigration and to reduce lawful immigration to sustainable levels. IRLI has litigated or filed *amicus curiae* briefs in many immigration-related cases before federal courts (including this Court) and administrative bodies, including *Trump v. Hawaii*, 138 S.Ct. 2392 (2018); *United States v. Texas*, 136 S. Ct. 2271 (2016); *Vidal v. Trump*, No. 18-485 (2d Cir., Feb. 20, 2018) (filed); *Arizona Dream Act Coal. v. Brewer*, 818 F.3d 101 (9th Cir. 2016); *Washington All. of Tech. Workers v. U.S. Dep't of Homeland Sec.*, 74 F. Supp. 3d 247 (D.D.C. 2014); *Save Jobs USA v. U.S. Dep't of Homeland Sec.*, No. 16-5287 (D.C. Cir., filed Sept. 28, 2016); *Matter of Silva-Trevino*, 26 I. & N. Dec. 826 (B.I.A. 2016); and *Matter of C-T-L-*, 25 I. & N. Dec. 341 (B.I.A. 2010).

STATEMENT OF THE CASE

Plaintiff-Appellant Michael Kearns serves Erie County as its elected County

[1] Pursuant to FED. R. APP. P. 29(a)(4)(E), and Circuit Rule 29.1(b), counsel for *amicus* authored this brief in whole; no counsel for a party authored this brief in any respect; and no person or entity — other than *amicus*, its members, and its counsel — contributed monetarily to this brief's preparation or submission.

Clerk, in which capacity he supervises the issuance of state drivers' licenses. *See* N.Y. VEH. & TRAF. LAW § 205(1). While licensing drivers may be primarily a state function, the "[p]ower to regulate immigration is unquestionably exclusively a federal power." *DeCanas v. Bica,* 424 U.S. 351, 354 (1976). This case concerns the intersection of those two issues — drivers' licenses and immigration — seen through the lens of Article III's threshold requirement for a case or controversy to establish federal jurisdiction.

Under federal law, federal agencies will not recognize or accept a state-issued driver's license if the state has not verified the licensee's lawful presence in the United States. *See* REAL ID Act of 2005, PUB. L. NO. 109-13, § 202(a)(1), 202(c)(2)(B), 119 Stat. 231, 312-13 (49 U.S.C. § 30301 note). Federal law, specifically the Immigration and Naturalization Act, 8 U.S.C. §§ 1101-1537 ("INA"), also prohibits knowingly or recklessly concealing, harboring, or shielding from detection illegal aliens in furtherance of their continued violation of immigration laws. *See* 8 U.S.C. § 1324(a)(1)(A)(iii). Importantly, the INA includes conspiracy and aiding-and-abetting liability within the same crime. *Id.* § 1324(a)(1)(A)(v).

In 2019, New York's legislature enacted the Driver's License Access and Privacy Act, S.B. 1747-B, 247th Legis. Sess. (N.Y. 2019) (hereinafter, "Green Light Law"). Whatever else it accomplishes, one purpose of the Green Light Law was to

"create a driver's license for undocumented people." (A-47, 97 (Governor Cuomo); *see also* Appellants' Br. 7-8.) Under the Green Light Law, illegal aliens can obtain a form of drivers' license — known as a "standard license" — because the Green Light Law allows issuing a license without the recipient's establishing lawful residence, N.Y. VEH. & TRAF. LAW § 502(8)(b), and — in lieu of providing a Social Security Number ("SSN") — by submitting an affidavit attesting to the lack of an SSN. *Id.* § 502(1). In addition to making a license available to illegal aliens, the Green Light Law also goes to some length to protect illegal aliens from getting on the federal government's radar via the act of obtaining a license:

- The Green Light Law prohibits state and local officials not only from asking about applicants' immigration status, but also from retaining any information pertaining to that status. *Compare* N.Y. VEH. & TRAF. LAW § 502(8)(e)(ii) *with id.* § 502(8)(c)(iii).
- The Green Light Law requires the destruction of documents submitted by applicants for standard licenses after use of the documents in the licensing process. *Id.* § 502(8)(d).
- The Green Light Law prohibits state and local officials from disclosing records about applicants for standard licenses to federal immigration officials without a court order or warrant, *id.* § 201(12)(a), including records about

whether an applicant holds a standard license or a REAL ID-compliant license, *id.* § 201(10).

- The Green Light Law requires those who receive or have access to license applicants' records to certify in advance that they will neither use the record or information for civil immigration purposes nor disclose any records or information to any agency that primarily enforces immigration law. *Id.* § 201(12)(b).
- The Green Light Law requires the Commissioner of the New York State Department of Motor Vehicles to notify applicants and license holders within three days of receiving a request for records from immigration authorities. *Id.* § 201(12)(a).

Amicus IRLI respectfully submits that, taken as a whole, the Green Light Law can only be read as an attempt not only to benefit illegal aliens with a license but also to shield them from detection by federal immigration authorities. As Governor Cuomo stated: "You create a driver's license for undocumented people, you just have to make sure you do it in a way that the feds don't come in the next day and access that database with the exact opposite intention." (A-97.)

For a County Clerk such as Kearns, the Green Light Law and the INA's anti-harboring provisions pose a dilemma: he cannot comply with both. For that reason, he sued New York's Governor, its Attorney General, and the Commissioner of the

New York State Department of Motor Vehicles to clarify that federal law preempts the Green Light Law, thus excusing his compliance with the Green Light Law. Finding the threat of Kearns's removal from office on state-law grounds or his federal prosecution on federal-law grounds too remote, the district court dismissed for lack of Article III standing.

SUMMARY OF ARGUMENT

On the terms that the parties have argued standing, the district court erred first by incorrectly deeming this action to require an "especially rigorous" analysis of standing under *Raines v. Byrd*, 521 U.S. 811, 819-20 (1997), when *Raines* applies only when a federal court must review the actions of another branch of the *federal* government (Section I.A.1). Similarly, and perhaps because of its error on *Raines*, the district court also erred by inventing a requirement that plaintiffs can sue under threat-of-enforcement standing only if they challenge the statute that threatens them directly (Section I.A.2) and by failing to adopt Kearns's merits views *arguendo* for purposes of evaluating his standing (Section I.A.3). Again, perhaps because of its error with respect to *Raines* scrutiny, the district court also evaluated the fear-of-enforcement standing too strictly, without requiring either the government's actual disavowal of enforcement or some other reason that would render Kearns's fears of enforcement too insubstantial or non-imminent for Article III (Section I.B). As long as this Court concurs that Kearns has met the Article III minima for standing, this

case presents a classic example of a potential defendant's using the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202 ("DJA"), to seek a negative declaration of his liability, rather than waiting for that liability to accrue — *viz*, waiting until it is too late (Section I.C).

In addition to the Article III issues raised by the parties and the district court, *amicus* IRLI respectfully submits that two additional forms of Article III standing are present here. First, the Green Light Law unconstitutionally violates Kearns's First Amendment right to report unlawful conduct to the federal government, which is a wholly distinct basis on which Kearns has standing to challenge the Green Light Law (Section II.A). Second, because New York's Attorney General could sue under *parens patriae* standing on behalf of New York residents to compel Kearns to comply with the Green Light Law, Kearns can sue the Attorney general under what has been called "reverse *parens patriae*" standing because the underlying case or controversy is the same in either direction (Section II.B).

ARGUMENT

I. KEARNS HAS STANDING TO SUE ON THE BASES THAT HE ARGUES IN HIS OPENING BRIEF.

The threats that Kearns identified — namely, being removed from office for failing to comply with the Green Light Law versus violating the INA's anti-harboring provisions — provide ample basis for Kearns's standing to seek a negative declaration of his obligations, without waiting for either of the negative events to

materialize. Accordingly, this Court should reverse the district court's finding that Kearns lacks standing.

A. The district court's standing analysis is fatally flawed.

The district court's analysis of Kearns's standing is fatally flawed for several related reasons. Since this Court reviews standing *de novo*, *Fulton v. Goord*, 591 F.3d 37, 41 (2d Cir. 2009), the Court should begin by rejecting the district court's analysis.

1. Heightened review under *Raines* does not apply.

Amicus IRLI reiterates Kearns's first argument: the district court erred by applying an "especially rigorous" review of Kearns's standing under *Raines*, 521 U.S. at 819-20. *See* Appellants' Br. 21-23. By its terms, *Raines* does not apply to disputes between officials in New York's *state and local* government:

> And our standing inquiry has been especially rigorous when reaching the merits of the dispute would force us to decide whether an action taken by one of the other two branches of the *Federal Government* was unconstitutional.

Raines, 521 U.S. at 819-20 (emphasis added). Although this Court's review is *de novo* in any event, *Fulton*, 591 F.3d at 41, the district court's application of the wrong standard would require a fresh look at standing even if review were not *de novo*.

2. The district court erred by requiring a match between the allegedly unlawful statute and the injury-causing statute.

The district court erred in limiting pre-enforcement review to "challenges to allegedly unconstitutional laws [that] involve challenges to the very statutes under

which the plaintiff fears prosecution." (Op. 14; SPA 14.) None of the cases that the district court cites for this novel proposition *hold* that. Instead, the cited cases are merely examples of pre-enforcement review against a statute that directly threatened a plaintiff. As this Court has recognized, the "Supreme Court and this Court have frequently found standing on the part of plaintiffs who were not directly subject to a statute, and asserted only indirect injuries." *Amnesty Int'l United States v. Clapper*, 638 F.3d 118, 142 (2d Cir. 2011), *rev'd* 568 U.S. 398 (2013). The Supreme Court's reversal in *Clapper* in no way undermines this Court's point that plaintiffs can show injury indirectly. When (as here) a plaintiff faces a "Hobson's choice" of taking one of two (or more) actions, with each action having its unique downside, *see* Section I.B, *infra*, the plaintiff necessarily faces a cognizable fear of injury from something other than one of the causes that the plaintiff challenges.

3. The district court failed to assume Kearns's merits analysis to evaluate his standing.

As Kearns explains, the district court also garbled the INA to reject Kearns's fear of INA prosecution. *See* Appellant's Br. 26-28, 38-47. In doing so, the district court erroneously conflated standing with the merits, which requires reversal here: The district court not only conducted the wrong standing analysis but also incorrectly analyzed the INA.

Analyzing standing should be antecedent to analyzing the merits, *Coan v. Kaufman*, 457 F.3d 250, 256 (2d Cir. 2006), and courts should not "conflate[] the

requirement for an injury-in-fact with the … validity of [the plaintiff's] claim." *Dean v. Blumenthal*, 577 F.3d 60, 66 n.4 (2d Cir. 2009). The district court's approach "confuses standing with the merits." *Initiative & Referendum Institute v. Walker,* 450 F.3d 1082, 1092 (10th Cir. 2006); *Lac du Flambeau Band of Lake Superior Chippewa Indians v. Norton,* 422 F.3d 490, 501 (7th Cir. 2005); *In re Columbia Gas Systems Inc.,* 33 F.3d 294, 298 (3d Cir. 1994). But "'standing in no way depends on the merits of the plaintiff's contention that particular conduct is illegal.'" *McConnell v. FEC,* 540 U.S. 93, 227 (2003) (quoting *Warth v. Seldin,* 422 U.S. 490, 500 (1975)). Instead, "in reviewing the standing question, the court… must … assume that on the merits the [plaintiff] would be successful in [its] claims." *Southern Cal. Edison Co. v. F.E.R.C.,* 502 F.3d 176, 180 (D.C. Cir. 2007). Otherwise, every losing plaintiff would lose for lack of standing.

While a plaintiff is entitled to have courts accept its merits view for purposes of Article III standing even if those claims are questionable,[2] the district court erred to an even greater extent here. The district court analyzed the INA incorrectly, which exacerbates the district court's failure to accept Kearns's merits views for purposes of the standing analysis. As Kearns explains, the district court ignored that the INA

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[2] Although not relevant here, a court's duty to assume the plaintiff's merits view to evaluate the court's jurisdiction does not apply to arguments that are "wholly insubstantial or frivolous." *Bell v. Hood,* 327 U.S. 678, 685 (1946).

includes aiding-and-abetting and conspiracy liability, 8 U.S.C. § 1324(a)(1)(A)(v), thus undermining the district court's conclusion that Kearns would not face prosecution for participating in the Green Light Law's implementation. Appellant's Br. 41. The district court also failed to adopt this Circuit's broad view of the scope of "harboring" under the INA. *See id.* 26-27, 46-47. Finally, the district court conflated the three forms of violations (namely, harboring, concealing, and shielding from detection) as equating to the district court's narrow view of "harboring." To the contrary, Congress added the "shield from detection" prong separately, *United States v. Acosta de Evans*, 531 F.2d 428, 430 & n.3 (9th Cir. 1976) (discussing legislative history), making it distinct from harboring. Whatever "harboring" means, the Green Light Law clearly seeks to shield illegal aliens from detection.

In sum, the district court erred by failing to accept Kearns's merits arguments in evaluating Kearns's standing. Furthermore, in departing from Kearns's merits views — which are correct statements of the INA — the district court erroneously evaluated the INA's substantive merits.

B. Kearns has standing to avoid the Hobson's choice of violating either the Green Light Law or the INA.

As Kearns explains, the district court applied an overly rigorous analysis of his standing based on the fear of enforcement. *See* Appellant's Br. 24-25. Insofar as review of standing is *de novo*, *Fulton*, 591 F.3d at 41, it does not matter whether the district court misapplied the law generally or did so under the incorrect assumption

that *Raines* applied here. *But see* Section I.A.1, *supra* (*Raines* is inapposite here). Either way, this Court should not repeat and must reject the district court's error.

The district court found the imminence of Kearns's enforcement exposure insufficient for Article III, but the test is whether that exposure is "imaginary or wholly speculative." *Babbitt v. United Farm Workers Nat'l Union,* 442 U.S. 289, 302 (1979). Although the defendants-appellees have not *committed* to seek Kearns's removal from office, that is not the test. *See Tweed-New Haven Airport Auth. v. Tong*, 930 F.3d 65, 71 (2d Cir. 2019) (requiring either "disavowal by the government or another reason to conclude that no such intent existed" to reject fear-of-enforcement standing). As Kearns explains, *see* Appellant's Br. 11-12, the defendants-appellees' statements qualify as neither a disavowal nor a reason for Kearns to feel safe in ignoring the Green Light Law. For two *additional* reasons, Kearns's enforcement-based exposure is even greater than he argues.

First, the district court did not consider Kearns's *civil* exposure. In addition to facing federal prosecution under the INA, Kearns, similarly situated county clerks, *and* the defendants-appellees also face the prospect of civil suit under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), to which Congress added the INA harboring statute as a predicate offense. *See* PUB. L. NO. 104-132, Title IV, § 433, 110 Stat. 1214, 1274 (1996); 18 U.S.C. § 1961(1)(F). By doing so, Congress exposed Kearns to civil enforcement by private parties. 18 U.S.C. § 1964(c); *Tafflin*

v. Levitt, 493 U.S. 455, 458 (1990). Thus, the exposure that Kearns faces is even greater than he has alleged to date.

Second, the district court's insistence that Kearns choose his poison (that is, violating New York law or the INA) fails to appreciate Kearns's dilemma: he does not want to violate *any* lawful command, but that requires knowing whether the INA preempts the Green Light Law. Some cases call this a "Hobson's choice," *Davis v. N.Y. State Bd. of Elections*, 689 F. App'x 665, 669 (2d Cir. 2017); *Meese v. Keene*, 481 U.S. 465, 475 (1987), and some call it "an *in terrorem* choice." *Cardinal Chem. Co. v. Morton Int'l*, 508 U.S. 83, 95 (1993) (quoting *Arrowhead Indus. Water, Inc. v. Ecolochem, Inc.*, 846 F.2d 731, 734-35 (Fed. Cir. 1988)). Whatever the name, the point is that either path has a sufficiently negative outcome that Article III is met simply by being placed in the position to have to choose a path.

C. An Article III case or controversy suffices for Kearns to obtain a "negative declaration" on the Green Light Law's applicability.

Assuming *arguendo* that this Court holds that Kearns has Article III standing, this is a classic case for a person faced with a compliance dilemma to seek a negative declaration[3] rather than wait to be sued or prosecuted. While DJA plaintiffs must, of

[3] As this Court has long recognized, "'the action for a so called negative declaration is simply a broadening of the equitable action for the removal of a cloud from title to cover the removal of clouds from legal relations generally.'" *Luckenbach S. S. Co. v. United States*, 312 F.2d 545, 551-52 (2d Cir. 1963) (quoting EDWIN BORCHARD, DECLARATORY JUDGMENTS 21 (2nd ed. 1941)).

course, establish an Article III case or controversy, *Cardinal Chem.*, 508 U.S. at 95, that is the only jurisdictional threshold. When a declaratory relief plaintiff meets that Article III threshold, "a declaratory relief action brings an issue before the court that otherwise might need to await a coercive action brought by the declaratory relief defendant." *United States v. Doherty*, 786 F.2d 491, 498 (2d Cir. 1986) (internal quotation marks omitted). The DJA's "fundamental purpose" is "'to avoid accrual of avoidable damages to one not certain of his rights and to afford him an early adjudication without waiting until his adversary should see fit to begin suit, after damage had accrued.'" *Id.* (quoting *Luckenbach*, 312 F.2d at 548). Given the dilemma that Kearns faces, his action warrants resolution under the DJA.

II. AN ARTICLE III CASE OR CONTROVERSY EXISTS WHOLLY APART FROM THE THREAT OF NEW YORK'S SEEKING TO REMOVE KEARNS FROM OFFICE.

Although Kearns has standing to pursue his claims on the bases that he has argued, *see* Section I, *supra*, *amicus* IRLI respectfully submits that Kearns has other bases for standing. These other bases, moreover, might make future proceedings easier for the parties and the courts. Accordingly, this section lays out two additional bases for Kearns's standing.

A. <u>The Green Light Law unlawfully infringes Kearns's First Amendment right to contact federal authorities.</u>

In addition to exposing Kearns to the dilemma of risking either the loss of his job under New York law or federal prosecution under the INA, the Green Light Law

also injures Kearns by violating his First Amendment rights to contact the federal government: "The rights to complain to public officials and to seek administrative and judicial relief are protected by the First Amendment," *Gagliardi v. Village of Pawling*, 18 F.3d 188, 194-95 (2d Cir. 1994); *Franco v. Kelly*, 854 F.2d 584, 589 (2d Cir. 1988), although *public* employees must show that their petition or speech activity implicates a "matter of public concern." *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 382-83 (2011) (right of petition); *Garcetti v. Ceballos*, 547 U.S. 410, 415-16 (2006) (right of speech). Because the *Garcetti* line of cases does not limit Kearns's First Amendment rights here, this Court could find standing on the alternate basis of Kearns's First Amendment injuries from the Green Light Law.

The *Garcetti* line of cases applies to "speech made pursuant to a public employee's official duties," *Weintraub v. Bd. of Educ.*, 593 F.3d 196, 198 (2d Cir. 2010), and leaves First Amendment protections potentially available only for matters of public concern. *Jackler v. Byrne*, 658 F.3d 225, 235 (2d Cir. 2011). For speech on matters of public concern within the employee's official duties, a balancing test applies: "whether the relevant government entity had an adequate justification for treating the employee differently from any other member of the general public." *Id.* Neither limitation applies here.

First, any contact that Kearns makes with federal immigration officials would be outside his official duties. "[P]olicemen, like teachers and lawyers, are not

relegated to a watered-down version of constitutional rights," so "freedom of speech is not traded for an officer's badge." *Watters v. City of Philadelphia*, 55 F.3d 886, 899 (3d Cir. 1995) (interior quotation marks omitted); *Lane v. Franks*, 573 U.S. 228, 236 (2014) (employee speech is not precluded from protection simply because it "concerns information related to or learned through public employment"). For this reason, the *Garcetti* line of cases is inapposite.

Second, even if the *Garcetti* line of cases applied, the public-concern test would readily be met because "government employers have no legitimate interest in covering up wrongdoing." *Moran v. Washington*, 147 F.3d 839, 849 n.6 (9th Cir. 1998) (citing *Johnson v. Multnomah Cty.*, 48 F.3d 420, 424-25 (9th Cir. 1995)). Additionally, because the plaintiff's merits views should be assumed in standing analysis, *see* Section I.A.3, *supra*, the Green Light Law must be viewed as preempted and thus as falling short of the required "adequate justification" to suppress employee speech. *Jackler*, 658 F.3d at 235.

B. The dispute between Kearns and New York satisfies Article III as a "reverse *parens patriae*" suit.

Instead of focusing on Kearns's dilemma of whether to risk INA enforcement or violate the Green Light Law and risk removal from office, this Court could focus on a different case or controversy that divides the parties: whether the Erie County Clerk's Office must issue standard licenses under the Green Light Law. For example, if Kearns ordered his staff not to comply with the Green Light Law, a beneficiary of

that law could bring an action in state or federal court to compel the Erie County Clerk's Office to issue standard licenses under the Green Light Law. Alternatively, New York's Attorney General could bring that action in state or federal court, relying on *parens patriae* standing. *People v. Grasso*, 11 N.Y.3d 64, 69 n.4, 893 N.E.2d 105, 107 n.4 (N.Y. 2008). But if New York's Attorney General could sue Kearns to compel his compliance with the Green Light Law, Kearns should be equally able to sue the Attorney General for a negative declaration, rather than awaiting suit. *See* Section I.C, *supra*. Either way, the underlying Article III case or controversy — namely, whether the illegal aliens get the licenses under the Green Light Law and the prudential ability of the Attorney General to represent those interests — is the same.

Professor Stewart classified such suits as falling under the "reverse *parens patriae* principle." *See* Richard B. Stewart, *Pyramids of Sacrifice? Problems of Federalism in Mandating State Implementation of National Environmental Policy*, 86 YALE L. J. 1196, 1247-49 (1977). This approach avoids the need to question the imminence of New York's seeking Kearns's removal or the federal government's prosecuting him for INA violations. While those controversies satisfy Article III, *see* Section I, *supra*, it is even more clear that aliens will seek licenses under the Green Light Law, and that is controversy enough for federal jurisdiction.

CONCLUSION

For the foregoing reasons, the court should hold that Mr. Kearns has standing to challenge the Green Light Law, vacate the district court's dismissal of this action, and remand for the district court to rule expeditiously on the motion for a preliminary injunction.

Dated: January 15, 2020

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. The foregoing brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because the brief contains 3,959 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii) and Circuit Rule 32.2.

2. The foregoing brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because the brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman 14-point font.

Dated: January 15, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2020, I electronically submitted the foregoing *amicus curiae* brief to the Clerk via the Court's CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the participants in this appeal who are registered CM/ECF users.

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