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10 Illegal Alien Crime, and Fight Sanctuary State

11 **IN THE UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 UNITED STATES OF AMERICA,)
14 *Plaintiff,*)

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

15 v.)

**MOTION OF NATIONAL
SHERIFFS' ASSOCIATION AND
VICTIMS' ORGANIZATIONS FOR
LEAVE TO FILE AMICI CURIAE
BRIEF IN SUPPORT OF
PLAINTIFF**

16 STATE OF CALIFORNIA, *et al.*,)
17 *Defendants.*)

Judge: Hon. John A. Mendez

NO HEARING NOTICED

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23 Prospective *amici curiae* National Sheriffs' Association, Advocates for Victims of Illegal
24 Alien Crime, and Fight Sanctuary State respectfully move this Court for an Order to grant them
25 leave to file an *amici curiae* brief in this action. A proposed Order is attached.
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2 **INTEREST AND IDENTITY OF AMICUS CURIAE**

3 The National Sheriffs' Association ("NSA") is a professional association that represents
4 thousands of sheriffs, deputies, other law enforcement officials, public safety professionals, and
5 concerned citizens nationwide. In keeping with its mission to support law enforcement officers
6 and law enforcement, NSA supports the enforcement of the nation's immigration laws, which
7 both California Assembly Bill 450 ("AB 450") and Senate Bill 54 ("SB 54") frustrate.

8 Advocates for Victims of Illegal Alien Crime ("AVIAC") is an advocacy organization
9 founded and led by individuals, including Californians, who have lost family members because
10 of crimes committed by illegal aliens. AVIAC's mission is to be both a source of support for
11 such victims across the country and an advocate for policies that will enforce the nation's
12 immigration laws and prevent government actors from sheltering illegal aliens, particularly
13 criminal aliens, from deportation. AVIAC therefore takes an interest in the case at bar, which
14 seeks to overturn AB 450 and SB 54, both of which frustrate the enforcement of immigration
15 laws.

16 Fight Sanctuary State ("FSS") is a California-based advocacy organization also founded
17 and led by individuals who have lost family members because of illegal alien crime. FSS is
18 dedicated specifically to working to overturn or repeal laws in the state of California, such as AB
19 450 and SB 54, that protect illegal aliens, including criminal aliens, from law enforcement.

20 **CORPORATE DISCLOSURE STATEMENT**

21 None of these prospective *amici curiae* has a parent company, and none issues stock.

22 **ARGUMENT**

23 NSA, AVIAC, and FSS submit this *amici curiae* brief to assist this Court in
24 understanding how, in numerous ways in addition to those identified in plaintiff's brief in
25 support of its motion for a preliminary injunction, provisions of California's law challenged in
26 this action violate both the U.S. Constitution and federal statutory law.

27 Proposed *amici curiae* make several arguments that plaintiffs make either glancingly or
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1 not at all: 1) that the challenged provisions of SB 54 and AB 450 not only are preempted because
2 they stand as obstacles to congressional purposes behind federal immigration law, but that the
3 challenged provisions of SB 54 violate the Supremacy Clause directly, by mandating that local
4 officials attempt to block federal officers from performing their duty to enforce federal law; 2)
5 that the challenged provisions of SB 54 and AB 450 are not exercises of powers reserved to the
6 states by the Tenth Amendment; 3) that, in the challenged provisions of SB 54, California has
7 impermissibly enacted its own foreign policy; 4) that the challenged provisions of SB 54 compel
8 local law enforcement to commit harboring, in violation of federal statutory law; and 5) that the
9 challenged provisions of AB 450 violate the petitioning rights of employers.
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11 The parties have consented to the filing of this *amici curiae* brief. No counsel for a party
12 authored this brief in whole or in part and no person or entity, other than *amici curiae*, their
13 members, or their counsel, has contributed money that was intended to fund preparing or
14 submitting the brief.

15 **CONCLUSION**

16 For the foregoing reasons, the instant motion for leave to file an *amici curiae* brief should
17 be granted.

18 Dated: April 6, 2018

Respectfully submitted,

19 /s/ Julie B. Axelrod

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28 Attorneys for *Amici Curiae*

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2018, I electronically filed the foregoing motion for leave to file and proposed order, together with the accompanying *amici curiae* brief, with the Clerk of the Court for the United States District Court for the Eastern District of California. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Parties may access this filing through the Court's CM/ECF System.

/s/ Julie B. Axelrod
Julie B. Axelrod