

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON,

Plaintiff,

v.

DONALD TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; JOHN F. KELLY, in his official
capacity as Secretary of the Department of
Homeland Security; TOM SHANNON, in his
official capacity as Acting Secretary of State;
and the UNITED STATES OF AMERICA,

Defendants.

Case No. 2:17-cv-00141

AMERICAN CIVIL LIBERTIES
UNION OF WASHINGTON'S
MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF

Note on Motion Calendar:
February 2, 2017

I. INTRODUCTION

The American Civil Liberties Union of Washington ("ACLU-WA") respectfully moves for leave to file an amicus curiae brief in support of the State of Washington's Motion for a Temporary Restraining Order. A copy of the proposed brief is attached as Exhibit A to this motion. The parties do not oppose the filing of this amicus curiae brief.

I. IDENTITY AND INTEREST OF AMICUS CURIAE

ACLU-WA is a statewide, nonpartisan, nonprofit organization of over 50,000 members, dedicated to the preservation of civil liberties. ACLU-WA works in courts, legislatures, and

1 communities to preserve the individual rights and liberties guaranteed to all people by the
 2 Constitution and laws of the United States. ACLU-WA frequently participates in cases
 3 involving the intersection of immigration and civil liberties, including as amicus curiae.

4 Through its advocacy and community engagement work, ACLU-WA is particularly
 5 aware of the impact the President's Executive Order Protecting the Nation from Foreign
 6 Terrorist Entry in to the United States (the "Order") will have on Washington residents. ACLU-
 7 WA supports individuals and their families detained, denied entry, or otherwise harmed by the
 8 Order. ACLU-WA has become a focal point to which many people harmed by the Executive
 9 Order have turned in Washington State. ACLU-WA has set-up a special email address to allow
 10 persons affected by the travel ban to communicate the impacts of the ban on their lives. *See*
 11 <http://www.aclu-wa.org/>. And on January 28, 2017, ACLU-WA with the Northwest Immigrant
 12 Rights Project filed an emergency Writ of Habeas Corpus for the release of two individuals who
 13 were detained at the Seattle-Tacoma International Airport due to the Order.
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16 II. REASONS WHY MOTION SHOULD BE GRANTED

17 District courts have "broad discretion" to appoint amicus curiae. *Skokomish Indian Tribe*
 18 *v. Goldmark*, No. C13-5071JLR, 2013 WL 5720053, at *1 (W.D. Wash. Oct. 21, 2013) (quoting
 19 *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)). "District courts frequently welcome
 20 amicus briefs from non-parties concerning legal issues that have potential ramifications beyond
 21 the parties directly involved or if the amicus has 'unique information or perspective that can help
 22 the court beyond the help that the lawyers for the parties are able to provide.'" *NGV Gaming,*
 23 *Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quoting
 24 *Cobell v. Norton*, 246 F.Supp.2d 59, 62 (D.D.C. 2003)). The "classic role" of amicus curiae is to
 25 "assist[] in a case of general public interest, supplement[] the efforts of counsel, and draw[] the
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1 court's attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm'r of Labor &*
2 *Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982).

3 The Court should exercise its discretion to permit ACLU-WA to file the attached amicus
4 brief. Counsel for ACLU-WA is familiar with the scope of the arguments presented by the
5 parties and will not unduly repeat those arguments. Instead, ACLU-WA will draw upon its
6 communications with Washington residents and their families affected by the Order to illustrate
7 the profound, widespread, and irreparable harm it has caused and will continue to cause absent
8 Court intervention.
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10 **III. CONCLUSION**

11 For these reasons, ACLU-WA respectfully requests that the Court grant it leave to file the
12 amicus brief attached as Exhibit A.
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14 DATED this 2nd day of February, 2017.
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2017, I electronically filed the foregoing document with the United States District Court ECF system, which will send notification of such filing to the following:

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6 *Attorneys for Amicus Americans United for*
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8 Signed at Seattle, Washington this 2nd day of February, 2017.

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