

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT (“NWIRP”), a nonprofit
Washington public benefit corporation; and
YUK MAN MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official
capacity as Attorney General of the United
States; UNITED STATES DEPARTMENT
OF JUSTICE; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; JUAN OSUNA,
in his official capacity as Director of the
Executive Office for Immigration Review; and
JENNIFER BARNES, in her official capacity
as Disciplinary Counsel for the Executive
Office for Immigration Review,

Defendants.

No. 2:17-CV-00716-RAJ

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

NOTED: MAY 12, 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 Northwest Immigrant Rights

Project's ("NWIRP") Motion for Temporary Restraining Order (Dkt #2). A copy of the proposed brief is attached as Exhibit A to this motion. The Plaintiffs do not oppose the filing of this amicus curiae brief, and the Defendants take no position as to filing, but noted that they would like an opportunity to respond.

II. IDENTITY AND INTEREST OF AMICUS CURIAE

ACLU-WA is a statewide, nonpartisan, nonprofit organization of over 75,000 members and supporters dedicated to the preservation of civil liberties. ACLU-WA works in courts, legislatures, and communities to preserve the individual rights and liberties guaranteed to all people by the Constitution and laws of the United States. ACLU-WA frequently participates as amicus curiae in cases involving civil liberties, including cases involving First Amendment and immigrant rights. In order to promote its organizational mission and the interests of its members, ACLU-WA engages in community education and frequently provides limited legal services to people in Washington State. It has an interest both in protecting its own First Amendment right to shape its advocacy as well as the First Amendment rights of similar nonprofit organizations.

III. REASONS WHY MOTION SHOULD BE GRANTED

District courts have "broad discretion" to appoint amicus curiae. *Skokomish Indian Tribe v. Goldmark*, No. C13-5071JLR, 2013 WL 5720053, at *1 (W.D. Wash. Oct. 21, 2013) (quoting *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)). "District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has 'unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.'" *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067

(N.D. Cal. 2005) (quoting *Cobell v. Norton*, 246 F.Supp.2d 59, 62 (D.D.C. 2003)). The “classic role” of amicus curiae is to “assist[] in a case of general public interest, supplement[] the efforts of counsel, and draw[] the court's attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm'r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982).

The Court should exercise its discretion to permit ACLU-WA to file the attached amicus brief. Counsel for ACLU-WA is familiar with the scope of the arguments presented by the parties and will not unduly repeat those arguments. Instead, ACLU-WA will draw upon its First Amendment expertise and experience as a nonprofit public interest legal organization representing and advising individuals in various capacities to emphasize the First Amendment issues at stake and illustrate the profound consequences that will result absent Court intervention.

IV. CONCLUSION

For these reasons, ACLU-WA respectfully requests that the Court grant it leave to file the amicus brief attached as Exhibit A.

DATED this 12th day of May, 2017.

Hillis Clark Martin & Peterson P.S.

By s/ Jake Ewart

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CERTIFICATE OF SERVICE

I hereby certify that on 12th day of May, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 12th day of May, 2017 at Seattle, Washington.

s/ Jake Ewart

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