Nos. 19-17213, 19-17214, 19-35914

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CITY AND COUNTY OF SAN FRANCISCO and COUNTY OF SANTA CLARA, *Plaintiffs-Appellees*,
v.
U. S. CITIZENSHIP AND IMMIGRATION SERVICES, et al., *Defendants-Appellees*,

---

STATE OF CALIFORNIA, et al., *Plaintiffs-Appellees*,
v.
U.S. DEPARTMENT OF HOMELAND SECURITY, et al., *Defendants-Appellees*,

---

STATE OF WASHINGTON, et al., *Plaintiffs-Appellees*,
v.
U.S. DEPARTMENT OF HOMELAND SECURITY, et al., *Defendants-Appellees*,

---

On Appeal from the United States District Courts
for the Northern District of California and the Eastern District of Washington

---

PLAINTIFFS' JOINT OPPOSITION TO MOTION TO INTERVENE

MATTHEW RODRIQUEZ
Acting Attorney General of California
MICHAEL L. NEWMAN
Senior Assistant Attorney General
CHEROKEE DM MELTON
Supervising Deputy Attorney General

LISA CISNEROS
KATHERINE LEHE
JULIA HARUMI MASS
BRENDA AYON VERDUZCO
ANNA RICH
Deputy Attorneys General
1515 Clay St.
Oakland, CA 94612-0550
(510) 879-0296
Anna.Rich@doj.ca.gov
Attorneys for Plaintiff-Appellee State of California

March 22, 2021
Additional counsel for Plaintiffs-Appellees listed on signature page.

INTRODUCTION

When Plaintiffs in these related appeals filed suit in August 2019, the prior federal administration had just issued a new regulation that drastically expanded the interpretation and implementation of the "public charge" ground for inadmissibility under 8 U.S.C. § 1182(a)(4)(A). *See* 84 Fed. Reg. 41,292 (Aug. 14, 2019) ("the Rule").[1] In ensuing litigation, the district courts granted motions to preliminarily enjoin the Rule. This Court affirmed on the basis that the Rule is likely contrary to law and arbitrary and capricious under the Administrative Procedure Act, and that the harms to the plaintiffs, the balance of equities, and the public interest supported the issuance of preliminary injunctions. *City & Cnty. of San Francisco v. U.S. Citizenship & Immigration Servs.*, 981 F.3d 742, 761-62 (9th Cir. 2020).

Since then, intervening events have mooted these appeals. A district court in the Northern District of Illinois entered final judgment vacating the Rule nationwide. *Cook Cnty, Ill. v. Wolf*, No. 19-cv-06334, 2020 WL 6393005 (N.D. Ill. Nov. 2, 2020). Although the defendants initially filed a notice of appeal of that decision, the Seventh Circuit Court of Appeals dismissed the appeal on March 9, 2021, allowing the district court's final judgment to take effect. And on March 15, 2021, the federal government issued a notice in the Federal Register to implement the district court's ruling.

As a result of the vacatur of the Rule, this appeal concerning the propriety of preliminary injunctions is now moot. Despite this, Arizona and other States seek

[1] The Plaintiffs in all three appeals (the City and County of San Francisco and the County of Santa Clara; California, Maine, Oregon, Pennsylvania, and the District of Columbia; Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Rhode Island, Virginia, and Washington) join in opposing the motion to intervene and in this brief.

to intervene for the purpose of filing a new petition for a writ of certiorari challenging this Court's decision affirming the district courts' rulings preliminarily enjoining the Rule. *See* Mot. to Intervene at 2. That is improper. They seek to maintain an appeal on an issue that is moot and through which they cannot secure any meaningful remedy. The motion to intervene should be denied.

BACKGROUND

This Court is well aware of the statutory and equitable issues concerning the Rule, which are set out in the district courts' orders granting a preliminary injunction and in this Court's decision affirming those injunctions. Plaintiffs will not repeat that important background information here, but note that none of the Proposed Intervenors have participated in any of these proceedings until the present motion.

Since this Court issued its decision, significant developments have eliminated any basis for the intervention request. Initially, defendants filed a petition for a writ of certiorari in January 2021 in this matter, asking the Supreme Court to hold the petition pending the decision in a related appeal arising out of the Second Circuit. *See U.S. Citizenship & Immigration Servs. v. City & Cnty of San Francisco, et al.*, No. 20-962 (Jan. 21, 2021). On February 22, 2021, the Supreme Court granted the petition for certiorari in that Second Circuit matter, agreeing to consider whether the district court abused its discretion by granting a preliminary injunction on the basis that the Rule is likely contrary to law and arbitrary and capricious. *See Dep't of Homeland Sec. v. New York*, No. 20-449, 2021 WL 666376, at *1 (Feb. 22, 2021).

President Biden was sworn in on January 20, 2021, and on February 2, he issued an Executive Order directing federal agencies to "eliminate[] sources of fear and other barriers that prevent immigrants from accessing government

services available to them."[2] Among other things, the Order directed federal agencies to evaluate its "public charge policies," identify "appropriate agency actions . . . to address concerns about the current public charge policies[ ]," and to submit a report to the President on those matters within 60 days.[3]

As part of that review, defendants concluded that "continuing to defend the final rule . . . is neither in the public interest nor an efficient use of limited government resources," and elected not to "pursue" any further "appellate review of judicial decisions invalidating or enjoining enforcement" of the Rule.[4] The parties therefore stipulated to dismissal of the pending petitions for a writ of certiorari in this and related matters arising from the Second and Seventh Circuits. On March 9, 2021, the Supreme Court dismissed all three petitions, including in this case.[5]

---

[2] Executive Order 14,012, 86 Fed. Reg. 8277 (Feb. 2, 2021), "Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans," *available at* https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/.

[3] *Id.* at 8278.

[4] U.S. Dep't of Homeland Sec., *DHS Statement on Litigation Related to the Public Charge Ground of Inadmissibility* (Mar. 9, 2021), https://www.dhs.gov/news/2021/03/09/dhs-statement-litigation-related-public-charge-ground-inadmissibility.

[5] *U.S. Citizenship & Immigration Servs., et al., v. City & Cnty. of San Francisco*, No. 20-962 (Mar. 9, 2021) (9th Cir. petition); *Dep't of Homeland Sec. v. New York*, No. 20-449 (Mar. 9, 2021) (2d Cir. petition); *Sec'y of Homeland Sec. v. Cook Cnty., Ill.*, No. 20-450 (Mar. 9, 2021) (7th Cir. petition).

The en banc Fourth Circuit Court of Appeals was scheduled on March 8, 2021 to hear the appeal of a preliminary injunction issued by the District Court of Maryland. The court took that hearing off calendar after defendants alerted the

The same day, the Seventh Circuit Court of Appeals also dismissed the federal government's appeal of an order granting summary judgment and vacating the Rule on a nationwide basis. *See Cook Cnty, Ill. v. Wolf*, No. 19-cv-06334, 2020 WL 6393005, at *7 (N.D. Ill. Nov. 2, 2020) (district court's order vacating the Rule); *Cook Cnty, Ill. v. Wolf*, C.A. No. 20-1350, Dkt. 24-1 (7th Cir. Mar. 9, 2021) (appeal dismissal and mandate). The dismissal of the appeal allowed the Illinois court's final judgment vacating the Rule nationwide on a permanent basis to take effect. On March 11, many of the States seeking to intervene in this matter also sought to intervene in the Seventh Circuit Court of Appeals. Last week, that court summarily denied their motion to recall the mandate to permit intervention. *Cook Cnty, Ill., v. Wolf*, C.A. No. 20-3150, Dkt. 26 (7th Cir. Mar. 15, 2021).[6]

At the time of filing the motion to intervene, the Rule had been vacated and no longer governs public charge inadmissibility determinations. The federal government has issued a final rule implementing the district court's order requiring vacatur of the Rule. And public charge assessments are now controlled by previous guidance adopted and issued in 1999.[7] *See* Field Guidance on

---

court to the President's Executive Order and pending agency review, *CASA de Maryland, Inc., v. Joseph Biden, Jr.*, C.A. No. 19-2222, Dkt. 208 (4th Cir. Feb. 24, 2021) and the case has since been dismissed, Dkt. 212 (Mar. 11, 2021). The Proposed Intervenors then filed a similar motion to recall the mandate to permit intervention, which the Fourth Circuit summarily denied, Dkt. 216 (Mar. 18, 2021).

[6] Texas and other Proposed Intervenors have applied for leave to intervene and for a stay of judgment with the Supreme Court. *Texas v. Cook Cnty, Ill.*, No. 20A ___ (Mar. 19, 2021).

[7] U.S. Dep't of Homeland Security, *DHS Secretary Statement on the 2019 Public Charge Rule* (Mar. 9, 2021), https://www.dhs.gov/news/2021/03/09/dhs-secretary-statement-2019-public-charge-rule; *see also* Inadmissibility on Public Charge Grounds; Implementation of Vacatur, 86 Fed. Reg. 14221 (Mar. 15, 2021) (implementing vacatur of the Rule).

Deportability and Inadmissibility on Public Charge Grounds, 64 Fed. Reg. 28,689, 28,689 (Mar. 26, 1999) ("1999 Guidance").

ARGUMENT

I. THE APPEALS OF THE PRELIMINARY INJUNCTIONS ARE MOOT

Now that the Rule has been vacated, and the federal government has implemented that vacatur and reinstated the 1999 Guidance, litigation concerning the preliminary injunctions is moot, and there is no longer a live case or controversy with respect to whether the Rule should be preliminarily enjoined. *See People for the Ethical Treatment of Animals, Inc. v. Gittens*, 396 F.3d 416, 421 (D.C. Cir. 2005) ("An appeal from an order granting a preliminary injunction becomes moot when, because of the defendant's compliance or some other change in circumstances, nothing remains to be enjoined through a permanent injunction.") (citation omitted); *cf. Rocky Mountain Farmers Union v. Corey*, 913 F.3d 940, 949 (9th Cir. 2019) ("Where there is nothing left of a challenged law to enjoin or declare illegal, further judicial action would necessarily be advisory and in violation of the limitations of Article III").

The Court need not, and should not, allow the Proposed Intervenors to continue to test the validity of a Rule that has been vacated. They contend that intervention is warranted "so that they can file a petition for certiorari seeking review of this Court's December 2, 2020" decision (Mot. at 1), but there is no basis for further review of an order preliminarily enjoining a rule that has been vacated. *See* Stephen M. Shapiro, et al., *Supreme Court Practice* § 19.3(a) (11th ed. 2019) ("A controversy may end . . . if the challenged conduct is modified."). Any further litigation over whether it was proper for the district courts to preliminarily enjoin the now-vacated Rule would "only constitute a textbook example of advising what the law would be upon a hypothetical state of facts rather than upon an actual case

or controversy as required by Article III." *Wyoming v. U.S. Dep't of Interior*, 587 F.3d 1245, 1253 (10th Cir. 2009) (Gorsuch, J.) (quotation marks omitted) (citation omitted).

No exception to mootness applies. A district court has vacated the Rule on a nationwide basis; that decision is now final. The federal government's effort to implement the order mandating vacatur thus does not fall under the "voluntary cessation" exception to mootness.[8] *See, e.g., Bd. of Trustees of Glazing Health & Welfare Tr. v. Chambers,* 941 F.3d 1195, 1198 (9th Cir. 2019) (en banc) (holding appeal moot where legislature replaced statute based on district court invalidation) (citing *City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283, 289 n.11 (1982)).

II. INTERVENTION AS OF RIGHT IS IMPROPER

Proposed Intervenors cannot satisfy the requirements to intervene as of right, in any event. Intervention is governed by Federal Rule of Civil Procedure 24(a)(2), which requires an intervenor to satisfy a four-part test: "(1) the application for intervention must be timely; (2) the applicant must have a 'significantly protectable' interest relating to the property or transaction that is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede the applicant's ability to protect that interest; and (4) the applicant's interest must not be adequately

[8] Moreover, even if the circumstances could be considered voluntary efforts on the part of the federal government to abandon the Rule, there is no reasonable likelihood that the federal government will resurrect it. Indeed, it has committed to policies that depart from those that formed the core of the Rule in a "clear statement, broad in scope, and unequivocal in tone." *Rosebrock v. Mathis*, 745 F.3d 963, 973 (9th Cir. 2014); *see also The Wilderness Soc'y v. Kane Cnty., Utah*, 632 F.3d 1162, 1174-76 (10th Cir. 2011) (Gorsuch, J., concurring) (challenges to provisions of repealed county ordinance were moot where county expressed no interest in reenacting them).

represented by the existing parties in the lawsuit." *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 817 (9th Cir. 2001). All "requirements must be satisfied to support a right to intervene." *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003).

Proposed Intervenors' request is not timely. This Court has already published its decision affirming the preliminary injunctions; this stage in the proceedings weighs against intervention. *See, e.g., Amalgamated Transit Union v. Donovan*, 771 F.2d 1551, 1553 (D.C. Cir. 1985) (denying motion to intervene for purposes of filing a petition for certiorari and noting that intervention after an appellate decision has issued is "even more disfavored" than other appellate intervention). Proposed Intervenors insist that they are timely, in part because the deadline to file a petition for certiorari has not yet passed. *See* Mot. at 7. But filing an intervention motion before a statutory deadline is the jurisdictional minimum; and none of the Proposed Intervenors previously sought to participate in the public charge cases in any way, or even submitted comments on the now-vacated Rule to demonstrate a continuing interest in the issues. *Cf. Day v. Apoliona*, 505 F.3d 963, 966 (9th Cir. 2007) (granting Hawaii late intervention where the state had previously participated as amicus and thus had not "ignored the litigation or held back from participation to gain tactical advantage").

Nor can the Proposed Intervenors demonstrate a significant protectable interest in pursuing this appeal or that the litigation will "impair or impede" their ability to protect their interests. *Sw. Ctr. for Biological Diversity*, 268 F.3d at 817. As explained above, circumstances have mooted litigation regarding the preliminary injunctions, and Proposed Intervenors thus fail to establish a protectable interest in this appeal. They contend (Mot. at 8-9) that "invalidating" the rule will injure them by depriving them of the financial benefits they stand to gain when non-citizens (and their family members) within Proposed Intervenors'

jurisdictions are chilled from accessing supplemental federal benefits for which they are eligible.[9] But the litigation here did not "invalidat[e]" the Rule (a separate final judgment did); and further appeal of the principles governing the issuance of a preliminary injunction in this context will do nothing to redress their supposed injuries. Importantly, no one has ever argued that the Rule is the *only* proper way to implement the public charge statute. Even the prior administration conceded that the 1999 Guidance was a permissible interpretation of the public charge statute, *see* Br. for Appellants at 26, *California v. Dep't of Homeland Security*, C.A. No. 17214, Dkt. 35 (Dec. 4, 2019), and Arizona did not intervene then to assert a contrary position. Thus, while Proposed Intervenors assert an interest "in the continued validity of the Public Charge Rule" (Mot. at 9), further review of this interlocutory appeal will not *compel* the federal government to adopt anything like the vacated Rule.

Furthermore, as the Proposed Intervenors acknowledge, the preliminary injunctions at issue in these consolidated appeals do not "directly apply" to them. Mot. at 8 n.9. This Court limited the preliminary injunctions in geographic scope; the injunctions do not apply within the Proposed Intervenors' jurisdictions. And while Proposed Intervenors contend that "the district courts on remand will be required to enter judgment in favor of Plaintiffs on the merits," they offer no basis

[9] Many individuals likely to forego benefits as a result of the Rule do so out of "fear and confusion." 84 Fed. Reg. at 41,463. Proposed Intervenors' apparent interest in encouraging mistaken enrollments is far from the type of "quasi-sovereign interest[s] in the health and well-being—both physical and economic—of [their] residents" described in cases like *Alfred L. Snapp & Son, Inc., v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 607 (1982).

to intervene in this interlocutory appeal now, under the circumstances presented in this case here. *Id.*[10]

III. PERMISSIVE INTERVENTION IS IMPROPER

Proposed Intervenors cannot intervene under Rule 24(b)(1)(B), either. The Court may permit anyone to intervene who "has a claim or defense that shares with the main action a common question of law or fact." In making this discretionary determination, "the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

The Court should deny permissive intervention for the same reasons that it should deny intervention as a matter of right: Proposed Intervenors lack a

---

[10] Proposed Intervenors fail to adequately support their claimed interests in the Rule, in any event. In contrast to Plaintiffs' extensive evidence substantiating their injuries, Proposed Intervenors have offered no evidence declarations, exhibits, or testimony about injuries that would result from the Rule's vacatur. And while they never submitted comments in support of the Rule, several stakeholders from within the Proposed Intervenors' jurisdictions submitted public comments opposing the Rule because of harms suffered by residents of those States. *See, e.g.*, Comments by Mayor of Tucson, https://www.regulations.gov/comment/USCIS-2010-0012-11836; Mayor of Austin, https://www.regulations.gov/comment/USCIS-2010-0012-62861; Mayor of Dallas, https://www.regulations.gov/comment/USCIS-2010-0012-36323; Mayor of Houston, https://www.regulations.gov/comment/USCIS-2010-0012-27888; Texas Hospital Association, https://www.regulations.gov/comment/USCIS-2010-0012-49572; Health System Alliance of Arizona, https://www.regulations.gov/comment/USCIS-2010-0012-44892; Maricopa Integrated Health System, https://www.regulations.gov/comment/USCIS-2010-0012-36932; Association of Arizona Food Banks, https://www.regulations.gov/comment/USCIS-2010-0012-9244; Texas Association of Local WIC Directors, https://www.regulations.gov/comment/USCIS-2010-0012-33703.

protectable interest that is redressable in this litigation. Proposed Intervenors also assert that intervention is warranted to address "splits among four circuit courts," Mot. at 10, but they are wrong about any conflict. Each of the courts of appeals addressing the likely legality of the Rule have agreed that the Rule was likely unlawful. 981 F.3d at 756-58; *New York v. U.S. Dep't of Homeland Security*, 969 F.3d 42, 64-80 (2nd Cir. 2020); *Cook Cty, Ill., v. Wolf*, 962 F.3d 208, 222-29 (7th Cir. 2020). While a panel of the Fourth Circuit originally upheld the Rule, that ruling was vacated by the full court's decision to rehear the case en banc. *See supra*, at 4.

Proposed Intervenors assert that the Supreme Court's prior grant of certiorari justifies intervention to file a new petition here, but intervening circumstances make this case an improper candidate for further review. The Supreme Court will not grant certiorari "to decide hypothetical issues or to give advisory opinions" about issues that cease to have any practical effects on the parties. *Princeton Univ. v. Schmid*, 455 U.S. 100, 102 (1982) (per curiam). This is so no matter how much the Proposed Intervenors may desire a ruling to "satisfy their demand for vindication or curiosity." *Wyoming*, 587 F.3d at 1250.

CONCLUSION

The motion to intervene should be denied.

Dated: March 22, 2021

Respectfully Submitted,

/s/ H. Luke Edwards

JAMES R. WILLIAMS
County of Santa Clara, County Counsel
GRETA S. HANSEN
Chief Assistant County Counsel
LAURA TRICE
Lead Deputy County Counsel
RAPHAEL N. RAJENDRA
JULIA B. SPIEGEL
H. LUKE EDWARDS
HANNAH KIESCHNICK
Deputy County Counsel
COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY COUNSEL
70 W. Hedding Street
East Wing, 9th Floor
San Jose, CA 95110-1770
Telephone: (408) 299-5900
Luke.Edwards@cco.sccgov.org
Attorneys for Plaintiff-Appellee County of Santa Clara

DENNIS J. HERRERA
San Francisco City Attorney
JESSE C. SMITH
Chief Assistant City Attorney
RONALD P. FLYNN
Chief Deputy City Attorney
YVONNE R. MERE
SARA J. EISENBERG
MATTHEW D. GOLDBERG
Deputy City attorneys
City Hall, Room 234

/s/ Anna Rich

MATTHEW RODRIQUEZ
Acting Attorney General of California
MICHAEL L. NEWMAN
Senior Assistant Attorney General
CHEROKEE DM MELTON
Supervising Deputy Attorney General
LISA CISNEROS
KATHERINE LEHE
JULIA HARUMI MASS
BRENDA AYON VERDUZCO
ANNA RICH
Deputy Attorneys General
CALIFORNIA DEPARTMENT OF JUSTICE
1515 Clay Street, 20th Floor
Oakland, CA 94612-0550
Telephone: (510) 879-0296
Anna.Rich@doj.ca.gov
Attorneys for Plaintiff-Appellee State of California

KARL A. RACINE
Attorney General for the District of Columbia
LOREN L. ALIKHAN
Solicitor General
400 6th Street, NW, Suite 8100
Washington, D.C. 20001
Telephone: (202) 727-6287
Fax: (202) 730-1864
Loren.AliKhan@dc.gov
Attorneys for Plaintiff District of Columbia

1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4602
Telephone: (415) 554-4633
Fax: (415) 554-4715
Attorneys for Plaintiff-Appellee City and County of San Francisco

/s/ Jeffrey T. Sprung
ROBERT W. FERGUSON
Attorney General of Washington
NOAH G. PURCELL
SOLICITOR GENERAL
TERA M. HEINTZ
DEPUTY SOLICITOR GENERAL
JEFFREY T. SPRUNG
NATHAN K. BAYS
Assistant Attorneys General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
Telephone: (206) 464-7744
Noah.Purcell@atg.wa.gov
Tera.Heintz@atg.wa.gov
Jeff.Sprung@atg.wa.gov
Nathan.Bays@atg.wa.gov
Attorneys for Plaintiff State of Washington

MARK R. HERRING
Attorney General of Virginia
MICHELLE S. KALLEN
JESSICA MERRY SAMUELS
Deputy Solicitors General
RYAN SPREAGUE HARDY
ALICE ANNE LLOYD
Assistant Attorneys General
OFFICE OF THE ATTORNEY GENERAL
202 North Ninth Street
Richmond, VA 23219
Telephone: (804) 786-7240
MKallen@oag.state.va.us

AARON M. FREY
Attorney General of Maine
KIMBERLY L. PATWARDHAN
Assistant Attorney General
6 State House Station
Augusta, Maine 04333-0006
Telephone: (207) 626-8570
kimberly.patwardhan@maine.gov
Attorneys for Plaintiff State of Maine

ELLEN ROSENBLUM
Attorney General of Oregon
BENJAMIN GUTMAN
Solicitor General
NICOLE DEFEVER
PATRICIA GARCIA RINCON
Assistant Attorneys General
Oregon Department of Justice
1162 Court St. NE
Salem, OR 97301
Telephone: (503) 378-4402
Benjamin.Gutman@doj.state.or.us
Nicole.Defever@doj.state.or.us
Patty.Rincon@doj.state.or.us
Attorneys for Plaintiff State of Oregon

JOSH SHAPIRO
Attorney General for the Commonwealth of Pennsylvania
MICHAEL J. FISCHER
Chief Deputy Attorney General
AIMEE D. THOMSON
Deputy Attorney General
1600 Arch St., Suite 300
Philadelphia, PA 19103
Telephone: (267) 940-6696
athomson@attorneygeneral.gov
Attorneys for Plaintiff Commonwealth of Pennsylvania

JSamuels@oag.state.va.us
RHardy@oag.state.va.us
ALloyd@oag.state.va.us
SolicitorGeneral@oag.state.va.us
Attorneys for Plaintiff Commonwealth of Virginia

PHIL WEISER
Attorney General of Colorado
ERIC R. OLSON
Solicitor General
OFFICE OF THE ATTORNEY GENERAL
COLORADO DEPARTMENT OF LAW
1300 Broadway, 10th Floor
Denver, CO 80203
Telephone: (720) 508 6548
Eric.Olson@coag.gov
Attorneys for Plaintiff State of Colorado

KATHLEEN JENNINGS
Attorney General of Delaware
CHRISTIAN DOUGLAS WRIGHT
Director of Impact Litigation
VANESSA L. KASSAB
Deputy Attorney General
DELAWARE DEPARTMENT OF JUSTICE
820 N. French Street, 5th Floor
Wilmington, DE 19801
christian.wright@delaware.gov
vanessa.kassab@delaware.gov
Attorneys for Plaintiff the State of Delaware

KWAME RAOUL
Attorney General of Illinois
LIZA ROBERSON-YOUNG
Public Interest Counsel
OFFICE OF THE ILLINOIS ATTORNEY GENERAL

100 West Randolph Street, 11th Floor
Chicago, IL 60601
Telephone: (312) 814-5028
ERobersonYoung@atg.state.il.us
Attorney for Plaintiff State of Illinois

CLARE E. CONNORS
Attorney General of Hawai‘i
LILI A. YOUNG
Deputy Attorney General
DEPARTMENT OF THE ATTORNEY GENERAL
425 Queen Street
Honolulu, HI 96813
Telephone: (808) 587-3050
Lili.A.Young@hawaii.gov
Attorneys for Plaintiff State of Hawai‘i

BRIAN E. FROSH
Attorney General of Maryland
JEFFREY P. DUNLAP
Assistant Attorney General
200 St. Paul Place
Baltimore, MD 21202
Telephone: (410) 576-7906
Fax: (410) 576-6955
JDunlap@oag.state.md.us
Attorneys for Plaintiff State of Maryland

MAURA HEALEY
Attorney General of Commonwealth of Massachusetts
ABIGAIL B. TAYLOR
Chief, Civil Rights Division
DAVID URENA
Special Assistant Attorney General
ANGELA BROOKS
Assistant Attorney General

OFFICE OF THE MASSACHUSETTS
ATTORNEY GENERAL
One Ashburton Place
Boston, MA 02108
Telephone: (617) 963-2232
abigail.taylor@mass.gov
david.urena@mass.gov
angela.brooks@mass.gov
Attorneys for Plaintiff Commonwealth of Massachusetts

DANA NESSEL
Attorney General of Michigan
FADWA A. HAMMOUD
Solicitor General
TONI L. HARRIS
First Assistant Attorney General
MICHIGAN DEPARTMENT OF ATTORNEY GENERAL
P.O. Box 30758
Lansing, MI 48909
Telephone: (517) 335-7603
HarrisT19@michigan.gov
Hammoudf1@michigan.gov
Attorneys for the People of Michigan

KEITH ELLISON
Attorney General of Minnesota
R.J. DETRICK
Assistant Attorney General
445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131
Telephone: (651) 757-1489
Fax: (651) 282-5832
rj.detrick@ag.state.mn.us
Attorneys for Plaintiff State of Minnesota

AARON D. FORD
Attorney General of Nevada

HEIDI PARRY STERN
Solicitor General
OFFICE OF THE NEVADA ATTORNEY GENERAL
555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101
HStern@ag.nv.gov
Attorneys for Plaintiff State of Nevada

GURBIR S. GREWAL
Attorney General of New Jersey
MARIE SOUEID
Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL
Richard J. Hughes Justice Complex
25 Market Street, 1st Floor, West Wing
Trenton, NJ 08625-0080
Telephone: (609) 376-2564
Marie.Soueid@law.njoag.gov
Attorneys for Plaintiff State of New Jersey

HECTOR BALDERAS
Attorney General of New Mexico
TANIA MAESTAS
Chief Deputy Attorney General
P.O. Drawer 1508
Santa Fe, NM 87504-1508
tmaestas@nmag.gov
Attorneys for Plaintiff State of New Mexico

PETER F. NERONHA
Attorney General of Rhode Island
LAUREN E. HILL
Special Assistant Attorney General
Office of the Attorney General
150 South Main Street
Providence, RI 02903
Telephone: (401) 274-4400 x 2038
lhill@riag.ri.gov

Attorneys for Plaintiff State of Rhode Island

Statement of Related Cases

This brief is filed in the following related cases that are pending before this Court: *City & Cnty. of San Francisco, et al., v. U.S. Citizenship and Immigration Servs., et al.*, No. 19-17213 and *California, et al., v. U.S. Dep't of Homeland Sec., et al.*, No. 19-197214 (appeals from the same order of the Northern District of California); and *State of Washington, et al., v. U.S. Department of Homeland Security, et al.*, No. 19-35914 (appeal from order of the Eastern District of Washington).

Plaintiffs are not aware of any other related cases, as defined by Ninth Circuit Rule 28-2., that are currently pending in this Court.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 8. Certificate of Compliance for Briefs

9th Cir. Case Number(s) __19-17213, 19-17214, 19-35914_____

I am the attorney or self-represented party.

This brief contains 2960 words, excluding the items exempted by Fed. R. App. P. 32(f). The brief's type size and typeface comply with Fed. R. App. P. 32(a)(5) and (6).

I certify that this brief *(select only one)*:

[x] complies with the word limit of Cir. R. 32-1.

[ ] is a **cross-appeal** brief and complies with the word limit of Cir. R. 28.1-1.

[ ] is an **amicus** brief and complies with the word limit of Fed. R. App. P. 29(a)(5), Cir. R. 29-2(c)(2), or Cir. R. 29-2(c)(3).

[ ] is for a **death penalty** case and complies with the word limit of Cir. R. 32-4.

[ ] complies with the longer length limit permitted by Cir. R. 32-2(b) because *(select only one)*:
- [ ] it is a joint brief submitted by separately represented parties;
- [ ] a party or parties are filing a single brief in response to multiple briefs; or
- [ ] a party or parties are filing a single brief in response to a longer joint brief.

[ ] complies with the length limit designated by court order dated _____.

[ ] is accompanied by a motion to file a longer brief pursuant to Cir. R. 32-2(a).

Signature __*/s/ Anna Rich*_____ **Date** ___**March 22, 2021**___