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7 *Lead Counsel for Advocates for Victims of Illegal Alien Crime*

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF ARIZONA**

10 Mi Familia Vota, *et al.*,

11 Plaintiffs,

12 v.

13 Katie Hobbs, *et al.*,

14 Defendants.

**Case No.: 2:22-cv-00509-PHX-SRB**

15 Living United for Change in Arizona, *et al.*,

16 Plaintiffs.

17 v.

18 Katie Hobbs,

19 Defendant,

20 and

21 State of Arizona, *et al.*,

22 Intervenor-Defendants.

23 Poder Latinex, Chicanos Por La Causa, and  
24 Chicanos Por La Causa Action Fund,  
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1 Plaintiff,

2 v.

3 Katie Hobbs, in her official capacity as  
4 Secretary of State of Arizona, Mark  
5 Brnovich, in his official capacity as  
6 Attorney General of Arizona, Stephen  
7 Richer, in his official capacity as Maricopa  
8 County Recorder, Gabriella Cazares-Kelly,  
9 in her official capacity as Pima County  
Recorder, and Richard Colwell, in his  
official capacity as Yuma County Recorder,

10 Defendants.

11  
12 United States of America,

13  
14 Plaintiff,

15 v.

16 State of Arizona, *et al.*,

17  
18 Defendants,

19 and

20 Republican National Committee,

21 Intervenor-Defendant.  
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23 **MOTION OF ADVOCATES FOR VICTIMS OF ILLEGAL ALIEN CRIME FOR LEAVE TO FILE**  
24 **A MEMORANDUM OF LAW AS *AMICUS CURIAE* IN SUPPORT OF DEFENDANTS' MOTION**  
25 **TO DISMISS**

26 Pursuant to F.R.CIV.P. 7 and FED.R.APP.P. 29(a)(4)(E) , the Advocates for Victims  
27 of Illegal Alien Crime (hereinafter, "AVIAC") respectfully requests this Court's leave to  
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1 file the accompanying memorandum of law as *amicus curiae* in support of Defendants’  
 2 Consolidated Motion to Dismiss. Pursuant to Local Rule 7.2, AVIAC’s counsel has  
 3 conferred with counsel for the parties to this consolidated action. All Plaintiffs and  
 4 Defendants consented to the filing of the attached *amicus* memorandum of law, with the  
 5 exception Plaintiff and Plaintiff-Intervenors Mi Familia Vota, Poder Latinex, Chicanos Por  
 6 La Causa and Chicanos Por La Causa Action Fund.

### 8 **IDENTITY AND INTERESTS OF MOVANT**

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 10 AVIAC is a nonprofit 501(c)(3) non-profit organization, founded in 2017. AVIAC  
 11 is led by individuals who have lost family members because of crimes committed by non-  
 12 citizens. AVIAC’s mission includes being a source of support for such victims across the  
 13 country and an advocate for policies that will enforce the nation’s immigration laws and  
 14 prevent governmental incentives for non-citizens to adversely impact citizens..

### 16 **REASONS TO GRANT MOVANT *AMICUS CURIAE* STATUS**

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 18 Unlike the corresponding appellate rules, the federal and local rules applicable here  
 19 do not specifically address *amicus* briefs. Nonetheless, AVIAC looks to the appellate rules’  
 20 criteria for granting leave to file *amicus* briefs to support their motion here. The Advisory  
 21 Committee Note to the 1998 amendments to Rule 29 explains that “[t]he amended rule ...  
 22 requires that the motion state the relevance of the matters asserted to the disposition of the  
 23 case” as “ordinarily the most compelling reason for granting leave to file.” FED. R. APP. P.  
 24 29, Advisory Committee Notes, 1998 Amendment. As now-Justice Samuel Alito wrote  
 25 while serving on the U.S. Court of Appeals for the Third Circuit, “I think that our court  
 26 would be well advised to grant motions for leave to file *amicus* briefs unless it is obvious  
 27  
 28

1 that the proposed briefs do not meet Rule 29’s criteria as broadly interpreted. I believe that  
2 this is consistent with the predominant practice in the courts of appeals.” *Neonatology*  
3 *Assocs., P.A. v. Comm’r*, 293 F.3d 128, 133 (3d Cir. 2002) (citing Michael E. Tigar and  
4 Jane B. Tigar, *FEDERAL APPEALS—JURISDICTION AND PRACTICE* 181 (3d ed. 1999) and  
5 Robert L. Stern, *APPELLATE PRACTICE IN THE UNITED STATES* 306, 307-08 (2d ed. 1989)).  
6 Now-Justice Alito quoted the Tigar treatise favorably for the statement that “[e]ven when  
7 the other side refuses to consent to an *amicus* filing, most courts of appeals freely grant  
8 leave to file, provided the brief is timely and well-reasoned.” 293 F.3d at 133. With that  
9 background, movant AVIAC explains the relevance and value of its brief to this Court’s  
10 consideration of the important issues presented here.  
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13  
14 AVIAC objects to permitting non-citizens to vote in Arizona elections as it creates  
15 an incentive to adversely impact elections. AVIAC has a direct and valid interest in the  
16 consolidated case at bar with respect to actions by governmental entities, including the  
17 United States government, that create incentives for non-citizens to dilute the vote of all  
18 Americans. The decision in this case affects the issue of citizen voting rights, and thus  
19 AVIAC has direct and vital interests in this case. AVIAC therefore takes an interest in the  
20 case at bar.  
21  
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23 AVIAC believes that its proposed *amicus* brief will assist this Court in deciding the  
24 issues before it. AVIAC will also highlight the potential legal, economic, national or social  
25 consequences of a particular outcome. “The extent, if any, to which an *amicus curiae*  
26 should be permitted to participate in a pending action is solely within the broad discretion  
27 of the district court.” *Sierra Club v. Fed. Emergency Mgmt. Agency*, 2007 WL 3472851, at  
28

1 \*1 (S.D. Tex. Nov. 14, 2007). The proposed amicus brief is attached and proposed amicus  
2 respectfully requests that this Court grant them leave to file it.

3 These issues are all relevant to this Court's decision on the Defendants'  
4 Consolidated Motion to Dismiss, and movant AVIAC respectfully submits that its  
5 memorandum may aid the Court.  
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7 For the foregoing reasons, movant AVIAC respectfully requests that the Court  
8 grant its motion for leave to file the accompanying memorandum of law as *amicus*  
9 *curiae*.  
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13 Respectfully submitted, this 23rd day of September, 2022.

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15  
16 /s/ Michael Ryan Williams  
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*Counsel for Movant AVIAC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of September, 2022, I electronically filed the foregoing motion—together with the accompanying Corporate Disclosure Statement, Proposed Order, and Memorandum of Law—with the Clerk using the CM/ECF system, which I understand to have served the parties’ counsel who are registered in as CM/ECF users.

*/s/ Michael Ryan Williams*  
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