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

Mi Familia Vota,

*Plaintiff,*

vs.

Katie Hobbs, et al.,

*Defendants.*

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

**MOTION OF IMMIGRATION  
REFORM LAW INSTITUTE  
TO FILE BRIEF OF AMICUS  
CURIAE IN SUPPORT OF  
DEFENDANTS' CONSOLIDATED  
MOTION TO DISMISS**

Living United for Change in Arizona, et  
al.,

*Plaintiffs,*

vs.

Katie Hobbs,

*Defendant,*

Mark Brnovich; State of Arizona,

*Intervenor Defendants.*

Poder Latinx,

*Plaintiff,*

1 vs.

2 Katie Hobbs, et al.

3 *Defendants*

5 United States of America,

7 *Plaintiff,*

8 vs.

9 State of Arizona; Katie Hobbs

11 *Defendants.*

12 Democratic National Committee, et al.,

14 *Plaintiff,*

15 vs.

16 Hobbs, et al.,

18 *Defendants,*

19 and

20 Republican National Committee,

21 *Intervenor Defendant.*

The Immigration Reform Law Institute (“IRLI”) hereby moves for leave to file an *amicus curiae* brief in support of State Defendants’ Consolidated Motion to Dismiss. IRLI has contacted counsel in the consolidated cases. Counsel for the Mi Familia Vota Plaintiffs and Poder Latinx Plaintiffs are opposed to IRLI’s brief, while the remaining parties either consent or take no position.

## **I. IDENTITY AND INTEREST OF PROPOSED *AMICUS CURIAE***

IRLI is a non-profit 501(c)(3) public interest law firm dedicated to litigating immigration-related cases on behalf of, and in the interests of, United States citizens, and also to assisting courts in understanding and accurately applying federal immigration law. For more than twenty years the Board of Immigration Appeals has solicited supplementary briefing, drafted by IRLI staff, from the Federation for American Immigration Reform, of which IRLI is a supporting organization. IRLI has litigated or filed *amicus curiae* briefs in a wide variety of cases, including *Trump v. Hawaii*, 138 S. Ct. 2392 (2018); *United States v. Texas*, 579 U.S. 547 (2016); *Save Jobs USA v. U.S. Dep’t of Homeland Sec.*, 942 F.3d 504 (D.C. Cir. 2019); *Ariz. Dream Act Coalition v. Brewer*, 855 F.3d 957 (9th Cir. 2017); *Washington All. of Tech. Workers v. U.S. Dep’t of Homeland Sec.*, 74 F. Supp. 3d 247 (D.D.C. 2014); *Matter of Silva-Trevino*, 26 I. & N. Dec. 826 (B.I.A. 2016); and *Matter of C-T-L-*, 25 I. & N. Dec. 341 (B.I.A. 2010).

## **II. REASONS TO GRANT LEAVE TO FILE**

District courts have broad discretion to allow filings from an *amicus curiae*. *Hoptowitz v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995). (“The district court has broad discretion to appoint *amici*”

1 *curiae*.”). Thus, this Court accepts such briefs where neither party has “articulat[ed] . . . a  
 2 sound reason to reject the[m].” *Faour Abdallah Fraihat v. United States Immigration &*  
 3 *Customs Enf’t*, 445 F. Supp. 3d 709, 720 n.3 (C.D. Cal. 2020). Although neither the federal  
 4 nor local rules provide guidance for *amicus curiae* filings, IRLI respectfully submits that  
 5 compliance with the federal appellate rules for *amicus* briefs supports granting IRLI’s  
 6 motion.<sup>1</sup> *Stoyas v. Toshiba Corp.*, No. 15-cv-4194 DDP (JCx), 2021 U.S. Dist. LEXIS  
 7 106487, at \*4 (C.D. Cal. June 7, 2021) (internal citation omitted) (“[T]he Federal Rules of  
 8 Civil Procedure do not address requests to participate as *amici*, therefore, district courts rely  
 9 on Federal Rule of Appellate Procedure 29 (‘Rule 29’), when considering such requests.”).

12 The Advisory Committee Notes to Rule 29 indicate that “relevance of the matters  
 13 asserted by an *amicus* is ordinarily the most compelling reason for granting leave to file.”  
 14 Fed. R. App. P. 29, Advisory Committee Notes, 1998 Amendment. As this Court has noted,  
 15 “[t]he touchstone is whether the *amicus* is helpful[.]” *Id.* (citing *Earth Island Inst. v. Nash*,  
 16 No. 119-cv-01420-DAD-SAB, 2019 U.S. Dist. LEXIS 214578, at \*1 (E.D. Cal. Dec. 12,  
 17 2019)).

20 IRLI’s brief supplements the State Defendants’ Consolidated Motion to Dismiss,  
 21 arguing 1) that the challenged laws do not violate the National Voter Registration Act  
 22 because that act neither makes states presume the truth of assertions on the federal voter  
 23 registration form nor requires states to accept assertions that cannot be verified, and  
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26 <sup>1</sup> Consistent with FED. R. APP. P. 29(a)(4)(E), counsel for movant authored the motion and  
 27 brief in whole, and no counsel for a party authored the motion or brief in whole or in part, nor  
 28 did any person or entity, other than the movant or its counsel, make a monetary contribution  
 to preparation or submission of the motion or brief.

1 accordingly neither bars states from attempting to verify such assertions nor bars them from  
2 refusing to register applicants whose assertions cannot be verified, and 2) that the challenged  
3 laws do not infringe Plaintiffs' constitutional rights.  
4

5 **CONCLUSION**

6 For the foregoing reasons, the instant motion should be granted.

7 Dated: September 22, 2022

Respectfully submitted,

8 /s/ Gina M. D'Andrea  
9 Gina D'Andrea, *pro hac vice*

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11 *Counsel for Movant Immigration Reform Law*  
12 *Institute*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of September, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

/s/ Gina M. D'Andrea