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

\_\_\_\_\_  
United States of America, )  
)  
*Plaintiff* )  
v. )  
)  
The State of Arizona; and )  
Janice K. Brewer, Governor )  
of the State of Arizona, in her )  
Official Capacity, )  
*Defendant.* )  
\_\_\_\_\_ )

CASE NO. CV-10-1413-SRB

**MOTION FOR LEAVE TO FILE PROPOSED BRIEF *AMICI CURIAE* OF MEMBERS OF THE UNITED STATES CONGRESS TRENT FRANKS, BRIAN BILBRAY, SENATOR JOHN BARRASSO, SENATOR JIM DEMINT, SENATOR JAMES INHOFE, SENATOR DAVID VITTER, SENATOR ROGER WICKER, ROBERT ADERHOLT, RODNEY ALEXANDER, MICHELE BACHMANN, SPENCER BACHUS, GRESHAM BARRETT, GUS BILIRAKIS, ROB BISHOP, MARSHA BLACKBURN, JOHN BOOZMAN, KEVIN BRADY, PAUL BROWN,**

**GINNY BROWN-WAITE, MICHAEL BURGESS, KEN CALVERT, JOHN CAMPBELL, JOHN CARTER, JASON CHAFFETZ, HOWARD COBLE, MIKE COFFMAN, JOHN CULBERSON, GEOFF DAVIS, DAVID DREIER, JOHN DUNCAN, JOHN FLEMING, RANDY FORBES, VIRGINIA FOXX, ELTON GALLEGLY, SCOTT GARRETT, PHIL GINGREY, LOUIE GOHMERT, BOB GOODLATTE, TOM GRAVES, WALLY HERGER, PETE HOEKSTRA, DUNCAN HUNTER, LYNN JENKINS, WALTER JONES, JIM JORDAN, STEVE KING, JACK KINGSTON, JOHN KLINE, DOUG LAMBORN, ROBERT LATTA, JERRY LEWIS, CYNTHIA LUMMIS, MICHAEL MCCAUL, TOM MCCLINTOCK, THADDEUS MCCOTTER, PATRICK MCHENRY, GARY MILLER, JEFF MILLER, JERRY MORAN, TIM MURPHY, SUE MYRICK, RANDY NEUGEBAUER, JOE PITTS, TODD PLATTS, TED POE, BILL POSEY, TOM PRICE, PHIL ROE, MIKE ROGERS, DANA ROHRABACHER, ED ROYCE, JEAN SCHMIDT, JOHN SHADEGG, MIKE SIMPSON, LAMAR SMITH, CLIFF STEARNS, JOHN SULLIVAN, GENE TAYLOR, TODD TIAHRT, ED WHITFIELD, ROB WITTMAN IN SUPPORT OF DEFENDANTS STATE OF ARIZONA AND GOVERNOR OF ARIZONA JAN BREWER AND IN OPPOSITION TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 7 and Local Rule 7.2, Movants, Members of The United States Congress Trent Franks, Brian Bilbray, Senator John Barrasso, Senator Jim DeMint, Senator James Inhofe, Senator David Vitter, Senator Roger Wicker, Robert Aderholt, Rodney Alexander, Michele Bachmann, Spencer Bachus, Gresham Barrett, Gus Bilirakis, Rob Bishop, Marsha Blackburn, John Boozman, Kevin Brady, Paul Broun, Ginny Brown-Waite, Michael Burgess, Ken Calvert, John Campbell, John Carter, Jason Chaffetz, Howard Coble, Mike Coffman, John Culberson, Geoff Davis, David Dreier, John Duncan, John Fleming, Randy Forbes, Virginia Foxx, Elton Gallegly, Scott Garrett, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Tom Graves, Wally Herger, Pete Hoekstra, Duncan Hunter, Lynn Jenkins, Walter Jones, Jim Jordan, Steve King, Jack Kingston,

John Kline, Doug Lamborn, Robert Latta, Jerry Lewis, Cynthia Lummis, Michael McCaul, Tom McClintock, Thaddeus McCotter, Patrick McHenry, Gary Miller, Jeff Miller, Jerry Moran, Tim Murphy, Sue Myrick, Randy Neugebauer, Joe Pitts, Todd Platts, Ted Poe, Bill Posey, Tom Price, Phil Roe, Mike Rogers, Dana Rohrabacher, Ed Royce, Jean Schmidt, John Shadegg, Mike Simpson, Lamar Smith, Cliff Stearns, John Sullivan, Gene Taylor, Todd Tiahrt, Ed Whitfield, Rob Wittman respectfully move this Court for leave to file the accompanying brief *amici curiae* in support of Defendants. A copy of the proposed brief not exceeding ten pages, and otherwise conforming to the Court's July 1 Order in *Friendly House v. Whiting*, No. 2:10-cv-1061-PHX-SRB (Doc. 282), has been lodged with this Motion.

**I. INTEREST OF AMICI**

*Amici*, the above-noted Members of Congress, are currently serving in the One Hundred Eleventh Congress. *Amici* are committed to the constitutional principles of federalism and separation of powers, both of which are jeopardized by the Plaintiff's attack against Arizona.

**II. WHY AN AMICUS BRIEF IS DESIRABLE AND WHY THE MATTERS ASSERTED ARE RELEVANT TO THE DISPOSITION OF THE CASE.**

In their brief, *Amici* bring to this Court's attention the fact that Congress has plenary power over immigration law, and that the Executive's power to enforce federal immigration law does not confer the power to preempt state immigration enforcement by choosing, for foreign policy or other reasons, to selectively enforce the laws. *Amici*

demonstrate further that federal immigration law does not preempt S.B. 1070 because S.B. 1070 is fully consonant with federal immigration policy.

### CONCLUSION

WHEREFORE, this court should grant the present motion and allow *amici* to file the accompanying brief *amici curiae*.

Respectfully submitted this of 20th day of July, 2010,

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*Attorneys for Amici Curiae*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2010, I electronically filed a copy of the foregoing Motion for Leave to File Brief *Amici Curiae* using the ECF System for the District of Arizona, which will send notification of that filing to all counsel of record in this litigation.

/s/Michael Meehan  
Michael Meehan  
*Counsel for Amici*