

1 parties are not burdened by filings commenting on legal memoranda filed by the parties that come in late,
2 are long, or that provide no unique views or information.

3 **II. This Court should deny the motion for leave to file**

4 **A. Amicus curiae briefs are supposed to aid the court**

5 A court has discretion to deny leave to file an amicus curiae brief that simply duplicates or expands
6 on the position of one of the parties. *In re Halo Wireless, Inc.*, 684 F.3d 581, 596 (5th Cir. 2012); *Ryan v.*
7 *Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063-64 (7th Cir. 1997); *United States v. Michigan*, 940
8 F.2d 143, 164-65 (6th Cir. 1991); *New England Patriots Football Club, Inc. v. University of Colorado*, 592 F.2d
9 1196, 1198 n. 3 (1st Cir. 1979). Amicus curiae can assist the court when “a party is not represented
10 competently or is not represented at all, when the amicus has an interest in some other case that may be
11 affected by the decision in the present case (though not enough affected to entitle the amicus to intervene
12 and become a party in the present case), or when the amicus has unique information or perspective that
13 can help the court beyond the help that the lawyers for the parties are able to provide.” *Ryan*, 125 F.3d at
14 1063 (citing *Miller-Wohl Co. v. Commissioner of Labor & Industry*, 694 F.2d 203 (9th Cir. 1982) (per curiam)).
15 In the absence of one of these circumstances, granting a non-party leave to file an amicus curiae brief
16 merely burdens the court and the parties.

17 The group’s brief would not be helpful to the Court in considering the State’s motion for a
18 preliminary injunction. It is largely redundant with the State’s brief in its contentions regarding courthouse
19 arrests and their effect in immigrant communities. An amicus curiae brief should not be used to expand
20 the number of pages in a party’s motion by rearguing or further developing points in that motion.
21 Furthermore, most of the allegations about courthouse arrests of immigrants in the proposed brief lack
22 specifics and are based on newspaper or other second-hand reports, and many concerns incidents in other
23 states. The group’s contentions about a large increase in arrests in courthouses are not supported, and
24 neither are its allegations that immigrants have been significantly chilled in accessing Washington Courts.
25 This Court should deny the group’s motion.

1 DATED this 3rd day of February, 2020.

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3 Respectfully submitted,

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