

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

STATE OF WASHINGTON, *et al.*,

Plaintiff,

v.

PRESIDENT DONALD TRUMP, *et al.*,
Defendants.

No.: 2:25-cv-00127-JCC

UNOPPOSED MOTION FOR LEAVE TO
FILE BRIEF OF *AMICI CURIAE* STATE OF
IOWA AND 17 OTHER STATES
IN OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

Proposed *Amici Curiae* States of Iowa, Alabama, Arkansas, Florida, Idaho, Indiana, Kansas, Louisiana, Missouri, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, and Wyoming move for leave to file an amicus brief in support of Plaintiffs' motion for preliminary injunction. In furtherance of the motion, Proposed *Amici* state as follows:

1. Plaintiff States have sued President Trump and his administration seeking to enjoin enforcement of President Trump's Executive Order establishing the President's position on birthright citizenship and accompanying documentation. *See* Executive Order, "Protecting the Meaning and Value of American Citizenship," Jan. 20, 2025, <https://perma.cc/K2DG-HAKG>.

- 1 2. “District courts may consider *amicus* briefs from non-parties concerning legal issues that
2 have potential ramifications beyond the parties directly involved or if the *amicus* has
3 unique information or perspective that can help the court beyond the help that the lawyers
4 for the parties are able to provide.” *El Papel LLC v. Inslee*, 2020 WL 6158825, at *1
5 (W.D. Wash. Oct. 21, 2020) (quoting *Macareno v. Thomas*, 378 F. Supp. 3d. 933, 940
6 (W.D. Wash. 2019)).
- 7 3. “The ‘classic role’ of *amicus curiae* is to assist a court in a case of public interest by
8 ‘supplementing the efforts of counsel, and generally courts have ‘exercised great
9 liberality’ in permitting amicus briefs.” *Id.* (cleaned up). That is especially true when the
10 *amici* have “demonstrated that they have an interest in the issues presented to the Court
11 in plaintiffs’ motion for a preliminary injunction. *Id.* Indeed, federal district courts
12 “frequently welcome amicus briefs from non-parties concerning legal issues that have
13 potential ramifications beyond the parties directly involved.” *NGV Gaming, Ltd. v.*
14 *Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005).
- 15 4. No Federal Rule or statute dictates how district judges decide petitions to appear as
16 *amicus curiae*. But most courts “look to the Federal Rules of Appellate Procedure for
17 guidance on permitting amicus briefs.” *Friends of Animals v. United States Fish &*
18 *Wildlife Serv.*, 2021 WL 4440347, at *1 (D. Utah 2021). The Federal Rules of Appellate
19 Procedure allow a State to file an amicus brief “without the consent of the parties or leave
20 of court.” Fed. R. App. P. 29(a)(2). That rule reveals a strong policy preference for
21 allowing States to provide their perspective and represent their interests.
- 22 5. Proposed *amici* are a group of 17 States bringing their perspective on the Constitutional
23 and policy arguments raised by Plaintiffs, a different group of States. Unlike Plaintiffs,
24
25

amici contend that the Constitution permits reasonable limits on the United States’s grant of birthright citizenship to citizens given the historical and original understanding of the phrase “subject to the jurisdiction thereof.” U.S. CONST. amend. XIV, § 1.

6. *Amici* States also face unique harms if systems that encourage illegal immigration and birth tourism continue unabated. Plaintiffs’ incorrectly permissive interpretation of the Citizenship Clause risks creating perverse incentives for further lawbreaking and for more individuals to seek to illegally enter the country. The harms to the States, including the significant financial harms associated with education and healthcare, accrue quickly.
7. Defendants raise serious concerns relating to Plaintiffs’ standing to bring this suit. But none of those concerns extend to the traditional role of *amici*—nonparties acting as friends of the Court to bring their unique perspective to highlight foreseeable consequences of the Court’s actions.
8. Counsel for proposed *amici* have conferred with counsel for the parties. Plaintiffs and Defendants both consent to the request for leave to file.
9. A true and correct copy of the proposed brief has been submitted with this motion.

CONCLUSION

For the foregoing reasons, Proposed *Amici*, STATES, respectfully request the Court grant the motion for leave to file the attached brief.

Dated this 3rd day of February, 2025.

///

///

Respectfully Submitted,

/s/Simon Peter Serrano

Simon Peter Serrano, WSBA No. 54769

Brett Rogers, WSBA No. 39985

5238 Outlet Dr.

Pasco, WA 99301

(509)567-7086

pete@smfjb.org

brett@smfjb.org

BRENNA BIRD

Attorney General State of Iowa

ERIC WESSAN (*Pro hac vice forthcoming*)

Solicitor General

(515) 823- 9177

eric.wessan@ag.iowa.gov

1305 E Walnut Street

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February 2025, I electronically filed the foregoing document with the Clerk of the United States District Court using the CM/ECF system which will send notification of such filing to all parties who are registered with the CM/ECF system.

DATED this 3rd day of February 2025.

/s/ Simon Peter Serrano
Simon Peter Serrano