

1 JONATHAN F. MITCHELL *
2 jonathan@mitchell.law
3 Mitchell Law PLLC
4 111 Congress Avenue, Suite 400
5 Austin, Texas 78701
6 (512) 686-3940

7 * admitted *pro hac vice*

8 WILLIAM J. BROWN JR.
9 California Bar No. 192950
10 bill@brownwegner.com
11 Brown Wegner LLP
12 2010 Main Street, Suite 1260
13 Irvine, California 92614
14 (949) 705-0081

15 *Counsel for Plaintiff*

16 [Additional counsel for Plaintiff on following page]

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA
19 SOUTHERN DIVISION

20 **Students Against Racial Discrimination,**
21
22 **Plaintiff,**

23 v.

24 **The Regents of the University of**
25 **California; Maria Anguiano, Elaine E.**
26 **Batchlor, Sonya Brooks, Carmen Chu,**
Michael Cohen, Gareth Elliott, Brian
Komoto, Jose M. Hernandez, Nancy Lee,

Case No. 8:25-cv-00192

Second Amended Complaint

1 **Richard Leib, Hadi Makarechian, Ana**
2 **Matosantos, Robert Myers, Lark Park,**
3 **Janet Reilly, Mark Robinson, Gregory**
4 **Sarris, Jonathan “Jay” Sures, Ann Wang,**
5 **Gavin Newsom, Eleni Kounalakis,**
6 **Robert Rivas, Tony Thurmond,** and
7 James B. Milliken, each in their official
8 capacities as regents of the University of
9 California System; **Rich Lyons**, in his
10 official capacity as chancellor of the
11 University of California at Berkeley; **Julio J.**
12 **Frenk Mora**, in his official capacity as
13 chancellor of the University of California at
14 Los Angeles; **Howard Gillman**, in his
15 official capacity as chancellor of the
16 University of California at Irvine; **David**
17 **Faigman**, in his official capacity as
18 chancellor and dean of the University of
19 California College of the Law, San
20 Francisco; **Pradeep K. Khosla**, in his
21 official capacity as chancellor of the
22 University of California at San Diego;
23 **Cynthia K. Larive**, in her official capacity
24 as chancellor of the University of California
25 at Santa Cruz; **Gary S. May**, in his official
26 capacity as chancellor of the University of
California at Davis; **Juan Sánchez Muñoz**,
in his official capacity as chancellor of the
University of California at Merced; **S. Jack**
Hu, in his official capacity as chancellor of
the University of California at Riverside;
Dennis Assanis, in his official capacity as
chancellor of the University of California at
Santa Barbara,

Defendants.

1 [Additional counsel for Plaintiff]

2 RYAN GIANNETTI*
3 ryan.giannetti@aflegal.org
4 America First Legal Foundation
5 611 Pennsylvania Avenue SE #231
6 Washington, DC 20003
7 (202) 964-3721

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

* admitted *pro hac vice*

1 Federal law prohibits universities that accept federal funds from discrim-
2 inating on account of race. *See* 42 U.S.C. § 2000d (Title VI); 42 U.S.C.
3 § 1981. The University of California System is flouting these requirements by
4 using racial preferences in student admissions—a practice that violates the
5 clear and unequivocal text of Title VI and 42 U.S.C. § 1981, as well as the
6 Equal Protection Clause of the Fourteenth Amendment. The plaintiff brings
7 suit to enjoin these discriminatory practices, and to ensure that the defend-
8 ants comply with their obligations under federal anti-discrimination laws.

9 JURISDICTION AND VENUE

10 1. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and
11 28 U.S.C. § 1343.

12 2. Venue is proper because a substantial part of the events giving rise to
13 the claims occurred in this judicial district and division. *See* 28 U.S.C.
14 § 1391(b)(2). Venue is additionally proper because at least one of the defend-
15 ants resides in this judicial district and division and all defendants reside in
16 California. *See* 28 U.S.C. § 1391(b)(1).

17 PARTIES

18 3. Plaintiff Students Against Racial Discrimination (SARD) is a volun-
19 tary, non-profit membership organization incorporated under the laws of Cal-
20 ifornia. SARD was formed and exists for the purpose of restoring meritocra-
21 cy in academia and fighting illegal race and sex preferences that subordinate
22 academic merit to so-called diversity considerations. SARD has members
23 who intend to apply and will apply for admission to each of the University of
24 California’s nine undergraduate campuses. SARD also has members who in-
25 tend to apply and will apply for admission to each of the University of Cali-
26 fornia’s five law schools. SARD’s website is at <https://www.sard.law>. Its of-

1 fice and mailing address are located in Santa Ana, California.

2 4. Defendant The Regents of the University of California is a non-profit
3 educational institution organized under the laws of the state of California. It
4 can be served at its Office of the General Counsel, 1111 Franklin Street, 8th
5 Floor Oakland, California 94607. Defendant the Regents of the University of
6 California operates the UC System. Under Article IX, §9 of the California
7 Constitution, the regents have the “full powers of organization and govern-
8 ment” over the UC System, including each of its nine undergraduate cam-
9 puses and each of its five law schools. *See* Cal. Const. art. IX, § 9(a).

10 5. Defendants Maria Anguiano, Elaine E. Batchlor, Sonya Brooks, Car-
11 men Chu, Michael Cohen, Gareth Elliott, Brian Komoto, Jose M. Hernan-
12 dez, Nancy Lee, Richard Leib, Hadi Makarechian, Ana Matosantos, Robert
13 Myers, Lark Park, Janet Reilly, Mark Robinson, Gregory Sarris, Jonathan
14 “Jay” Sures, and Ann Wang are appointed regents of the University of Cali-
15 fornia system. They can be served at the Office of the General Counsel, 1111
16 Franklin Street, 8th Floor Oakland, California 94607. The appointed regents
17 are sued in their official capacities.

18 6. Defendants Gavin Newsom, Eleni Kounalakis, Robert Rivas, Tony
19 Thurmond, and James B. Milliken are ex officio regents of the University of
20 California system. They can be served at the Office of the General Counsel,
21 1111 Franklin Street, 8th Floor Oakland, California 94607. The ex officio re-
22 gents are sued in their official capacities.

23 7. Defendants Rich Lyons, Julio J. Frenk Mora, Howard Gillman, David
24 Faigman, Pradeep K. Khosla, Cynthia K. Larive, Gary S. May, Juan Sánchez
25 Muñoz, S. Jack Hu, and Dennis Assanis are chancellors of the University of
26 California at Berkeley; the University of California at Los Angeles; the Uni-

1 versity of California at Irvine; the University of California College of the
2 Law, San Francisco; the University of California at San Diego; the University
3 of California at Santa Cruz; the University of California at Davis; the Univer-
4 sity of California at Merced; the University of California at Riverside; and
5 the University of California at Santa Barbara. They can be served at the Of-
6 fice of the General Counsel, 1111 Franklin Street, 8th Floor Oakland, Cali-
7 fornia 94607. Each of the chancellors is sued in his or her official capacity.

8 8. The Regents' bylaws describe the chancellors' responsibilities and
9 prerogatives as follows:

10 The Chancellors serve as the executive heads of their respective
11 campuses, implementing the policies and objectives of the
12 Board and of the President of the University, and apprising the
13 Board and the President of the University of significant devel-
14 opments affecting their campuses and the University. The
15 Chancellors set the policies, goals and strategic direction for
16 their campuses, consistent with those of the University. The
17 Chancellors are responsible for the organization, internal admin-
18 istration, operation, financial management, and discipline of
19 their campuses within the budget and policies approved by the
20 Board and/or the President of the University. They oversee all
21 faculty personnel and other staff at their locations, and appoint
22 all members of the instructional staff, and may fix their remun-
23 eration in accordance with the provisions of the budget estab-
24 lished by the Board and the salary scales of the University.

21 Bylaw 31, University of California Board of Regents, available at
22 <http://bit.ly/4pp4uui> [<https://perma.cc/NF8G-5HAC>]. The chancellors are
23 appropriate defendants under *Ex parte Young*, 209 U.S. 123 (1908), because:
24 (1) The chancellors serve as the “executive heads” of their campuses; (2)
25 The chancellors hold the power to change the “policies” of their campuses,
26

1 including their campuses' admissions policies for their undergraduate and
2 law-school programs; (3) The chancellors are "responsible for the organiza-
3 tion, internal administration, operation, financial management, and discipline
4 of their campuses," which includes the conduct of admissions and ensuring
5 compliance with federal and state laws banning the use of race in admissions;
6 and (4) The chancellors "oversee all faculty personnel and other staff at their
7 locations," including every employee involved with admissions at their
8 campuses. The chancellors therefore have "some connection" with the en-
9 forcement of the challenged admissions policies, making them proper de-
10 fendants. *See Ex parte Young*, 209 U.S. 123, 157 (1908) ("In making an officer
11 of the state a party defendant in a suit to enjoin the enforcement of an act al-
12 leged to be unconstitutional, it is plain that such officer must have some con-
13 nection with the enforcement of the act").

14 **BACKGROUND**

15 9. The University of California system discriminates on account of race
16 when admitting students by giving discriminatory preferences to non-Asian
17 racial minorities. This practice allows applicants with inferior academic cre-
18 dentials to obtain admission at the expense of rejected candidates with better
19 academic credentials. This discriminates against large numbers of Asian-
20 American and white applicants, who are denied admission to UC schools
21 based on their race. And it also harms Hispanic and black students who are
22 often placed at a significant academic disadvantage, and thus experience
23 worse outcomes, because of the university's use of racial preferences. Stu-
24 dents of all races are harmed by the University of California's discriminatory
25 behavior.

26 10. These racial preferences are illegal under the clear and unambiguous

1 text of Title VI, which prohibits all forms of racial discrimination at universi-
2 ties that receive federal funds and make no exception for diversity-based af-
3 firmative-action programs.

4 11. They also violate 42 U.S.C. § 1981, which prohibits racial discrimina-
5 tion in contracting and makes no exception for diversity-based affirmative-
6 action programs.

7 12. And they violate Proposition 209, a state constitutional amendment
8 approved by California voters in 1996 (and reaffirmed by California voters in
9 2020) providing that “the State shall not discriminate against, nor grant pref-
10 erential treatment to, any individual or group on the basis of race, sex, color,
11 ethnicity, or national origin in the operation of public employment, public
12 education, or public contracting.”

13 13. After the voters approved Proposition 209 in 1996, the University of
14 California (UC) began to institute new admissions policies compliant with
15 the law, and applied “race-neutrality” to admissions for graduate students
16 matriculating in 1997 and for undergraduate students matriculating in 1998.

17 14. The effects of Proposition 209 upon UC and its students were com-
18 plex and are still debated by academics. But several major effects are undis-
19 puted. First, race-blind admissions produced a sharp drop in black freshman
20 matriculants at UC’s most competitive schools (UC Berkeley and UCLA),
21 but higher enrollment rates of these students at less-elite UC schools (*e.g.*,
22 UC Davis and UC Irvine), in part because black students who would have at-
23 tended UC Berkeley or UCLA with a preference were admissible at UC Da-
24 vis or UC Irvine without a preference.

25 15. Second, black students at UC campuses post-209 were generally
26 closer to their peers in levels of academic preparation, grades, persistence in

1 STEM fields, and graduation rates—especially rates of graduation in four
2 years.

3 16. Third, all the patterns described above for black students also affect-
4 ed Hispanic students, though both the reductions in admissions and the im-
5 provements in academic outcomes were less pronounced for Hispanics, pre-
6 sumably because Hispanics had received smaller ethnically based preferences
7 than blacks before Proposition 209.

8 17. Fourth, UC launched a variety of initiatives post-209 aimed at im-
9 proving the high-school-to-UC pipeline for young Californians, especially for
10 those from economically disadvantaged backgrounds. Over the years, accord-
11 ing to UC documents, hundreds of millions of dollars were invested in these
12 programs. These measures had a disproportionate and beneficial effect upon
13 black and Hispanic high school students, and led to large increases in black
14 and Hispanic applications to UC schools. For example, the total number of
15 black, in-state applications for freshman-year admission to UC was stagnant
16 in the years before these initiatives (2,191 in 1989, and 2,151 in 1998), but
17 rose rapidly once the initiative began in 1999 (black applicants rose from
18 2,151 in 1998 to 3,307 in 2006, a greater than 50% increase.).

19 18. For all of these reasons, the actual number of blacks and Hispanics
20 graduating from UC with bachelor's degrees was far higher for 2006 matricu-
21 lants than for pre-209 matriculants, and there was no campus for which the
22 number was materially lower.

23 19. Nonetheless, UC administrators, who had uniformly opposed Propo-
24 sition 209 when it was proposed, continued to heavily criticize the re-
25 strictions it placed on their ability to increase racial diversity at UC campus-
26 es. In 2003, the UC Regents repealed their own internal measures forbidding

1 the use of race in admissions and hiring.

2 20. In 2006, UCLA announced that the number of blacks matriculating
3 as freshmen at the school would fall below one hundred for the first time in
4 many years. Although this was largely a stochastic drop, and was largely off-
5 set by a large increase in black transfers to UCLA that year, the UCLA an-
6 nouncement generated a large amount of critical media coverage and protests
7 from UCLA students and faculty. UCLA’s then chancellor, Norm Abrams,
8 met with the admissions committee and urged them to overhaul the admis-
9 sions, and in particular to move to a more subjective “holistic” policy, to ad-
10 dress concerns about low black admissions numbers. One of the members of
11 that admissions committee, political scientist Timothy Groseclose, has writ-
12 ten an entire book documenting how this new policy became a subterfuge for
13 reactivating racial preferences in admissions. See Tim Groseclose, *Cheating:*
14 *An Insider’s Report on the Use of Race in Admissions at UCLA* (2014). The
15 number of blacks admitted as freshmen to UCLA roughly doubled in the next
16 admissions cycle.

17 21. Groseclose also documented that a majority of UCLA’s undergradu-
18 ate admissions committee were unwilling to allow Groseclose—a member of
19 the committee—access to the admissions files or to detailed (anonymized)
20 data on applicant characteristics. As a compromise, the university agreed to
21 appoint Robert Mare, a distinguished sociologist who was sympathetic to the
22 use of racial preferences, to examine the question of whether UCLA’s post-
23 2006 “holistic” policy was, in fact, making decisions partly on the basis of
24 applicant race.

25 22. Mare completed two exhaustive studies—one completed in 2012, a
26 second completed in 2014—on UCLA’s undergraduate admissions. The sec-

1 ond, larger report was not made public until disclosed in response to a Public
2 Records Act (“PRA”) request in 2018. Both reports showed unambiguously
3 that UCLA had awarded many more undergraduate admissions to blacks and
4 Hispanics, and many fewer admissions to Asian-Americans, than could be
5 explained by considering all of the non-racial factors used in admissions.
6 Mare even provided numerical estimates of exactly how many student offers
7 (by race) resulted from the consideration of race. Over five years, over two
8 thousand offers were thus affected, by Mare’s estimate.

9 23. Meanwhile, UC administrators began to encourage other UC cam-
10 puses to adopt the same “holistic” approach that UCLA had implemented.
11 In 2011, the Regents mandated that all UC campuses utilize either “holistic”
12 or “comprehensive” review in undergraduate admissions—in other words,
13 that they move away from objective criteria towards more subjective assess-
14 ments of the overall appeal of individual candidates. Trends in racial admis-
15 sions patterns consistently show that the adoption of the holistic process fa-
16 vored black and Hispanic admissions and disfavored Asian-Americans and,
17 to a lesser extent, whites.

18 24. For example, in 2010, UC Berkeley’s admission rate for black, in-
19 state freshman applicants was 13%, compared to an overall admissions rate of
20 21%. This disparity reflected the lower average academic preparation of black
21 applicants. By 2023, the black admissions rate at Berkeley was 10%, compared
22 to an overall admission rate of 12%. Over this period, in other words, Berkeley
23 moved towards a practice of aiming for a similar admissions rate for all ethnic
24 groups, regardless of qualifications.

25 25. At UC Irvine, the 2010 admissions rate for black, in-state freshmen
26 was 24%, compared to an overall admissions rate of 45%. By 2023, the rates

1 were, respectively, 21% and 26%. At UCLA, the 2010 admissions rate for
2 black, in-state freshmen was 14%, compared to an overall admissions rate of
3 23%. By 2023, the rates were, respectively, 10% and 9%. Note that, based on
4 the Mare report, we know that black applicants were already receiving a large
5 admissions preference at UCLA in 2010. At UC Santa Barbara, the 2010
6 admissions rate for black, in-state freshmen was 28%, compared to an overall
7 admissions rate of 45%. By 2023, the rates were, respectively, 25% and 28%.

8 26. Similar trends exist at each of the remaining UC undergraduate col-
9 leges. At UC San Diego, the overall in-state admissions rate was 38% in 2010,
10 with a 19% admissions rate for blacks; by 2023, those numbers are 25% and
11 18%. At UC Santa Cruz, the overall in-state admissions rate was 64% in 2010,
12 with a 41% admissions rate for blacks; by 2023, those numbers are 63% and
13 52%. At UC Davis, the overall in-state admissions rate was 48% in 2010, with
14 a 31% admissions rate for blacks; by 2023, those numbers are 42% and 30%. At
15 UC Riverside, the overall in-state admissions rate was 76% in 2010, with a
16 56% admissions rate for blacks; by 2023, those numbers are 70% and 57%. At
17 UC Merced, the overall in-state admissions rate was 89% in 2010, with a 76%
18 admissions rate for Blacks; by 2023, those numbers are 88% and 80%

19 27. The degree of convergence in between the overall admissions rates
20 and the admissions rates for blacks is highly correlated with the prestige of
21 the school, with a bigger effect at the most elite schools, and a progressively
22 smaller, though still detectable, effect as the eliteness of the school goes
23 down.

24 28. During this same period, UC also became notably more opaque in
25 matters relating to race. It shut down websites that had made it possible for
26 researchers to study the relationship between student credentials, race, and

1 admissions, or to study aggregated changes in GPA, attrition from STEM
2 fields, or graduation rates by race. In 2018, it refused to provide anonymized,
3 individual-level data on student admissions and outcomes, although in 2008
4 it had willingly disclosed identical data covering student admissions up to
5 2006.

6 29. One of the few types of data that the University of California does
7 make publicly available is a website that shows, for individual California high
8 schools, the number of freshman applicants to each UC school, the number
9 of admitted students, and the number of enrolled students. *See* [http://bit.ly/](http://bit.ly/4mXH83h)
10 [4mXH83h \[https://perma.cc/4K9Q-CMBG\]](https://perma.cc/4K9Q-CMBG). This data is broken down by
11 race, though numbers are only reported if the “cell” size is at least three. (In
12 other words, if a given high school has ten Hispanic applicants to Berkeley, of
13 whom four are admitted and two enroll, the website will report the “ten” and
14 the “four” but will show no data for Hispanic enrollment.) These data pro-
15 vide further evidence that UC schools pursue proportional racial representa-
16 tion despite substantial differences in academic preparation across racial
17 groups. For example, the website reports that at Long Beach Polytechnic, 237
18 students applied for admission to UCLA in 2023, of whom 23 were admitted
19 (just under 10%). Forty-one of the applicants were black, of whom 4 were
20 admitted (again, just under 10%). Yet the average achievement level of black
21 students at Long Beach Polytechnic on state exams was substantially lower
22 than the achievement level for students overall (roughly one-half standard
23 deviation). At Woodrow Wilson High School, also in Long Beach, 186 stu-
24 dents applied for admission to UCLA, and 20 were admitted (11%). Of the
25 186 applicants, 33 were black, and 4 of these applicants were admitted (12%).
26 Yet the average achievement level of black students at Woodrow Wilson High

1 School on state exams was substantially lower than the achievement level for
2 students overall. Similar patterns can be demonstrated for many other high
3 schools. In other words, the tendency of UC schools to approximate racial
4 parity in overall admissions rates cannot be explained by differences in the
5 high schools attended by students of different races.

6 30. University of California law schools have been even more overt in
7 their violation of state and federal laws prohibiting racial preferences. In
8 2014, the National Bureau of Economic Research published a working paper
9 by Danny Yagan, an associate professor of economics at UC Berkeley. Yagan
10 found that racial preferences at UC Berkeley's Law School declined after
11 Proposition 209 became law, but still remained quite large. The black admis-
12 sions rate of 31%, Yagan found, would have fallen to 8% had the school applied
13 the same criteria that it applied to whites. Holding credentials of individual
14 applicants constant, Yagan found that black applicants received an admis-
15 sions preference as large as 61 percentage points.

16 31. This pattern of discrimination continues and operates to varying de-
17 grees across UC law schools. Just as the University of California was unwill-
18 ing to provide anonymized, individual-level data on undergraduate applicants
19 after 2010, so it was unresponsive to a public records request filed by UCLA
20 law professor Richard Sander for law school data in 2011. In 2014, Sander
21 brought suit to enforce his request, and UC subsequently provided him ad-
22 missions data for UC Berkeley Law School, UCLA Law School, and UC Da-
23 vis Law School, covering many admissions cycles up through 2011. These da-
24 ta show significant racial preferences at all three law schools throughout this
25 period, and confirm the general pattern documented by Yagan. The publicly-
26 available data on UC Hastings and UC Irvine's law schools is less granular,

1 but strongly implies the same pattern.

2 32. More recently, Professor Sander has obtained data from Law School
3 Data (www.lsd.law), a website that law school applicants use to report and
4 compare their admissions outcomes at law schools. The site contains (anon-
5 ymized) data on tens of thousands of law school applications over the past
6 five years, including information on LSAT scores, undergraduate grades,
7 ethnicity, the schools to which the student applied, and the admissions out-
8 come. Analysis of the data shows that the implicit weights on various admis-
9 sions factors in the data, such as academic credentials, are very similar to the
10 weights revealed by analysis of publicly disclosed data from law schools, sug-
11 gesting that the data are highly reliable. Regression analysis of this data (see
12 attached Table 1) and tabular presentation of the data (see attached Table 2)
13 show a very pronounced pattern of racial preferences across all the UC law
14 schools. In these analyses, “relative credential” is a measure of the academic
15 Index of each applicant (LSAT and undergraduate grade point average com-
16 bined) relative to the estimated median credential of students at a given law
17 school, based on data reported by the law schools to the American Bar Asso-
18 ciation. Thus, if a law applicant has an academic index of 750, and applies to
19 a law school with a median academic index of 800, then the applicant has a
20 “relative credential” of -50. As Table 2 suggests, black students with low
21 relative credentials have, at the five UC law schools analyzed collectively,
22 about ten times the chance to be admitted as does a “non-URM” (*i.e.*, white
23 or Asian-American) student with similar credentials.

24 33. The shift to race-neutral admissions brought about by Proposition
25 209 benefitted black and Hispanic students both in terms of placement and
26 outcomes. Yet the university’s decision to pursue racial preferences in the

1 teeth of Proposition 209 has willfully disregarded the interests of black and
2 Hispanic candidates and harmed their educational outcomes.

3 **FACTS RELATED TO STANDING**

4 34. Plaintiff SARD is a voluntary membership organization founded in
5 2024. SARD seeks to restore meritocracy in academia and eliminate the cor-
6 rupt and unlawful race and sex preferences that subordinate academic merit
7 to so-called diversity considerations.

8 35. SARD has student members who are ready and able to apply for ad-
9 mission to the University of California.

10 36. Individual A is a member of SARD. He is an Asian-American male.
11 Individual A has completed his junior year of high school and began his sen-
12 ior year this fall.

13 37. Individual A stands able and ready to apply for admission as an un-
14 dergraduate freshman to each of the University of California's nine campuses
15 that have undergraduate colleges. *See Carney v. Adams*, 592 U.S. 53, 60
16 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
17 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
18 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
19 vents Individual A from competing with other applicants for admission on an
20 equal basis. Specifically, Individual A is unable to compete on an equal basis
21 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
22 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

23 38. Individual A has applied for admission to each of the University of
24 California's nine campuses that has an undergraduate college. Individual A
25 submitted each of these applications in the fall of 2025. Individual A meets
26 all of the requirements for admission as an undergraduate freshman to the

1 University of California campuses, which are listed at <http://bit.ly/4mLLR8k>
2 [<https://perma.cc/H95Z-VHTW>]. Specifically, Individual A has completed
3 all 15 of the “A–G courses” listed on the UC website. Individual A also has a
4 grade point average (GPA) of 3.0 or better in those courses with no grade
5 lower than a C, using the GPA calculation described on the UC website. *See*
6 <http://bit.ly/4kw8Imw> [<https://perma.cc/SQX8-4YZS>]. Individual A will
7 maintain the required minimum grade-point average during the application
8 process and until he graduates from high school.

9 39. Individual D is a member of SARD. He is a white male.

10 40. Individual D stands able and ready to apply for admission as a law
11 student to each of the University of California’s five campuses that have a
12 law school: Berkeley, UCLA, Davis, Irvine, and UC Law San Francisco
13 (formerly known as UC Hastings). *See Carney v. Adams*, 592 U.S. 53, 60
14 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
15 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
16 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
17 vents Individual D from competing with other applicants for admission on an
18 equal basis. Specifically, Individual D is unable to compete on an equal basis
19 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
20 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

21 41. Individual D intends to apply and will apply for admission to each of
22 the University of California’s five campuses that has a law school. Individual
23 D will submit each of these applications in the fall of 2025. Individual D
24 meets all of the requirements for admission as a law student to these Univer-
25 sity of California campuses. Specifically, Individual D has already earned a
26 bachelor’s degree from an accredited college and has taken the LSAT and re-

1 ceived his LSAT score.

2 42. Individual F is a member of SARD. He is an Asian-American male.

3 43. Individual F stands able and ready to apply for admission as a law
4 student to each of the University of California's five campuses that have a
5 law school: Berkeley, UCLA, Davis, Irvine, and UC Law San Francisco
6 (formerly known as UC Hastings). *See Carney v. Adams*, 592 U.S. 53, 60
7 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
8 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
9 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
10 vents Individual F from competing with other applicants for admission on an
11 equal basis. Specifically, Individual F is unable to compete on an equal basis
12 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
13 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

14 44. Individual F intends to apply and will apply for admission to each of
15 the University of California's five campuses that has a law school. Individual
16 F will submit each of these applications in the fall of 2025. Individual F
17 meets all of the requirements for admission as a law student to these Univer-
18 sity of California campuses. Specifically, Individual F has already earned a
19 bachelor's degree from an accredited college and has taken the LSAT and re-
20 ceived his LSAT score.

21 45. Individual G is a member of SARD. He is a white male.

22 46. Individual G stands able and ready to apply for admission as a law
23 student to each of the University of California's five campuses that have a
24 law school: Berkeley, UCLA, Davis, Irvine, and UC Law San Francisco
25 (formerly known as UC Hastings). *See Carney v. Adams*, 592 U.S. 53, 60
26 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*

1 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
2 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
3 vents Individual G from competing with other applicants for admission on an
4 equal basis. Specifically, Individual G is unable to compete on an equal basis
5 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
6 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

7 47. Individual G intends to apply and will apply for admission to each of
8 the University of California’s five campuses that has a law school. Individual
9 G will submit each of these applications in the fall of 2026. Individual G will
10 meet all of the requirements for admission as a law student to these Universi-
11 ty of California campuses. Specifically, Individual G will earn his bachelor’s
12 degree from an accredited college in the spring of 2026, and he has already
13 taken the LSAT and received his LSAT score.

14 48. Individual H is a member of SARD. He is a white male.

15 49. Individual H stands able and ready to apply for admission as a law
16 student to each of the University of California’s five campuses that have a
17 law school: Berkeley, UCLA, Davis, Irvine, and UC Law San Francisco
18 (formerly known as UC Hastings). *See Carney v. Adams*, 592 U.S. 53, 60
19 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
20 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
21 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
22 vents Individual H from competing with other applicants for admission on an
23 equal basis. Specifically, Individual H is unable to compete on an equal basis
24 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
25 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

26 50. Individual H intends to apply and will apply for admission to each of

1 the University of California’s five campuses that has a law school. Individual
2 H will submit each of these applications in the fall of 2026. Individual H will
3 meet all of the requirements for admission as a law student to these Universi-
4 ty of California campuses. Specifically, Individual H will earn his bachelor’s
5 degree from an accredited college in the spring of 2027, and he will take the
6 LSAT in the fall of 2026.

7 51. Individual J is a member of SARD. He is an Asian-American male.
8 Individual J has completed his sophomore year of high school and began his
9 junior year this fall. He will graduate from high school in 2027.

10 52. Individual J stands able and ready to apply for admission as an un-
11 dergraduate freshman to each of the University of California’s nine campuses
12 that have undergraduate colleges. *See Carney v. Adams*, 592 U.S. 53, 60
13 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
14 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
15 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
16 vents Individual J from competing with other applicants for admission on an
17 equal basis. Specifically, Individual J is unable to compete on an equal basis
18 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
19 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

20 53. Individual J intends to apply and will apply for admission to each of
21 the University of California’s nine campuses that has an undergraduate col-
22 lege. Individual J will submit each of these applications in the fall of 2026.
23 Individual J will meet all of the requirements for admission as an undergrad-
24 uate freshman to the University of California campuses, which are listed at
25 <http://bit.ly/4mLLR8k> [<https://perma.cc/H95Z-VHTW>]. Specifically, Indi-
26 vidual J will complete all 15 of the “A–G courses” listed on the UC website.

1 Individual J will also maintain a grade point average (GPA) of 3.0 or better in
2 those courses with no grade lower than a C, using the GPA calculation de-
3 scribed on the UC website. See <http://bit.ly/4kw8Imw> [[https://](https://perma.cc/SQX8-4YZS)
4 perma.cc/SQX8-4YZS]. Individual J will maintain the required minimum
5 grade-point average during the application process and until he graduates
6 from high school.

7 54. Individual K is a member of SARD. He is an Asian-American male.
8 Individual K has completed eighth grade and began his freshman year of high
9 school this fall. He will graduate from high school in 2029.

10 55. Individual K stands able and ready to apply for admission as an un-
11 dergraduate freshman to each of the University of California’s nine campuses
12 that have undergraduate colleges. See *Carney v. Adams*, 592 U.S. 53, 60
13 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
14 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
15 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
16 vents Individual K from competing with other applicants for admission on an
17 equal basis. Specifically, Individual K is unable to compete on an equal basis
18 with applicants who are black or Hispanic. This inflicts injury in fact. See
19 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

20 56. Individual K intends to apply and will apply for admission to each of
21 the University of California’s nine campuses that has an undergraduate col-
22 lege. Individual K will submit each of these applications in the fall of 2028.
23 Individual K will meet all of the requirements for admission as an undergrad-
24 uate freshman to the University of California campuses, which are listed at
25 <http://bit.ly/4mLLR8k> [<https://perma.cc/H95Z-VHTW>]. Specifically, Indi-
26 vidual K will complete all 15 of the “A–G courses” listed on the UC website.

1 Individual K will also maintain a grade point average (GPA) of 3.0 or better in
2 those courses with no grade lower than a C, using the GPA calculation de-
3 scribed on the UC website. *See* <http://bit.ly/4kw8Imw> [[https://](https://perma.cc/SQX8-4YZS)
4 perma.cc/SQX8-4YZS]. Individual K will maintain the required minimum
5 grade-point average during the application process and until he graduates
6 from high school.

7 57. All of these Article III injuries are fairly traceable to the allegedly un-
8 lawful conduct of the defendants discriminating on account of race in viola-
9 tion of 42 U.S.C. § 1981, Title VI, and Proposition 209. And all of these inju-
10 ries will be redressed by the requested relief, which will enjoin the defendants
11 from continuing these discriminatory policies and require them to adopt
12 colorblind student-admission policies.

13 58. SARD is challenging the admissions policies and practices at the
14 University of California’s undergraduate programs and its law schools.
15 SARD is not challenging the University of California’s transfer or graduate
16 or medical-school admissions in this lawsuit.

17 **FIRST CLAIM FOR RELIEF—VIOLATIONS OF TITLE VI**

18 59. Each of the defendants is violating Title VI by discriminating in favor
19 of black, and Hispanic applicants for admission and against whites and
20 Asians.

21 60. Each of the nine UC undergraduate campuses and the five UC law
22 schools to which the members of SARD intend to apply is a “program or ac-
23 tivity” that “receives Federal financial assistance” within the meaning of Ti-
24 tle VI.

25 61. SARD therefore seeks declaratory and injunctive relief that prohibits
26 the defendants from considering or discriminating on account of race in any

1 way in student admissions, and that compels the defendants to select appli-
2 cants for admission in a color-blind manner.

3 62. SARD seeks this relief under Title VI, 42 U.S.C. § 1983, and any
4 other law that might supply a cause of action for the requested relief, includ-
5 ing the Declaratory Judgment Act (28 U.S.C. § 2201) and the implied cause
6 of action recognized in *Ex parte Young*, 209 U.S. 123 (1908).

7 63. SARD seeks this relief only against the institutional defendants and
8 not the individual defendants.

9 64. SARD also seeks nominal damages from the institutional defendants
10 on its Title VI claims.

11 65. The text of Title VI makes no exceptions for “compelling state inter-
12 ests,” “student-body diversity,” or race-based affirmative-action programs. It
13 prohibits *all* forms of racial discrimination at institutions that receive federal
14 funds—regardless of whether that racial discrimination is independently
15 prohibited by the Equal Protection Clause.

16 **SECOND CLAIM FOR RELIEF—VIOLATIONS OF 42 U.S.C. § 1981**

17 66. 42 U.S.C. § 1981(a) guarantees individuals the same right to make
18 and enforce contracts without regard to race. *See* 42 U.S.C. § 1981(a) (“All
19 persons within the jurisdiction of the United States shall have the same right
20 in every State and Territory to make and enforce contracts . . . as is enjoyed
21 by white citizens”).

22 67. 42 U.S.C. § 1981(a) protects whites (and Asians) on the same terms
23 that it protects “underrepresented” racial minorities. *See McDonald v. Santa*
24 *Fe Trail Transportation Co.*, 427 U.S. 273, 295 (1976) (“[T]he Act was meant,
25 by its broad terms, to proscribe discrimination in the making or enforcement
26 of contracts against, or in favor of, any race.”).

1 68. The individual defendants are violating 42 U.S.C. § 1981(a) by dis-
2 criminating in favor of blacks and Hispanics in student admissions, and
3 against whites and Asians.

4 69. SARD therefore seeks declaratory and injunctive relief that prohibits
5 the individual defendants from considering or discriminating on account of
6 race in any way in student admissions, and that compels the defendants to
7 select applicants for admission in a color-blind and race-neutral manner.

8 70. SARD seeks this relief under 42 U.S.C. § 1983, as well as the implied
9 right of action that the Supreme Court has recognized to enforce 42 U.S.C.
10 § 1981(a), and any other law that might supply a cause of action for the re-
11 quested relief, including the Declaratory Judgment Act (28 U.S.C. § 2201)
12 and the implied cause of action recognized in *Ex parte Young*, 209 U.S. 123
13 (1908). *See Johnson v. Railway Express Agency, Inc.*, 421 U.S. 454, 459–60
14 (1975).

15 71. SARD seeks this relief only against the individual defendants, and
16 not against the institutional defendants, as 42 U.S.C. § 1981 neither abrogates
17 nor waives a state institution’s sovereign immunity from suit. *See Sessions v.*
18 *Rusk State Hospital*, 648 F.2d 1066 (5th Cir. 1981) (“Section 1981 contains no
19 congressional waiver of the state’s eleventh amendment immunity.”).

20 72. The text of 42 U.S.C. § 1981(a) makes no exceptions for “compelling
21 state interests,” “student-body diversity,” or race-based affirmative-action
22 programs. It prohibits *all* forms of racial discrimination in contracting—
23 regardless of whether that racial discrimination is independently prohibited
24 by the Equal Protection Clause.

25 **THIRD CLAIM FOR RELIEF—EQUAL PROTECTION CLAUSE**

26 73. As public institutions, the University of California is subject to the

1 commands of the Equal Protection Clause, which prohibits state universities
2 or their components from denying to any person the equal protection of the
3 laws.

4 74. The Supreme Court has held that the Equal Protection Clause pro-
5 hibits race and sex discrimination by state universities in student admissions.
6 *See Students for Fair Admissions, Inc. v. President and Fellows of Harvard Col-*
7 *lege*, 600 U.S. 181, 206 (2023).

8 75. The University of California’s use of racial preferences is incompati-
9 ble with the Supreme Court’s interpretation of the Equal Protection Clause.

10 76. SARD therefore seeks declaratory and injunctive relief that prohibits
11 the defendants from considering or discriminating on account of race in any
12 way in student admissions, and that compels the defendants to select appli-
13 cants for admission in a color-blind and race-neutral manner.

14 77. SARD seeks this relief under 42 U.S.C. § 1983 and any other law that
15 might supply a cause of action for the requested relief, including the Declara-
16 tory Judgment Act (28 U.S.C. § 2201) and the implied cause of action recog-
17 nized in *Ex parte Young*, 209 U.S. 123 (1908).

18 78. SARD seeks this relief only against the individual defendants, and
19 not against the institutional defendants, as 42 U.S.C. § 1983 authorizes law-
20 suits only against “persons” and not states or state institutions. *See Will v.*
21 *Michigan Dep’t of Police*, 491 U.S. 58, 64–71 (1989) (a state is not a “person”
22 under 42 U.S.C. § 1983).

23 **DEMAND FOR RELIEF**

24 79. SARD respectfully requests that the court:

- 25 a. declare that each of the defendants is violating Title VI by dis-
26 criminating in favor of non-Asian racial minorities in student

- 1 admissions;
- 2 b. declare that the individual defendants are violating 42 U.S.C.
- 3 § 1981(a) and the Equal Protection Clause by discriminating in
- 4 favor of non-Asian racial minorities in student admissions;
- 5 c. permanently enjoin the defendants from considering race in
- 6 student admissions;
- 7 d. permanently enjoin the defendants from asking or allowing an
- 8 applicant for admission to reveal their race;
- 9 e. appoint a court monitor to oversee all decisions relating to the
- 10 defendants' admission of students to ensure that these decisions
- 11 are free from racial discrimination of any sort;
- 12 f. award the plaintiff nominal damages on its Title VI claim;
- 13 g. award costs and attorneys' fees under 42 U.S.C. § 1988;
- 14 h. grant all other relief that the Court may deem just, proper, or
- 15 equitable.

16 Respectfully submitted.

17
18 JONATHAN F. MITCHELL*
19 Texas Bar No. 24075463
20 Mitchell Law PLLC
21 111 Congress Avenue, Suite 400
22 Austin, Texas 78701
23 (512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law

/s/ William J. Brown Jr.
WILLIAM J. BROWN JR.
California Bar No. 192950
Brown Wegner LLP
2010 Main Street, Suite 1260
Irvine, California 92614
(949) 705-0081 (phone)
bill@brownwegner.com

(additional counsel listed on
following page)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RYAN GIANNETTI*
D.C. Bar No. 400153
America First Legal Foundation
611 Pennsylvania Avenue SE #231
Washington, DC 20003
(202) 964-3721 (phone)
ryan.giannetti@aflegal.org

* admitted *pro hac vice*

Dated: January 7, 2026

Counsel for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I certify that on January 7, 2026, I served this document by CM/ECF upon:

DEBO ADEGBILE
Wilmer Cutler Pickering Hale and Dorr LLP
7 World Trade Center
250 Greenwich Street
New York, New York 10007
(212) 295-8800
debo.adegbile@wilmerhale.com

FELICIA H. ELLSWORTH
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000
felicia.ellsworth@wilmerhale.com

JOSHUA A. VITTOR
Wilmer Cutler Pickering Hale and Dorr LLP
350 South Grand Avenue Suite 2400
Los Angeles, California 90071
(213) 443-5300
joshua.vittor@wilmerhale.com

Counsel for the Defendants

/s/ William J. Brown Jr.
WILLIAM J. BROWN JR.
Counsel for Plaintiff

Dated: January 7, 2026