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JP006151:nch

February 14, 2017

VIA ECF

Hon. Carol Bagley Amon
Senior Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Darweesh et al. v. Trump et al., Case No. 17-cv-00480-CBA

Dear Judge Amon:

My firm represents Judith Resnick, Kristin Collins, Burt Neuborne, and Stephen I. Vladeck (collectively, “*Amici*”), who respectfully seek leave to file an *amicus curiae* brief in support of Plaintiffs in the above-referenced case. In the alternative, *Amici* request a pre-motion conference, pursuant to Rule 3(A) of the Court’s Individual Rules, regarding leave to file such a brief.

Amici are professors of law who specialize in federal constitutional law, federal court jurisdiction, immigration law, and/or citizenship law. *Amici* are concerned about the Constitutional implications of the Executive Order at issue in this case, and particularly concerned with the Government’s claim in this case and others that the Executive Order is effectively beyond the reach of the Constitution and the courts. Specifically, *Amici* wish to address the Government’s contention that the political branches’ control over immigration is “plenary” and that the Executive consequently has unreviewable authority to suspend the admission of any class of aliens, regardless of whether the suspension was the result of invidious discrimination or whether it is supported by evidence. *Amici* have devoted their work as scholars to understanding the law and identifying its parameters, and have both a strong interest in this issue and a perspective that they believe will benefit the Court.

The Court may grant *Amici* leave to file their brief if the information they offer is “timely and useful.” *Andersen v. Leavitt*, 2007 WL 234672 at *2 (E.D.N.Y. Aug. 13, 2007) (citing *Long v. Coast Resorts, Inc.*, 49 F. Supp. 2d 1177 (D. Nev. 1999).) *Amici* meet those requirements. *Amici*’s deep knowledge and unique perspective allow them to provide insights into the complex and relatively rarely litigated plenary powers doctrine that are unique, useful, and beyond what

Hon. Carol Bagley Amon
February 14, 2017
Page 2

the parties themselves can provide. *See id.*; *In re HSBC Bank, USA, NA., Debit Card Overdraft Fee Litig.*, 14 F. Supp. 3d 99, 103 (E.D.N.Y. 2014). *Amici's* request is also timely, because it is submitted within the time limits set forth for filing *amicus* briefs in the Court's February 8, 2017 Order (Dkt. 815). Finally, leave to file *amicus* briefs should be particularly freely granted "in cases involving matters of public interest," such as this one. *Andersen*, 2007 WL 234672 at *2 (quoting 4 Am. Jur. 2d *Amicus Curiae* § 3 (2007)). Accordingly, the *Amici* respectfully request leave to file the *amicus curiae* brief attached as Exhibit A to this letter.

Very truly yours,

/s/ *Meir Feder*

Meir Feder

MF:nch

cc: All Counsel of Record (via ECF)