

Nos. 16A1190 & 16-1436

---

In the Supreme Court of the United States

---

DONALD J. TRUMP, ET AL., PETITIONERS

v.

INTERNATIONAL REFUGEE ASSISTANCE PROJECT,  
A PROJECT OF THE URBAN JUSTICE CENTER, INC.,  
ON BEHALF OF ITSELF AND ITS CLIENTS, ET AL.

*ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FOURTH  
CIRCUIT AND APPLICATION FOR STAY*

---

**MOTION FOR LEAVE TO FILE AND BRIEF  
FOR THE STATES OF TEXAS, ALABAMA,  
ARIZONA, ARKANSAS, FLORIDA, KANSAS,  
LOUISIANA, MONTANA, NORTH DAKOTA,  
OHIO, OKLAHOMA, SOUTH CAROLINA,  
SOUTH DAKOTA, TENNESSEE, AND WEST  
VIRGINIA, AND GOVERNOR PHIL BRYANT  
OF THE STATE OF MISSISSIPPI AS AMICI  
CURIAE IN SUPPORT OF PETITIONERS AND  
THEIR STAY APPLICATION**

---

KEN PAXTON  
Attorney General of Texas

SCOTT A. KELLER  
Solicitor General  
*Counsel of Record*

JEFFREY C. MATEER  
First Assistant  
Attorney General

J. CAMPBELL BARKER  
Deputy Solicitor General

OFFICE OF THE  
ATTORNEY GENERAL  
P.O. Box 12548 (MC 059)  
Austin, Texas 78711-2548  
scott.keller@oag.texas.gov  
(512) 936-1700

ARI CUENIN  
Assistant Solicitor General

---

#### **MOTION FOR LEAVE TO FILE**

The States of Texas, Alabama, Arizona, Arkansas, Florida, Kansas, Louisiana, Montana, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, and West Virginia, and Governor Phil Bryant of the State of Mississippi respectfully move for leave to file a brief as amici curiae in support of petitioners' stay application and to file the enclosed amicus brief supporting petitioners and their stay application without 10 days' advance notice to the parties of amici's intent to file. *See Sup. Ct. R. 37.2(a).*

The parties consent to the filing of the enclosed amicus brief.

Amici also respectfully request that the Court consider the arguments herein and in the enclosed amicus brief in support of petitioners' stay application in *Trump v. Hawaii*, No. 16A1191 (S. Ct. filed June 1, 2017).

1. *Statement of Movants' Interest.* The district court order enjoined in part Executive Order 13,780, signed by the President on March 6, 2017, and entitled "Protecting the Nation from Foreign Terrorist Entry into the United States." The States have a significant interest in protecting their residents' safety. But the States and their elected officials must generally rely on the federal government to set the terms and conditions for whether aliens may enter the States. *See Arizona v. United States*, 132 S. Ct. 2492, 2507 (2012). Amici therefore have a substantial interest in the alleged existence of restrictions on the President's ability to suspend the entry of aliens as he determines is in the national interest. Amici's view on the standards governing plaintiffs'

challenge to the Executive Order “may be of considerable help to the Court.” Sup. Ct. R. 37.1.

2. *Statement Regarding Brief Form and Timing.* Given the expedited consideration of this matter of significant national interest, amici respectfully request leave to file the enclosed brief supporting petitioners and their stay application without 10 days’ advance notice to the parties of intent to file. The district court heard oral argument on March 15, 2017, and entered its injunction that day. The en banc court of appeals heard oral argument on May 8. On May 25, the court of appeals affirmed in part and vacated in part the injunction, and denied petitioners’ motion for a stay pending appeal as moot. The petition for a writ of certiorari and application for stay and for expedited briefing and consideration in this Court were filed on June 1. On June 2, this Court ordered a response to these filings by June 12. This accelerated timing justifies the request to file the enclosed amicus brief supporting petitioners and their stay application without 10 days’ advance notice to the parties of intent to file.

## CONCLUSION

The Court should grant amici curiae leave to file the enclosed brief in support of petitioners and their stay application.

Respectfully submitted.

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant  
Attorney General

OFFICE OF THE  
ATTORNEY GENERAL  
P.O. Box 12548 (MC 059)  
Austin, Texas 78711-2548  
[scott.keller@oag.texas.gov](mailto:scott.keller@oag.texas.gov)  
(512) 936-1700

SCOTT A. KELLER  
Solicitor General

*Counsel of Record*

J. CAMPBELL BARKER  
Deputy Solicitor General

ARI CUENIN  
Assistant Solicitor General