

No. 15-40238

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**United States Court of Appeals**  
*for the*  
**Fifth Circuit**

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STATE OF TEXAS, et al.  
*Plaintiffs-Appellees,*

- v. -

UNITED STATES OF AMERICA, et al.  
*Defendants-Appellants.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS, BROWNSVILLE  
(CASE NO. 1:14-CV-00254)

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**MOTION OF EDUCATORS AND CHILDREN'S ADVOCATES  
FOR LEAVE TO FILE PROPOSED *AMICI CURIAE* BRIEF  
IN SUPPORT OF DEFENDANTS-APPELLANTS**

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**STATEMENT IN SUPPORT OF GRANTING MOTION  
FOR LEAVE TO FILE *AMICI CURIAE* BRIEF**

The American Federation of Teachers, First Focus, the National Education Association, ASPIRA, Educators for Fair Consideration, The Hispanic Association of Colleges and Universities, Pomona College, and the Scholarship Foundation of St. Louis (collectively, the “Amici”), respectfully seek leave, pursuant to Federal Rule of Appellate Procedure 29, to file the accompanying brief of *Amici Curiae* in support of Defendants-Appellants (“Appellants”) in the above-referenced case. The proposed *Amici Curiae* brief is submitted concurrently with this motion.<sup>1</sup> In support of this motion, Amici state as follows:

1. This Court’s March 24, 2015 Order concerning the briefing for the Court invited the participation of amici curiae.
2. All parties have consented to this motion.
3. Amici have a strong interest in participating as *Amici Curiae* in the case. They are a diverse group of education organizations, universities, advocates for children’s rights, and advocates for access to education united by their interest in securing the psychological, emotional, and physical well-being of all children in the United States, and ensuring that all children have the opportunity for

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<sup>1</sup> Amici are not affiliated with the parties in this case.

educational and economic success.<sup>2</sup> Amici believe that the broad, nationwide injunction – and the resulting delay in the implementation of the deferred action programs at issue – has serious negative consequences for children across the United States. As organizations collectively committed to advancing children’s welfare and expanding children’s opportunities in school and beyond, Amici have a strong interest in the Court reversing the preliminary injunction.

4. An *Amici Curiae* brief from the Amici is desirable because it will provide the Court with information highly relevant to determining whether the preliminary injunction serves – or disserves – the public interest. The District Court failed to adequately assess the harms to the public interest that the DAPA and DACA programs were designed to mitigate, and that the injunction therefore perpetuates. Amici’s brief discusses the harms to the U.S. citizen and lawful permanent resident (LPR) children of DAPA-eligible parents caused by the delayed implementation of the deferred action programs. This delay threatens family stability, prolongs the serious psychic and behavioral consequences that children with undocumented parents are more likely to suffer, and jeopardizes the long-term success of the U.S. citizen and LPR children of undocumented immigrants.

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<sup>2</sup> Brief explanations of each of the Amici’s relevant experience appear in the Interests of the Amici section of the proposed brief.

5. Likewise, the District Court did not take into account the benefits to children in the United States that will result directly from implementation of the enjoined programs. Amici’s brief explains that granting work authorization to parents through DAPA will benefit their U.S. citizen and LPR children. Further, the brief describes the benefits that would inure to immigrants who arrived in the United States as children through the implementation of expanded DACA.

6. The proposed brief is highly relevant, indeed crucial, to the disposition of the case. The harms and benefits described above should have played a critical role in the District Court’s weighing of the public interest before issuing an injunction, but in fact played no role at all. Where the District Court “significantly understated the burden on the public interest,” reversal may be warranted on “[the public interest] factors alone.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 23-26 (2008). Therefore, the information contained in the brief about the public interest is essential to the Court’s careful consideration of the case.

WHEREFORE, for the reasons set forth herein, proposed *Amici Curiae* respectfully request that this Court grant the instant motion for leave to file the proposed *Amici Curiae* brief.

DATED: April 6, 2015  
Washington, D.C.

Respectfully submitted,

/s/ Matthew E. Price

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 2015, using the Appellate CM/ECF system, I electronically caused to be filed with the Clerk of Court for the U.S. Court of Appeals for the Fifth Circuit the foregoing Motion for Leave to File Proposed Amici Curiae Brief In Support of Defendants-Appellants. Participants in the case are registered CM/ECF users and service will be accomplished by the Appellate CM/ECF system.

/s/ Matthew E. Price  
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