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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

REGENTS OF UNIVERSITY OF CALIFORNIA
and JANET NAPOLITANO, in her official
capacity as President of the University of
California,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY and ELAINE DUKE, in
her official capacity as Acting Secretary of the
Department of Homeland Security,

Defendants.

CASE NO. 17-CV-05211-WHA

**PLAINTIFFS' ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

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STATE OF CALIFORNIA, STATE OF MAINE,
STATE OF MARYLAND, and STATE OF
MINNESOTA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, ELAINE DUKE, in her official
capacity as Acting Secretary of the Department of
Homeland Security, and the UNITED STATES OF
AMERICA,

Defendants.

CASE NO. 17-CV-05235-WHA

CITY OF SAN JOSE, a municipal corporation,

Plaintiff,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity, ELAINE C. DUKE,
in her official capacity, and the UNITED STATES
OF AMERICA,

Defendants.

CASE NO. 17-CV-05329-WHA

DULCE GARCIA, MIRIAM GONZALEZ
AVILA, SAUL JIMENEZ SUAREZ, VIRIDIANA
CHABOLLA MENDOZA, NORMA RAMIREZ,
and JIRAYUT LATTHIVONGSKORN,

Plaintiffs,

v.

UNITED STATES OF AMERICA, DONALD J.
TRUMP, in his official capacity as President of the
United States, U.S. DEPARTMENT OF
HOMELAND SECURITY, and ELAINE DUKE,
in her official capacity as Acting Secretary of
Homeland Security,

Defendants.

CASE NO. 17-CV-05380-WHA

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COUNTY OF SANTA CLARA and SERVICE
EMPLOYEES INTERNATIONAL UNION
LOCAL 521,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, JEFFERSON
BEAUREGARD SESSIONS, in his official
capacity as Attorney General of the United States;
ELAINE DUKE, in her official capacity as Acting
Secretary of the Department of Homeland Security;
and U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

CASE NO. 17-CV-05813-WHA

1 Pursuant to Civil Local Rules 7-11 and 79-5(d)(1), Plaintiffs hereby move to file under seal the
2 identity and identifying information of Doe 1, who submitted a declaration in support of Plaintiffs’
3 Motion For Provisional Relief.

4 **I. LEGAL STANDARD**

5 “[T]he strong presumption of access to judicial records applies fully to dispositive pleadings,
6 including . . . related attachments.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th
7 Cir. 2006); *see also Ctr. For Auto Safety v. Chrysler Grp, LLC*, 809 F.3d 1092, 1103 (9th Cir. 2016)
8 (applying “compelling reasons” standard to seal documents attached to a motion for preliminary
9 injunction). To overcome this presumption, the party seeking to seal a document must articulate
10 “compelling reasons” for the seal, supported by specific facts for each document. *Id.* at 1179; *Foltz v.*
11 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

12 **II. COMPELLING REASONS EXIST TO SEAL THE IDENTITY OF DECLARANT DOE 1**

13 For the reasons stated in Plaintiffs’ accompanying Motion to Maintain the Anonymity of Doe 1,
14 compelling reasons exist to seal the name and identifying information of Doe 1. Plaintiffs further seek
15 relief from the requirement that they serve an unredacted version of the Declaration of Doe 1 on
16 opposing counsel. Civil L.R. 5.

17 Defendants have indicated that they do not oppose Plaintiffs’ request to file under seal the
18 identity of Doe 1, but they do object to Plaintiffs’ request for relief from the requirement that they serve
19 unredacted versions of the Declaration of Doe 1 on opposing counsel. Davidson Decl. ¶ 4.

20 **III. CONCLUSION**

21 For the foregoing reasons, Plaintiffs respectfully request the Court to grant this motion and
22 permit Plaintiffs to file the above-described information under seal. Should the Court deny this motion,
23 Plaintiffs will refrain from using the document in this case and will not file the unredacted declaration
24 on the public docket.

25 Dated: November 1, 2017

26 COVINGTON & BURLING LLP

27 /s/ Jeffrey M. Davidson
28 Jeffrey M. Davidson (SBN 248620)

Respectfully submitted,

XAVIER BECERRA

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Attorneys for Plaintiff COUNTY OF SANTA CLARA

ATTESTATION

I, Jeffrey M. Davidson, hereby attest, pursuant to Civil L.R. 5-1, that I have received authorization to electronically sign and file this document from each of the persons identified in the signature block.

Dated: November 1, 2017

/s/ Jeffrey M. Davidson

Jeffrey M. Davidson

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

REGENTS OF UNIVERSITY OF CALIFORNIA
and JANET NAPOLITANO, in her official
capacity as President of the University of
California,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY and ELAINE DUKE, in
her official capacity as Acting Secretary of the
Department of Homeland Security,

CASE NO. 17-CV-05211-WHA

**DECLARATION OF JEFFREY M. DAVIDSON
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL**

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Defendants.

STATE OF CALIFORNIA, STATE OF MAINE,
STATE OF MARYLAND, and STATE OF
MINNESOTA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, ELAINE DUKE, *in her official
capacity as Acting Secretary of the Department of
Homeland Security*, and the UNITED STATES OF
AMERICA,

Defendants.

CASE NO. 17-CV-05235-WHA

CITY OF SAN JOSE, a municipal corporation,

Plaintiff,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity, ELAINE C. DUKE,
in her official capacity, and the UNITED STATES
OF AMERICA,

Defendants.

CASE NO. 17-CV-05329-WHA

DULCE GARCIA, MIRIAM GONZALEZ
AVILA, SAUL JIMENEZ SUAREZ, VIRIDIANA
CHABOLLA MENDOZA, NORMA RAMIREZ,
and JIRAYUT LATTHIVONGSKORN,

Plaintiffs,

v.

UNITED STATES OF AMERICA, DONALD J.
TRUMP, in his official capacity as President of the
United States, U.S. DEPARTMENT OF
HOMELAND SECURITY, and ELAINE DUKE,
in her official capacity as Acting Secretary of
Homeland Security,

Defendants.

CASE NO. 17-CV-05380-WHA

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COUNTY OF SANTA CLARA and SERVICE
EMPLOYEES INTERNATIONAL UNION
LOCAL 521,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, JEFFERSON
BEAUREGARD SESSIONS, in his official
capacity as Attorney General of the United States;
ELAINE DUKE, in her official capacity as Acting
Secretary of the Department of Homeland Security;
and U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

CASE NO. 17-CV-05813-WHA

1 I, JEFFREY M. DAVIDSON, hereby declare as follows:

2 1. I am a partner at Covington & Burling LLP (“Covington”), counsel of record to Plaintiffs
3 The Regents of the University of California and Janet Napolitano in the above-captioned matter. I have
4 personal knowledge of the facts set forth in this Declaration, and if called upon as a witness, I could and
5 would testify truthfully to them.

6 2. For the reasons stated in Plaintiffs’ Motion to Maintain the Anonymity of Doe 1, the
7 identity and identifying information of Doe 1 should be treated as highly confidential and not disclosed.

8 3. Doe 1 fears that disclosure of her identity may cause harm to herself and her family.
9 Therefore, good cause exists to seal the redacted portions of the Declaration of Doe 1.

10 4. My colleague, Alexander Berengaut, emailed Brad Rosenberg, Defendants’ attorney, on
11 Tuesday, October 31, 2017, regarding the importance of maintaining the confidentiality of the identity
12 of Declarant Doe 1. Mr. Rosenberg said that he does not oppose Plaintiffs’ request to file under seal the
13 identity of Doe 1. Mr. Rosenberg does, however, oppose Plaintiffs’ request that Plaintiffs be provided
14 with relief from the requirement that Plaintiffs serve unredacted versions of the Declaration of Doe 1 on
15 opposing counsel.

16 I declare under penalty of perjury that to the best of my knowledge, information and belief, the
17 foregoing statements are true and correct.

18 Executed on this 1st day of November 2017 in San Francisco, California.

19
20 DATED: November 1, 2017

COVINGTON & BURLING LLP

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EXHIBIT 18

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

THE REGENTS OF THE UNIVERSITY OF
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in her official capacity as President of the
University of California,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY and ELAINE DUKE, in her
official capacity as Acting Secretary of the
Department of Homeland Security,

Defendants.

CASE NO. 17-CV-05211-WHA

DECLARATION OF DOE 1

1 STATE OF CALIFORNIA, STATE OF
2 MAINE, STATE OF MARYLAND, and
STATE OF MINNESOTA,

3 Plaintiffs,

4 v.

5 U.S. DEPARTMENT OF HOMELAND
6 SECURITY, ELAINE DUKE, in her official
7 capacity as Acting Secretary of the Department
of Homeland Security, and the UNITED
STATES OF AMERICA,

8 Defendants.

CASE NO. 17-CV-05235-WHA

9 CITY OF SAN JOSE, a municipal corporation,

10 Plaintiffs,

11 v.

12 DONALD J. TRUMP, President of the United
13 States, in his official capacity, ELAINE C.
DUKE, in her official capacity, and the
UNITED STATES OF AMERICA,

14 Defendants.

CASE NO. 17-CV-05329-WHA

15 DULCE GARCIA, MIRIAM GONZALEZ
16 AVILA, SAUL JIMENEZ SUAREZ,
17 VIRIDIANA CHABOLLA MENDOZA,
18 NORMA RAMIREZ, and JIRAYUT
LATTHIVONGSKORN,

19 Plaintiffs,

20 v.

21 UNITED STATES OF AMERICA, DONALD
22 J. TRUMP, in his official capacity as President
of the United States, U.S. DEPARTMENT OF
23 HOMELAND SECURITY, and ELAINE
DUKE, in her official capacity as Acting
Secretary of Homeland Security,

24 Defendants.

CASE NO. 17-CV-05380-WHA

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COUNTY OF SANTA CLARA and
SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 521,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, JEFFERSON
BEAUREGARD SESSIONS, in his official
capacity as Attorney General of the United
States; ELAINE DUKE, in her official
capacity as Acting Secretary of the Department
of Homeland Security; and U.S.
DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

CASE NO. 17-CV-05813-WHA

1 I, [REDACTED], KNOWN FOR THE PURPOSES OF THIS CASE AS DOE 1,
2 HEREBY DECLARE:

3 1. I am a DACA recipient and an undergraduate senior in the University of California
4 (“UC”) system. The matters set forth herein are true and correct of my own personal knowledge and, if
5 called as a witness, I could and would testify competently thereto.

6 2. I was born in Oaxaca, Mexico, and later moved to Tijuana. While I was growing up in
7 Mexico, my father worked hard to provide for my family. But because there were no good jobs in our
8 area, it was nearly impossible to earn a decent income and my family often went hungry. I came to the
9 United States in 2002, when I was six years old. I have not returned to Mexico since then.

10 3. My family’s first home in the United States was a one-bedroom apartment in [REDACTED],
11 California. It was a challenging place to live because at the time it was a bad neighborhood filled with
12 gang activity. I remember once there was a drive-by shooting in our neighborhood when I was a very
13 young. Our apartment was hit, and a bullet ended up coming through to our living room, but we were
14 luckily not harmed.

15 4. After about three years in our first apartment, we moved from home to home, following
16 affordable rent and available jobs. At one point we lived on an Indian Reservation outside of [REDACTED]
17 before moving back to [REDACTED], where my family has been for the last seven years.

18 5. I did not know that I was undocumented until eighth grade. That year, I tried to apply for
19 the Upward Bound program, a Department of Education program designed to help low-income students
20 prepare for college. I reached the part of the application that asked for “immigration status,” and I did
21 not know what that phrase meant, so I asked my mom. She told me that I did not have any immigration
22 status, and as a result, I could not apply for the program.

23 6. I did not fully understand what being “undocumented” meant until high school. I quickly
24 learned that I would not have the opportunities that most of my classmates took for granted. Without the
25 benefit of Upward Bound, visiting colleges was prohibitively expensive for my low-income family. I
26 also learned that most college scholarships were not available to me. I learned that I would have to select
27 my college on the basis of which institution offered financial aid despite my undocumented status, rather
28 than on the basis of which school would best advance my career goals.

1 7. When DACA was first announced, I heard about it right away. I had been keeping up
2 with the news, and the DACA policy seemed to offer a good new protection for me and my community.
3 I discussed the pros and cons of signing up for DACA extensively with friends and some teachers who
4 knew about my particular immigration status.

5 8. I was wary of government programs generally, and the Spanish-language news often
6 reported that giving our information to the government was a risk. Most teachers still did not know
7 about my immigration status, and I was not registered with any government programs, so I was
8 essentially in the shadows. That had become a way of life for me.

9 9. Nevertheless, I ended up deciding to apply for DACA for two main reasons. First, I had
10 already decided that I would submit my personal information in college applications, so I thought that
11 this application process would not involve new risks. Second, I needed a way to obtain lawful
12 employment that would pay me fairly so that I could support my family and help raise us all out of
13 poverty. I did not want to limit my career goals because of my family's financial constraints, but it was
14 difficult to see how college would be feasible for me.

15 10. It took my mom and me a year to raise the money needed to apply for DACA. I applied
16 near the end of [REDACTED], [REDACTED]. Once I became a DACA
17 recipient, I wondered how I had ever lived without it, and I felt fortunate because my family is still of
18 mixed immigration status.

19 11. For a while after receiving DACA, I felt unstoppable. I was able to live in a way that I
20 never had before. I had always wanted to go to college, but with DACA I suddenly felt for the first time
21 that college was feasible and within reach. I felt that there were opportunities available to me that had
22 not been before, and that I could do anything.

23 12. I also became motivated to become politically active and to share my feelings of
24 exclusion, and DACA helped empower me to do so. I grew up in a generation when the DREAM Act
25 movement was very strong and visible, and I was fortunate that I had the social and emotional support to
26 go to UC. I am a first-generation college student, partially as a result of that support.

1 13. I started college in 2014. As a result of DACA, I continued to develop the confidence to
2 work and speak freely. Last year, I started looking for an advisor for my senior thesis. I had developed a
3 personal connection with a professor whose class I had taken during my sophomore year. Her teaching
4 style appealed to me, and I felt that she understood me both as a scholar and as a person. I was happy
5 when she agreed to advise me, and she has been a good academic mentor in my studies.

6 14. I have also been able to work and gain professional experiences as a result of my work
7 authorization through DACA. Early in college, I worked at UC's call center. After that, I served as both
8 an Orientation Leader and Peer Adviser for Student Housing. I also interned at the UC School of Law,
9 and that experience led me to volunteer with an Immigration Law Clinic, where I have worked on a
10 number of projects, including supporting unaccompanied minors.

11 15. I have continued to rely on my work authorization to fund my living expenses while I
12 pursue my college education. I have a position in the Chicana/o Studies Department, where I serve as an
13 Academic and Community Counselor and organize programming for students. I am paid hourly and rely
14 on the work authorization associated with my DACA status to continue working.

15 16. My work experience during college inspired me to apply to law school, and I aspire to
16 one day become an immigration lawyer. I recently took the Law School Admissions Test ("LSAT") and
17 began my applications to law school. I want to work with the communities that I come from and help
18 empower people who feel powerless. In a way, helping people through their immigration troubles would
19 be like helping the community I love.

20 17. The announcement that DACA would be rescinded felt like cold water in my face.
21 Initially, I felt exhausted from fighting so long to stay in the country I love, and it took a while for the
22 full effects of the rescission to sink in. I think my self-defense mechanism kicked in, and I decided not to
23 feel the change, but to simply know it, just like when I discovered my undocumented status.

24 18. If I had known that DACA would be rescinded, I would not have spent so much of my
25 time in school preparing for law school, nor would I have taken the LSAT. Instead of doing the research
26 and internships that prepared me for law school, I would have spent my timing working as much as
27 possible to save money in order to survive after DACA expires.

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1 19. For now, I am still hopeful that I can fulfill my dream of becoming an immigration
2 lawyer in the United States. However, I know that I will not be able to practice law in the United States
3 if I cannot continue to get my work authorization. I have relied on the fact that I could renew my DACA
4 status, and I have made academic and career plans based on that reliance. So far I have not given up on
5 my dreams, but who knows what will happen? I hope that I can continue to be resilient.

6 20. I reapplied for DACA immediately after the rescission announcement, and I recently
7 received my new DACA status. My protections will expire in 2019, in the middle of my second year of
8 law school. The prospect of losing DACA in two years, when I will have already paid for and completed
9 half of law school, is daunting.

10 21. Several of my friends in similar positions were not as fortunate as I was to reapply for
11 DACA so recently, and their situations are more dire. Their employment authorizations will end in a few
12 months, at which point they will no longer have money to attend school and support themselves and may
13 need to drop out, even now, so close to graduation. I see the hopelessness. As amazing as it is to see how
14 hard they have worked and their many accomplishments in their studies, it is equally depressing to see it
15 all melt away. It is very disheartening.

16 22. I also have friends who have been negatively affected by the loss of the advance parole
17 option that DACA used to provide. One friend, a UC graduate, was recently admitted to program for
18 aspiring medical students and had an opportunity to go to Mexico to do research, but she will no longer
19 be able to do so after the rescission. She now has to reconsider her career goals.

20 23. In retrospect, I realize that my undocumented status had a very negative impact on my
21 health growing up in this country. We had to live in communities that were dangerous after dark, which
22 meant no playing outside after sunset. We had to stay in our small apartment where it was safer. Our
23 neighborhood was low-income and had few sources of fresh, healthy food nearby. This led to eating
24 habits focused on quick snacks of unhealthy prepared foods, which has stayed with me as I grew up. The
25 common threat of living in poverty and not having legal ways to emerge from it was very limiting. It
26 was frustrating to see that even though my parents were skilled, they could not get good jobs. If I lose
27 my work authorization, I may face that same reality and continue this cycle. I do not like to think about
28 that, because it scares me and I hope there will be some other way for me to succeed.

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24. I know that as time goes on, it will be difficult to continue to stay positive and help other students in my capacity as an Academic and Community Counselor. I feel mentally and emotionally exhausted supporting students in similar situations. If I dwell on my future and the uncertainty surrounding my DACA status, then I would not be able to successfully do my job, and I would probably stop trying so hard to have a successful future. That is not who I am. And that is not who I want to be. I refuse to fully internalize this latest announcement of DACA's rescission, because I am terrified of how it will make me feel. I know myself, and I know that this reality will damage me, and I will not be able to be the person that I have been over the past almost five years, and I will not be able to support others either.

25. I choose to submit this declaration to give a voice to the many other students who are in my position. I worry, however, that if it becomes known that I provided this statement or participated in this lawsuit, the personal information I provided to the government to obtain DACA in the first place could be used by immigration officials to target both my family and me. I also worry that if my identity becomes known, I may be targeted by others who are not happy that we are in this country.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on Monday, October 23, 2017 in [REDACTED] California.

[REDACTED]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

REGENTS OF UNIVERSITY OF CALIFORNIA and JANET NAPOLITANO, in her official capacity as President of the University of California,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY and ELAINE DUKE, in her official capacity as Acting Secretary of the Department of Homeland Security,

Defendants.

CASE NO. 17-CV-05211-WHA

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE MOTION
TO FILE UNDER SEAL**

STATE OF CALIFORNIA, STATE OF MAINE, STATE OF MARYLAND, and STATE OF MINNESOTA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY, ELAINE DUKE, in her official capacity as Acting Secretary of the Department of Homeland Security, and the UNITED STATES OF AMERICA,

Defendants.

CASE NO. 17-CV-05235-WHA

CITY OF SAN JOSE, a municipal corporation,

Plaintiff,

v.

DONALD J. TRUMP, President of the United States, in his official capacity, ELAINE C. DUKE, in her official capacity, and the UNITED STATES OF AMERICA,

Defendants.

CASE NO. 17-CV-05329-WHA

DULCE GARCIA, MIRIAM GONZALEZ
 AVILA, SAUL JIMENEZ SUAREZ,
 VIRIDIANA CHABOLLA MENDOZA,
 NORMA RAMIREZ, and JIRAYUT
 LATTHIVONGSKORN,

Plaintiffs,

v.

UNITED STATES OF AMERICA, DONALD
 J. TRUMP, in his official capacity as President
 of the United States, U.S. DEPARTMENT OF
 HOMELAND SECURITY, and ELAINE
 DUKE, in her official capacity as Acting
 Secretary of Homeland Security,

Defendants.

CASE NO. 17-CV-05380-WHA

COUNTY OF SANTA CLARA and
 SERVICE EMPLOYEES INTERNATIONAL
 UNION LOCAL 521,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
 as President of the United States, JEFFERSON
 BEAUREGARD SESSIONS, in his official
 capacity as Attorney General of the United
 States; ELAINE DUKE, in her official
 capacity as Acting Secretary of the Department
 of Homeland Security; and U.S.
 DEPARTMENT OF HOMELAND
 SECURITY,

Defendants.

CASE NO. 17-CV-05813-WHA

Having considered Plaintiffs' Administrative Motion to File Under Seal, and good cause
 appearing therefore:

Material Sought to be Sealed	Evidence Offered in Support of Sealing	Order
Identifying information of Doe 1	Davidson Declaration ¶¶ 2-3	

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Dated: _____

Honorable William H. Alsup
United States District Judge