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Via Electronic Filing

Molly Dwyer
Clerk of Court
United States Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

RE: *Regents of the University of California et al. v. U.S. Department of Homeland Security, et al.*, Nos. 18-15068, 18-15069, 18-15070, 18-15071, 18-15072, 18-15128, 18-15133, 18-15134 (oral argument May 15, 2018, before Judges Wardlaw, Nguyen, Owens)

Dear Ms. Dwyer:

I write on behalf of the States in response to defendants' letter (Dkt. 191) regarding *City and County of San Francisco v. Trump*, No. 17-17478 (Aug. 1, 2018) ("*San Francisco*"). The decision in *San Francisco* does not support defendants' argument that the preliminary injunction in this case should be vacated.

In *San Francisco*, this Court recognized "the district court's considerable discretion in ordering an appropriate equitable remedy." Slip op. 35. And it was "unpersuaded by the Administration's arguments in favor of a blanket restriction on all nationwide injunctions" (*id.*)—the same arguments defendants have advanced in this case (*see* U.S. Br. 48-54 (Dkt. 31)). The Court vacated the nationwide injunction before it in *San Francisco* and remanded "for a more searching inquiry" because "the record [was] not sufficiently developed on the nationwide impact of the Executive Order." Slip op. 35.

Here, the record already establishes that the nationwide scope of the district court's preliminary injunction is within the court's discretion. As the district court

noted, defendants' rescission of DACA "affects every state and territory of the United States" and "Plaintiffs have established injury that reaches beyond the geographical bounds of the Northern District of California." ER 47; *see, e.g.*, SER 1481 (DACA recipients in all 50 States); SER 446-455 (economic harms to state and local governments). As in other recent cases where this Court has upheld nationwide injunctions, the district court's preliminary injunction in this case is "necessary to give Plaintiffs a full expression of their rights." *San Francisco*, slip op. 34. Among other things, the plaintiffs here include States from across the Nation and public universities that recruit students, staff, and faculty on a nationwide basis. *See* State Br. 60-61 (Dkt. 43); Regents Br. 71-72 (Dkt. 44). A narrower injunction would not fully protect plaintiffs' interests and would not be administratively feasible. *See* State Br. 60-61; Garcia Br. 45 (Dkt. 46); *see also* ER 47 (noting "strong interest in the uniform application of immigration law and policy").

Sincerely,

s/ Michael J. Mongan

MICHAEL J. MONGAN
Deputy Solicitor General

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CERTIFICATE OF SERVICE

I certify that on August 6, 2018, I electronically filed the foregoing document with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I certify that all other participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: August 6, 2018

s/ Michael J. Mongan
