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

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

18 Plaintiffs,

19 v.

20 U.S. DEPARTMENT OF HOMELAND
 SECURITY and DAVID PEKOSKE, in his
 21 official capacity as Acting Secretary of
 Homeland Security,

22 Defendants.¹

CASE NO. 17-CV-05211-WHA
 CASE NO. 17-CV-05325-WHA
 CASE NO. 17-CV-05329-WHA
 CASE NO. 17-CV-05380-WHA
 CASE NO. 17-CV-05813-WHA

NOTICE

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 28 ¹ Pursuant to Federal Rule of Civil Procedure 25(d), Acting Secretary of Homeland Security David Pecoske is automatically substituted as a Defendant in his official capacity for former Acting Secretary of Homeland Security Peter T. Gaynor.

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)

NOTICE

1 Defendants respectfully notify the Court and the Plaintiffs that, on January 20, 2021,
2 President Joseph R. Biden, Jr. signed a Memorandum on the subject of “Preserving and Fortifying
3 Deferred Action for Childhood Arrivals (DACA).” The Memorandum orders that “[t]he Secretary
4 of Homeland Security, in consultation with the Attorney General, shall take all actions he deems
5 appropriate, consistent with applicable law, to preserve and fortify DACA.” Although the
6 Memorandum has not yet been published in the Federal Register, the full text is available at
7 [https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-
9 fortifying-deferred-action-for-childhood-arrivals-daca/](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-
8 fortifying-deferred-action-for-childhood-arrivals-daca/), and is also attached to this notice as
10 Exhibit 1.

11 Dated: January 21, 2021

Respectfully submitted,

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BRIEFING ROOM

Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA)

JANUARY 20, 2021 • PRESIDENTIAL ACTIONS

MEMORANDUM FOR THE ATTORNEY GENERAL THE SECRETARY OF
HOMELAND SECURITY

SUBJECT: Preserving and Fortifying Deferred Action for Childhood Arrivals
(DACA)

By the authority vested in me as President by the Constitution and the laws of the United States, it is hereby ordered as follows:

Section 1. Policy. In 2012, during the Obama-Biden Administration, the Secretary of Homeland Security issued a memorandum outlining how, in the exercise of prosecutorial discretion, the Department of Homeland Security should enforce the Nation's immigration laws against certain young people. This memorandum, known as the Deferred Action for Childhood Arrivals (DACA) guidance, deferred the removal of certain undocumented immigrants who were brought to the United States as children, have obeyed the law, and stayed in school or enlisted in the military. DACA and associated regulations permit eligible individuals who pass a background check to request temporary relief from removal and to apply for temporary work permits. DACA reflects a judgment that these immigrants should not be a priority for removal based on humanitarian concerns and other considerations, and that work authorization will enable them to support themselves and their families, and to contribute to our economy, while they remain.

Sec. 2. Preserving and Fortifying DACA. The Secretary of Homeland Security, in consultation with the Attorney General, shall take all actions he deems appropriate, consistent with applicable law, to preserve and fortify DACA.



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Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Homeland Security is authorized and directed to publish this memorandum in the *Federal Register*.

JOSEPH R. BIDEN JR.

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