



State of Arizona

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Ruling on Foreign Nations' Involvement in SB 1070 Lawsuit

PHOENIX – Yesterday, the Ninth Circuit Court of Appeals denied the State of Arizona permission to officially respond to Mexico's amicus brief. The Ninth Circuit Court of Appeals accepted Mexico's amicus brief (joined by other Latin American countries) on October 4. The next day, Governor Jan Brewer, on behalf of the State of Arizona requested permission from the Ninth Circuit Court of Appeals to respond to Mexico's amicus brief. The federal government consented to Mexico filing the amicus brief and Arizona did not.

"I am disappointed by the decision of the Ninth Circuit Court of Appeals to not allow the State of Arizona to respond on the record to Mexico's amicus brief," said Governor Jan Brewer. "I fervently believe that arguments by a foreign government have no place in a U.S. legal proceeding. Arizonans strongly believe, in a bipartisan fashion, that foreign nations should not be meddling in an internal legal dispute between the United States and one of its states." Governor Brewer concluded that "Despite the Court's ruling, I do not believe the Court will give any weight to Mexico's filing because it is little more than a political statement."

The State of Arizona's proposed response to Mexico's amicus brief can be found at the following web link: http://www.azgovernor.gov/dms/upload/PR_101310_ResponseToMexicoAmicusCuriae.pdf

Governor Brewer's press release regarding the proposed response can be found at the following web link: http://www.azgovernor.gov/dms/upload/PR_101310_StatementbyGovernorBrewerResponseToMexicoAmicus.pdf A summary of the key events and documents regarding Mexico's amicus brief are attached/below.

The Ninth Circuit Court of Appeals has scheduled the hearing on the U.S. District Court injunction on portions of SB 1070 for November 1, 2010.

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Summary of Key Events regarding Mexico's Amicus Brief

1. **9/30/2010** - Mexico and other Latin American Countries ("Mexico") requested permission from the U.S. Court of Appeals for Ninth Circuit ("Ninth Circuit") to file an amicus brief. Mexico's court filing supports the U.S. Department of Justice and opposes the State of Arizona regarding the appeal of the SB 1070 injunction. The U.S. Department of Justice consented to Mexico's filing and the State of Arizona did not. The Ninth Circuit has scheduled the hearing on the SB 1070 injunction for Monday, **11/1/2010**.
2. **10/4/2010** - The Ninth Circuit accepted Mexico's amicus brief.
3. **10/5 2010** - The State of Arizona requested permission from the Ninth Circuit to respond to Mexico's amicus brief. The State of Arizona filed its proposed response to Mexico's amicus brief on **10/12/2010**.
4. **10/14/2010** - The Ninth Circuit denied the State of Arizona permission to respond to Mexico's amicus brief.

Relevant Documents

1. **9/30/2010 - Motion and Proposed Amicus Brief of Mexico filed with 9th Circuit Against SB 1070***
http://www.azgovernor.gov/documents/BorderSecurity/MexicoAmicusCuriaeBrief_093010.pdf

*(Page 1 of the Motion notes that the U.S. Department of Justice consented to Mexico's amicus brief, while the State of Arizona did not.)
2. **10/4/2010 - 9th Circuit Order Granting Mexico Permission to file Amicus Brief Against SB 1070**
http://www.azgovernor.gov/documents/BorderSecurity/USvAZ9thCirPI_OrderFilingVariousAmicusBriefs100410.pdf
3. **10/5/2010 - State of Arizona's Motion to Respond to Mexico's Amicus Brief**
http://azgovernor.gov/dms/upload/PR_100510_USvAZ9thCirPI.pdf

Governor Brewer Press Release re same

http://azgovernor.gov/dms/upload/PR_100510_BrewerObjectsForeignGovSB1070Lawsuit.pdf

10/12/2010 - State of Arizona's Proposed Response to Mexico's Amicus Brief

http://www.azgovernor.gov/dms/upload/PR_101310_ResponseToMexicoAmicusCuriae.pdf

Governor Brewer Press Release re Same

http://www.azgovernor.gov/dms/upload/PR_101310_StatementbyGovernorBrewerResponseToMexicoAmicus.pdf

4. **10/14/2010 - 9th Circuit denies the State of Arizona's motion for leave to file a response to Mexico's and other Latin American Countries' amicus brief**

http://www.azgovernor.gov/documents/BorderSecurity/USvAZ9thCirPI_OrderDenyAZMotionForLeaveRespondtoMexicanAmicus101410.pdf