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## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA.

Plaintiff,

v.

THE STATE OF CALIFORNIA; EDMUND GERALD BROWN JR., Governor of California, in his Official Capacity; and XAVIER BECERRA, Attorney General of California, in his Official Capacity,

Defendants.

No. 18-264

[Proposed] ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

This matter is before the Court on Plaintiff the United States' Motion for a Preliminary Injunction. Having considered the motion, including Plaintiff's Memorandum of Law and Defendants' opposition thereto, and having further considered: (1) the likelihood that the United States will succeed on the merits of its claims; (2) the likelihood that the United States will suffer irreparable injury absent an injunction; (3) whether injunctive relief would substantially harm Defendants; and (4) whether the public interest would be furthered by an injunction, this Court concludes that Plaintiff is entitled to preliminary injunctive relief. THEREFORE pursuant to Federal Rule of Civil Procedure 65, Plaintiff's Motion is GRANTED.

The Court FINDS that Plaintiff is likely to succeed on its claims that Sections 7285.1, 7285.2, 7284.6(a)(1)(C) & (D), 7284.6(a)(4), and 12532 of the California Government Code and Sections 90.2 and 1019.2 of the California Labor Code violate the Supremacy Clause of the United States Constitution, U.S. Const. art. VI, cl. 2, and are therefore invalid.

The Court also FINDS that Plaintiff has made a strong showing that it suffers and will continue to suffer irreparable harm caused by these provisions of California law, and that the

Accordingly, Defendants are HEREBY ENJOINED from enforcing Sections 7285.1, 7285.2, 7284.6(a)(1)(C) & (D), and 7284.6(a)(4) of the California Government Code and Sections 90.2 and 1019.2 of the California Labor Code, until such time as the Court enters judgment on the United States' claims for relief, as follows:

- 1. Defendants are enjoined from enforcing sections 7285.1 and 7285.2 of the California Government Code, and Sections 90.2 and 1019.2 of the California Labor Code, as applied to any private employer or place of labor in the State of California.
- 2. Defendants are enjoined from enforcing Section 12532 of the California Government Code as to any detention facility that houses federal immigration detainees in the State of California. Such facilities, as defined by section 12532(a), include any "county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California, including any county, local, or private locked detention facility in which an accompanied or unaccompanied minor is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement or the United States Immigration and Customs Enforcement that houses federal immigration detainees in the State of California."
- 3. Defendants are enjoined from enforcing Sections 7284.6(a)(1)(C) & (D) and 7284.6(a)(4) of the California Government Code with respect to any "California law enforcement agency" in the State of California, defined by section 7284.4(a) as any "state or local law enforcement agency, including school police or security departments," or any "law enforcement official," defined by section 7282.4(d) as any "local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails

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1	or to maintain custody of individuals in jails, and any person or local agency authorized to
2	operate juvenile detention facilities or to maintain custody of individuals in juvenile detention
3	facilities."
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5	DONE AND ORDERED this day of, 2018,
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8	UNITED STATES DISTRICT JUDGE
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