

**IN THE DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

|                                              |   |                           |
|----------------------------------------------|---|---------------------------|
| JOE NEGUSE, in his official capacity as a    | ) |                           |
| Member of the U.S. House of Representatives, | ) |                           |
| <i>et al.</i> ,                              | ) |                           |
| Plaintiffs,                                  | ) |                           |
| v.                                           | ) | Case No. 1:25-cv-2463-JMC |
| U.S. IMMIGRATION AND CUSTOMS,                | ) |                           |
| ENFORCEMENT, <i>et al.</i> ,                 | ) |                           |
| Defendants.                                  | ) |                           |
| *****                                        |   |                           |

**UNOPPOSED MOTION OF LAWYERS DEFENDING AMERICAN DEMOCRACY  
FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF THE PLAINTIFFS<sup>1</sup>**

**INTRODUCTION**

Proposed amicus, Lawyers Defending American Democracy (LDAD), respectfully requests leave to file an amicus curiae brief in support of the Plaintiffs’ Motion for Stay Under 5 U.S.C. § 705 or, in the Alternative, for Preliminary Injunction. Copies of the proposed amicus brief and the proposed Order accompany this motion. This motion is “filed in a timely manner” in accordance with Local Rule 7(o)(2) because briefing on the above-mentioned motion is not yet complete and, therefore, will not delay the Court’s ability to rule on those pending motions.

**DISCUSSION**

The movant’s interest in this case, as required to be set forth by Local Rule 7(o)(2), is as follows: LDAD is a non-profit, non-partisan organization devoted to encouraging the legal profession to enforce and uphold principles of American democracy and law, consistent with our

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<sup>1</sup> The term “Plaintiffs” refers to Joe Neguse, Adriano Espaillat, Bennie G. Thompson, Jamie Raskin, Robert Garcia, J. Luis Correa, Jason Crow, Veronica Escobar, Daniel S. Goldman, Jimmy Gomez, Raul Ruiz, and Norma Torres, in their official capacities as Members of the U.S. House of Representatives.

obligations as lawyers; demanding accountability from lawyers and public officials; and identifying attacks on legal norms and prescribing redress for them. LDAD's mission is to defend the underlying constitutional values and norms of political behavior on which our democracy depends, including the rule of law, institutional checks and balances, separation of powers, and the integrity of our system of justice. LDAD's Board of Directors includes, among others, a retired state supreme court justice, a former state attorney general, retired partners and managing partners of major law firms, past presidents of two state bar associations, business entrepreneurs, and legal academics.

The issues raised in this case are directly relevant to LDAD's mission and interests. Congressional oversight is a core mechanism of upholding American democracy, as it allows the legislative branch to check the actions of the executive branch and provide the public with timely and valid information about these actions. Such oversight is rooted in a history of congressional investigatory powers which the Supreme Court has recognized, most recently in *Trump v. Mazars USA, LLP*, 591 U.S. 848 (2019), are auxiliaries of the legislative powers enumerated under the Constitution to Congress. At issue in this case is the enforcement of oversight authority that has been delegated to individual Members of Congress, by both parent bodies, to access without advance notice facilities operated by the U.S. Department of Homeland Security that house or detain aliens. This enforcement has occurred through statute. Further Consolidated Appropriations Act, 2024, div. C, title V, § 527, Pub. L. No. 118-47, 138 Stat. 460, 619 (Mar. 23, 2024); Full-Year Continuing Appropriations and Extension Act 2025, Pub. L. No. 119-4, §§ 1101(a)(6), 1105, 139 Stat. 9, 11, 12 (Mar. 15, 2025). By denying access, the executive branch is directly violating statutory authority and selectively complying with the laws. This overreach of executive authority threatens the rule of law and the separation of powers that undergird the Constitution, thereby

undermining fundamental principles of American democracy. As a result, the Plaintiffs' success in this case is central to LDAD's mission and interests.

The proposed amicus brief provides a fuller discussion of the issues of standing and the scope of oversight authority, and the need for judicial enforcement, than in Plaintiffs' brief. . In particular, the amicus brief discusses how enforcement of the statutorily-defined oversight authority has been expressly delegated to individual Members of Congress; how such authority relates to any legislative function carried out by individual Members of Congress; how political negotiations have been exhausted, necessitating judicial intervention; and how the inclusion of the statutory provision in an appropriations act does not undermine the delegation of the oversight authority at issue.

The accompanying amicus brief was authorized entirely by amicus curiae and their attorneys, and not in any part by counsel for any party. No party or counsel for any party contributed money to fund preparing or submitting the accompanying amicus brief. Apart from amicus curiae, their members, and their counsel, no other person contributed money to fund preparing or submitting the accompanying amicus brief.

Finally, LDAD has consulted with counsel for the parties of record, as required by Local Rule 7(o)(2), each of whom has consented to the filing of an amicus brief by LDAD.

### **CONCLUSION**

For these reasons, LDAD respectfully requests the Court grant it leave to file the attached amicus curiae brief in support of Plaintiffs.

Date: September 16, 2025

Respectfully submitted,

/s/ Aderson B. Francois

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Counsel for Lawyers Defending American  
Democracy

**LOCAL CIVIL RULE 26.1 CERTIFICATE**

I, the undersigned, counsel of record for Lawyers Defending American Democracy, certify that to the best of my knowledge and belief, there are no parent companies, subsidiaries, affiliates, or companies which own at least 10% of the stock of Lawyers Defending American Democracy which have any outstanding securities in the hands of the public.

These representatives are made in order that judges of this Court may determine the need for recusal.

DATED this 16th day of September 2025.

/s/ Aderson B. Francois  
Aderson B. Francois (D.C. Bar No. 498544)

**CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2025, I electronically filed this motion for leave to file amicus brief with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all attorneys of record by operation of the Court's electronic filing system.

DATED this 16th day of September 2025.

/s/ Aderson B. Francois  
Aderson B. Francois (D.C. Bar No. 498544)