

IN THE SUPREME COURT OF THE UNITED STATES

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No. 17-1003

UNITED STATES DEPARTMENT OF HOMELAND SECURITY,  
ET AL., PETITIONERS

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL.

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ON PETITION FOR A WRIT OF CERTIORARI  
BEFORE JUDGMENT TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT

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REPLY IN SUPPORT OF  
MOTION TO EXPEDITE CONSIDERATION OF THE  
PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT  
AND TO EXPEDITE CONSIDERATION OF THIS MOTION

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As explained in the government's motion (at 5-8), expedited consideration of the petition for a writ of certiorari before judgment is warranted based on the imperative public importance of this case and the urgent need for a prompt resolution. Without this Court's immediate intervention, the district court's unprecedented injunction ordering the government to maintain a discretionary policy of non-enforcement will remain in force at least for months while an appeal to the Ninth Circuit is resolved, even if that court acts "expeditiously to decide [the] case," State

Resp. 2 (citation omitted; brackets in original). And, if the court of appeals does not reverse the injunction, it could continue for a year or more given the Court's calendar. In order to provide adequate time for briefing by the parties and consideration by the Court this Term, the government therefore respectfully submits that the Court should adopt a briefing schedule that would allow the Court to consider the petition for a writ of certiorari before judgment at the Court's scheduled February 16, 2018 Conference.

Respondents acknowledge (e.g., State Resp. 2-3) the importance of the issues presented by this case and do not oppose expedited consideration of the government's petition. Respondents propose (e.g., State Resp. 3), however, to file their briefs in opposition to the government's petition by February 2, 2018, instead of January 31, 2018, as the government proposed in its motion. The government's proposed date was offered to correspond with this Court's scheduled distribution date for petitions to be considered at the February 16, 2018 Conference. That said, the government has no objection to the respondents' proposed deadline if the Court determines that that date would leave sufficient time for the Court to consider the government's petition at the February 16 Conference.

As noted in the government's motion (at 8), to facilitate the Court's consideration, the government has waived the 14-day period provided for in this Court's Rule 15.5 between the filing of a

brief in opposition and the distribution of the petition and other materials to the Court. To further facilitate the Court's consideration of the petition, if respondents file their briefs in opposition by February 2, 2018, the government would intend to file any reply brief addressing the respondents' arguments against certiorari by February 7, 2018.

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General

JANUARY 2018