

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Arizona Dream Act Coalition, et al.,
Plaintiffs,
v.
Janice K. Brewer, et al.,
Defendants.

No. CV-12-02546-PHX-DGC
PRELIMINARY INJUNCTION

In response to Plaintiffs’ motion for a preliminary injunction, the Court entered an order finding that Plaintiffs were likely to succeed on the merits of their equal protection claim, but also finding that Plaintiffs had not shown a likelihood of irreparable harm. Doc. 114. The Ninth Circuit Court of Appeals reversed and ordered the Court to enter the preliminary injunction. *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053 (9th Cir. 2014). The Ninth Circuit’s mandate has now been received by the Court. Doc. 294.

The Court accordingly holds that Plaintiffs are likely to succeed on the merits of their claim that Defendants’ policy and practice of denying driver’s licenses and state identification cards to Deferred Action for Childhood Arrivals (“DACA”) recipients violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Plaintiffs have also shown that they likely will suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in their favor, and that a preliminary injunction is in the public interest. Waiver of the bond requirement is appropriate because Plaintiffs are suing to vindicate constitutional rights under 42 U.S.C. § 1983 and because of Plaintiffs’ limited resources.

1 **IT IS ORDERED:**

- 2 1. Plaintiffs' motion for a preliminary injunction (Doc. 29) is **granted**.
- 3 2. Until further order of this Court, Defendants and their officials, agents, and
- 4 employees, and all persons acting in concert or participating with them, are
- 5 enjoined from enforcing any policy or practice by which the Arizona
- 6 Department of Transportation refuses to accept Employment Authorization
- 7 Documents, issued under DACA, as proof that the document holders are
- 8 authorized under federal law to be present in the United States for purposes
- 9 of obtaining a driver's license or state identification card.¹
- 10 3. To enable Defendants time to provide the necessary communications to
- 11 their officers and employees, this order shall become effective on
- 12 December 22, 2014.

13 Entered this 18th day of December, 2015.

14 

15
16

David G. Campbell
17 United States District Judge

18 _____

19 ¹ The parties disagree on whether the Court should enter an injunction that applies

20 to all DACA recipients, as opposed to applying merely to the named plaintiffs in this

21 action. Docs. 288, 290. The Ninth Circuit has held that a preliminary injunction should

22 be limited to individual plaintiffs unless the court has certified a class. *Zepeda v. I.N.S.*,

23 753 F.2d 719, 727 (9th Cir. 1985). The Ninth Circuit has also held, however, that an

24 injunction is not overbroad because it extends benefits to persons other than those before

25 the Court – even if this is not a class action – “if such breadth is necessary to give

26 prevailing parties the relief to which they are entitled.” *Easyriders Freedom F.I.G.H.T. v.*

27 *Hannigan*, 92 F.3d 1486, 1501-02 (9th Cir. 1996). Because Plaintiff Dream Act

28 Coalition seeks relief on behalf of its members, the Court concludes that the preliminary

injunction should apply to all DACA recipients. Requiring state officials at driver's

license windows to distinguish between DACA recipients who are members of the

Coalition and those who are not is impractical, and granting an injunction only with

respect to the named plaintiffs would not grant the Coalition the relief it seeks on behalf

of its members. In addition, the instruction from the Ninth Circuit in this case is to

“prohibit[] Defendants *from enforcing any policy* by which the Arizona Department of

Transportation refuses to accept Plaintiffs' Employment Authorization Documents,

issued to Plaintiffs under DACA[.]” *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053,

1069 (9th Cir. 2014) (emphasis added). This preliminary injunction prohibits

enforcement of the policy.