

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 1 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

REGENTS OF THE UNIVERSITY OF CALIFORNIA and JANET NAPOLITANO,
In her official capacity as President of the University of California,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY and KIRSTJEN NIELSEN, In her official capacity as Acting Secretary of the Department of Homeland Security,

Defendants-Appellants.

No. 18-15068

D.C. No. 3:17-cv-05211-WHA
Northern District of California,
San Francisco

ORDER

STATE OF CALIFORNIA; et al.,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY; et al.,

Defendants-Appellants.

No. 18-15069

D.C. No. 3:17-cv-05235-WHA

CITY OF SAN JOSE,

Plaintiff-Appellee,

v.

No. 18-15070

D.C. No. 3:17-cv-05329-WHA

DONALD J. TRUMP, President of the
United States, in his official capacity; et al.,

Defendants-Appellants.

DULCE GARCIA; et al.,

Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellants.

No. 18-15071

D.C. No. 3:17-cv-05380-WHA

COUNTY OF SANTA CLARA and
SERVICE EMPLOYEES
INTERNATIONAL UNION LOCAL 521,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States; et
al.,

Defendants-Appellants.

No. 18-15072

D.C. No. 3:17-cv-05813-WHA

REGENTS OF THE UNIVERSITY OF
CALIFORNIA; et al.,

Plaintiffs-Appellees,

v.

No. 18-15128

D.C. Nos. 3:17-cv-05211-WHA
3:17-cv-05235-WHA
3:17-cv-05329-WHA
3:17-cv-05380-WHA
3:17-cv-05813-WHA

UNITED STATES OF AMERICA; et al.,
Defendants-Appellants.

REGENTS OF THE UNIVERSITY OF CALIFORNIA; et al.,

Plaintiffs-Appellants,

v.

UNITED STATES OF AMERICA; et al.,
Defendants-Appellees.

No. 18-15133

D.C. Nos. 3:17-cv-05211-WHA
3:17-cv-05235-WHA
3:17-cv-05329-WHA
3:17-cv-05380-WHA
3:17-cv-05813-WHA

DULCE GARCIA; et al.,

Plaintiffs-Appellants,

v.

UNITED STATES OF AMERICA; et al.,
Defendants-Appellees.

No. 18-15134

D.C. Nos. 3:17-cv-05211-WHA
3:17-cv-05235-WHA
3:17-cv-05329-WHA
3:17-cv-05380-WHA
3:17-cv-05813-WHA

REGENTS OF THE UNIVERSITY OF CALIFORNIA; et al.,

Plaintiffs-Respondents,

v.

UNITED STATES OF AMERICA; et al.,
Defendants-Petitioners.

No. 18-80037

D.C. Nos. 3:17-cv-05211-WHA
3:17-cv-05235-WHA
3:17-cv-05329-WHA
3:17-cv-05380-WHA
3:17-cv-05813-WHA

The parties are ordered to submit supplemental briefs of no more than fifteen double-spaced pages addressing the effect of *Heckler v. Chaney*, 470 U.S. 821, 833 n.4 (1985), and *Montana Air Chapter No. 29 v. FLRA*, 898 F.2d 753, 756–57 (9th Cir. 1990), on the question whether 5 U.S.C. § 701(a)(2) bars judicial review of the Department of Homeland Security’s rescission of the Deferred Action for Childhood Arrivals program. The parties should consider whether the rescission is judicially reviewable as a general enforcement policy, rather than as a single-shot non-enforcement decision. See *Crowley Caribbean Transp., Inc. v. Pena*, 37 F.3d 671, 676 (D.C. Cir. 1994); *NAACP v. Trump*, Nos. 17-1907 & 17-2325, 2018 WL 1920079, at *11–17 (D.D.C. Apr. 24, 2018) (interpreting the standard in *Crowley*).

The briefs shall be filed on or before May 11, 2018.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Omar Cubillos
Deputy Clerk
Ninth Circuit Rule 27-7