

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|--|---|-----------------------|
| CENTRAL ALABAMA FAIR |) | |
| HOUSING CENTER, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | CIVIL ACTION NUMBER: |
| v. |) | 2:11-cv-00982-MHT-CSC |
| |) | |
| JULIE MAGEE, Revenue |) | |
| Commissioner for the State of Alabama, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

**STATE DEFENDANT’S NOTICE OF SUPPLEMENTAL EVIDENCE AND
MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER**

State Defendant, Commissioner Julie Magee, sued in her official capacity as Revenue Commissioner for the State of Alabama, respectfully notifies the Court that she today issued the memorandum attached as Exhibit A, directing that officials are to verify an alien’s immigration status through the use of the Systematic Alien Verification for Entitlements (“SAVE”) Program operated by the United States Department of Homeland Security, or by other verification with the United States Department of Homeland Security pursuant to 8 U.S.C. § 1373(c).

In pertinent part, the memo states:

Under no circumstances is a State or county official or employee to make a determination as to whether an alien is lawfully present in the United States. For this reason, you can no longer allow an alien to document his lawful

presence in the United States through the use of documents or legible photocopies of documents. The Department of Revenue's previously issued list of 'Lawfully Present Alien Documents' is no longer valid.

An alien may be denied the right to proceed with a business transaction with the State or a political subdivision only on the basis of a federal determination that the alien is unlawfully present. If you are unable to verify that an alien is unlawfully present in the United States through a determination by the SAVE Program or by other verification with the United States Department of Homeland Security, then you should allow the alien to conduct the requested business transaction with your office.

Memorandum from Julie Magee to County Officials dated November 28, 2011, page 3.

As the Court's temporary restraining order of November 23, 2011, was based on the finding that the then-process for verification of an alien's status conflicted with federal law and was therefore preempted, *see* doc. 50 at 7-8, the basis of the temporary restraining order no longer exists.

Therefore, the State Defendant respectfully requests that the Court dissolve the temporary restraining order.

Respectfully submitted,

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BY:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of November 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the counsel for Plaintiffs who are registered for electronic service in this case.

I FURTHER CERTIFY that on the 28th day of November 2011, I am serving by electronic mail the following co-defendant for whom no counsel has yet appeared:

Judge Jimmy Stubbs probatejudge@elmoreco.org

I FURTHER CERTIFY that on the 28th day of November 2011, I am serving by electronic email the following counsel for Plaintiffs who are not yet registered for service using the CM/ECF system:

| | |
|-------------------|--|
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s/ James W. Davis _____
Of Counsel