

No. 18-587

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**In the Supreme Court of the United States**

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

*Petitioners,*

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, *ET AL.*,

*Respondents.*

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*On Petition for a Writ of Certiorari to the  
United States Court of Appeals  
for the Ninth Circuit*

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**BRIEF OF *AMICUS CURIAE* EAGLE FORUM  
EDUCATION & LEGAL DEFENSE FUND IN  
SUPPORT OF PETITIONERS**

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## QUESTIONS PRESENTED

This dispute concerns the policy of immigration enforcement discretion known as Deferred Action for Childhood Arrivals (“DACA”). In 2016, this Court affirmed, by an equally divided Court, a decision of the Fifth Circuit holding that two related Department of Homeland Security (“DHS”) discretionary enforcement policies, including an expansion of the DACA policy, were likely unlawful and should be enjoined. *See United States v. Texas*, 136 S. Ct. 2271 (2016) (*per curiam*). In September 2017, DHS determined that the original DACA policy was unlawful and would likely be struck down by the courts on the same grounds as the related policies. DHS thus instituted an orderly wind-down of the DACA policy.

The questions presented are as follows:

1. Whether DHS’s decision to wind down the DACA policy is judicially reviewable.
2. Whether DHS’s decision to wind down the DACA policy is lawful.

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