

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

NATALIA USECHE, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 8:20-cv-2225-PX

**PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
OR A PRELIMINARY INJUNCTION**

Plaintiffs hereby move the Court for the entry of summary judgment on their claims for relief under Article I of the Constitution and the Fourteenth Amendment, 2 U.S.C. § 2a, and 13 U.S.C. § 141, as set forth in Counts I, III, IV, and V of their First Amended Complaint. Plaintiffs request that the Court (1) declare that the July 21, 2020 Presidential Memorandum, *Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census*, 85 Fed. Reg. 44,679 (July 23, 2020), and the policy announced and directed therein, is unconstitutional in violation of Article I and the Fourteenth Amendment; (2) declare that the Presidential Memorandum, and the policy announced and directed therein, is *ultra vires* in violation of 2 U.S.C. § 2(a) and 13 U.S.C. § 141; and (3) enjoin Defendants and all their officers, employees, and agents, and anyone acting in concert with them, from implementing, applying, or taking any action whatsoever to further the Presidential Memorandum and the policy announced therein.

Alternatively, pursuant to Federal Rule of Civil Procedure 65, Plaintiffs move the Court for a preliminary injunction with respect to their claims for relief under Article I and the Fourteenth

Amendment, 2 U.S.C. § 2(a), 13 U.S.C. § 141, and the Fifth Amendment's guarantee of equal protection, as set forth in Counts I-V of their First Amended Complaint. Plaintiffs request that the Court enjoin Defendants from implementing, applying, or taking any other action under the July 21, 2020 Presidential Memorandum in order to preserve the status quo until this case is decided on the merits and final judgment is entered.

Plaintiffs' arguments in support of this motion are fully set forth in the attached Memorandum of Law and accompanying declarations.

Dated: August 14, 2020

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

I certify that on this 14th day of August 2020, I caused a copy of the foregoing Motion and all accompanying filings to be sent to all parties receiving CM/ECF notices in this case and emailed a copy of the foregoing Motion and all accompanying filings to counsel for Defendants.

By: /s/\_\_\_\_\_

Daniel T. Grant