

## JUSTICE NEWS

**Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, January 16, 2018

### **Justice Department Files Notice to Appeal and Intends to Petition for Immediate Supreme Court Review in DACA Lawsuit**

The Department of Justice today filed a notice of appeal in *The Regents of the University of California and Janet Napolitano v. U.S. Department of Homeland Security and Elaine Duke* seeking review before the U.S. Court of Appeals for the Ninth Circuit. The Department also intends later this week to take the rare step of filing a petition for a writ of certiorari before judgment, seeking direct review in the Supreme Court.

“It defies both law and common sense for DACA—an entirely discretionary non-enforcement policy that was implemented unilaterally by the last administration after Congress rejected similar legislative proposals and courts invalidated the similar DAPA policy—to somehow be mandated nationwide by a single district court in San Francisco,” said Attorney General Jeff Sessions. “It is clear that Acting Secretary Duke acted within her discretion to rescind this policy with an orderly wind down. This was done both to give Congress an opportunity to act on this issue and in light of ongoing litigation in which the injunction against DAPA had already been affirmed by the Supreme Court. We are now taking the rare step of requesting direct review on the merits of this injunction by the Supreme Court so that this issue may be resolved quickly and fairly for all the parties involved.”

---

**Topic(s):**

Immigration

**Component(s):**

Office of the Attorney General

**Press Release Number:**

18 - 42

*Updated January 16, 2018*