



# Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** NORA FRIMANN  
City Attorney

**SUBJECT:** Amicus Curiae Brief in *United States v. City of Rochester*

**DATE:** August 20, 2025

## **RECOMMENDATION**

Retroactively authorize the City Attorney to join in an Amicus Curiae brief drafted by the Public Rights Project on behalf of local government entities in support of the City of Rochester's motion for judgment on the pleadings. The amicus brief supports Rochester by highlighting the public health and safety interests promoted by "sanctuary" policies. (Case No. 6:25-cv-06226-FPG-MJD [W.D.N.Y.]

## **BACKGROUND**

*United States v. City of Rochester* is a case brought by the United States to compel Rochester to abandon its "sanctuary city" policy. The case is pending in the Western District of New York, and the parties filed cross-motions for judgment on the pleadings. Local jurisdictions, including San José, were invited to sign on to an amicus brief in support of Rochester.

Rochester's policy prohibits City officials, including law enforcement, from participating in federal immigration enforcement and from inquiring about immigration status. In this lawsuit, the United States claims that Rochester's policy violates the Supremacy Clause, and Rochester asserts that its policy is not preempted.

The amicus brief submitted by local governments argues that policies like Rochester's promote public health and safety by fostering public trust in police. It also argues that immigrants support communities' economic well-being.

## **ANALYSIS**

The amicus brief makes arguments consistent with the rationale for San José's policy and commitment to being a welcoming city.

August 18, 2025

**Subject:** Amicus Curiae Brief in *United States v. City of Rochester*

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## **PUBLIC OUTREACH**

This memorandum will be posted on the City's website for the August 26, 2025 agenda.

## **CEQA**

Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment.

By: /s/ Nora Frimann  
NORA FRIMANN  
City Attorney

cc: Jennifer Maguire, City Manager

For questions, please contact NORA FRIMANN, City Attorney, at (408) 535-1900.