

The motion is made following the conference of counsel pursuant to Local Rule 7-3 which was held on June 9, 2026.

June 18, 2026

Respectfully submitted,

/s/ Orly Taitz,

Attorney for Plaintiff

Defend Our Freedoms Foundation

NOTICE OF MOTION AND MOTION TO MOTION FOR A LEAVE OF COURT TO FILE A SUPPLEMENTAL BRIEF

Current motion is filed under FRCP 15(d) and the court’s inherent authority. Additional recent events, authorities and precedent opinions have strengthened the standing and likelihood of success of the plaintiff in the case herein.

SUMMARY OF EVENTS

The case at hand revolves around the fact that the plaintiff herein, Defend Our Freedoms Foundation argues that the citizenship question, which was a part of the US Census for most of the US history and was removed by president Obama should be re-inserted in the census and seeks the Secretary of Commerce, in charge of the Census to re-insert the citizenship question. The plaintiff argues that the Census act of 1790 and the subsequent 14th Amendment were intended to count only the US Citizens and as such, a citizenship question is in the census is not discretionary, but MANDATORY, as you cannot count citizens if you do not have a citizenship question in the census. The defense filed a Motion to Dismiss and argued that such question is discretionary and the court does not have jurisdiction to rule on the matter. Plaintiff filed an opposition to motion to dismiss arguing that even if the court were to find that such act is discretionary, such discretion is not

1 absolute and the plaintiff provided multiple precedents showing that when the
2 constitutional rights of plaintiffs were effected, the court could order the federal
3 agency to act even where such acts are discretionary. Plaintiff argued that this is
4 such a case, where not having a citizenship question and allowing some estimated
5 36 million illegal aliens and 14 million legal non-citizens residing in mostly Blue
6 sanctuary and gateway states to be included in the census, affected equal protection
7 rights under the 5th and 14th Amendments for political representation and equal
8 federal funding for members of Defend Our Freedoms Foundation residing in Red
9 states. This gives the Plaintiff the standing and gives the court the jurisdiction to
10 direct the defendant to act. The motion hearing was conducted on May 18, 2026
11 and the matter is under submission.

12 Two weeks after the hearing the state of California conducted its' midterm primary
13 elections. Multiple questions relating to election integrity were raised.

14 On June 7, 2026 First Assistant US Attorney for the Central District of California
15 posted the following:

16 "F.A. United States Attorney Bill Essayli
17 @USAttyEssayli

18 California Is Blocking a Federal Audit of Its Voter Rolls

19 California allows first-time voters to register using forms of ID that most
20 Americans would find surprising, including:

21 -Gym membership card

22 -Employer ID card

23 -Credit or debit card

24 -Prescription drug label

25 -Insurance card (California provides free health coverage to undocumented
26 immigrants)

1 Full list: <https://sos.ca.gov/elections/hava-id-standards>

2 This is permitted when a voter fails to provide a Social Security number or driver's
3 license at registration. Our office believes this policy deserves a closer look.

4 We also have serious concerns about how California maintains its voter rolls.
5 There are open questions about whether the state is promptly removing deceased
6 voters, people who have moved, and individuals convicted of disqualifying
7 felonies.

8 On top of that, California allows third parties to collect and turn in ballots on
9 voters' behalf (a practice known as ballot harvesting) with few restrictions. This
10 makes it difficult to track who actually received, completed, and submitted each
11 ballot.

12 For over a year, the Department of Justice has been trying to audit California's
13 voter rolls. Federal law gives the Attorney General the authority to review state
14 voter files and confirm that only eligible U.S. citizens are voting in federal
15 elections.

16 @AAGDhillon sent California a letter explaining our legal authority. California
17 refused to comply, claiming state privacy laws block the review, an argument that
18 does not hold up because those laws don't apply to the federal government in this
19 context. We've sued California in federal court, and the case is before the Ninth
20 Circuit Court of Appeals.

21 If California genuinely wants voters to trust its elections, it should open its records,
22 not fight to keep them closed.

23 What are they afraid of?" Posted on: Sunday, June 7, 2026, at 4:47 PM GMT
24 (16:47 UTC).Platform: X (Twitter)

25 Account: @USAttyEssayli

26 (F.A. United States Attorney Bill Essayli, First Assistant U.S. Attorney for the
27 Central District of California)This is the original post (Post ID:
28 2063664190473351169). There were 3.9 million views of the post.

Additionally, there were a number of court rulings that strengthen the plaintiff's
position.

ARGUMENT

1
2 Additional facts make re-insertion of the citizenship question in the census
3 essential, as it becomes the only method of verifying integrity of the elections and
4 the only vehicle of protection of free and fair elections and protection of the Equal
5 Protection rights of members of the Defend Our Freedoms Foundation not only
6 ones that reside in Red States, but also ones that reside in Blue states such as
7 California.

8 Aforementioned statement was made by Bill Essayli, the First Assistant US
9 Attorney for the Central District of California, who is a de-facto US Attorney, as
10 his confirmation as the US Attorney is being intentionally stalled by California
11 Senators via Blue Slip practice in the Judiciary Committee.

12 Mr. Essayli stated that the state of California refuses to provide unredacted voter
13 rolls and refuses to cooperate with audits by the Department of Justice. At the same
14 time the State of California allows the following “documents” to register to vote:

15 “-Gym membership card

16 -Employer ID card

17 -Credit or debit card

18 -Prescription drug label

19 -Insurance card (California provides free health coverage to undocumented
20 immigrants)”

21 None of the above “documents” provide any proof of the US citizenship and a
22 right to vote in Federal Elections. This brings the state of California to a level of a
23 banana republic or more accurately an embarrassment to banana republics.

24 As such, re-insertion of the citizenship question in the US census becomes the only
25 vehicle of auditing the voter rolls, of assuring the free and fair elections and
26 assuring the Equal Protection rights under the 5th and 14th Amendments of the
27 members of the Defend Our Freedoms Foundation residing in the state of
28 California and other Blue states that similarly refuse to comply with the audits by
the Department of Justice. This is an additional argument for standing on top of the

1 original argument in prior pleadings. The plaintiff herein is the Defend Our
2 Freedoms foundation, which is dedicated to preservation of the constitutional
3 rights. Members and supporters of the DOFF, particularly ones residing in the non-
4 sanctuary, non-gateway Red states, see their voting rights, congressional
5 representation and federal funding being diluted and taken away when illegal
6 aliens and other non-citizens are included in the US Census. Even though those
7 non-citizens are not allowed to vote, they are included in the count and a large
8 number of districts were created in Blue, sanctuary and gateway states. As such,
9 those states and citizens of those states receive proportionally higher congressional
10 representation and larger per-capita federal funding. The citizens of Red states end
11 up with diminution and dilution of their congressional representation and federal
12 funding. Their actual rights of congressional representation and funding are
13 affected, which creates standing.

14 **SUPREME COURT DECISIONS ISSUED AFTER THE BRIEFING IN**
15 **THIS CASE, SUPPORT THE POSITION OF THE PLAINTIFF**

16 On May 4, 2026, after the Opposition to Motion to Dismiss in this case was
17 already filed, the Supreme Court of the United States issued an opinion in Callais
18 v Landry, 732 F. Supp. 3d 574 (W.D. La2024). Supreme Court ordered the
19 Secretary of State of Louisiana to redraw the district maps, as the existing maps
20 were infringing upon the Equal Protection rights of the plaintiffs.

21 On June 2nd, in the aftermath of Callais id, and in compliance with Callais id, the
22 Supreme Court ruled in WES ALLEN, ALABAMA SECRETARY OF STATE, Et
23 Al. V. EVAN MILLIGAN, et al. On Application for Stay No. 25A1314, allowing
24 the State of Alabama to go back to 2023 districting map.

25 These cases support the Plaintiff’s position that the violation of the Equal
26 Protection rights of the members of the Defend Our Freedoms Foundation provide
27 sufficient standing and provide the jurisdiction to grant the requested relief. The
28 standing in Callais was based and supported by a precedent United States v Hays,
515 U.S 737 (1995), Shaw v Reno, 509 U.S. 630 (1993); Miller v Johnson, 515
U.S. 900 (1995), North Carolina v Covington, 138 S. Ct. 2548 (2018)

1 Moreover, there are multiple precedents showing that organizations, legal
2 advocacy groups and foundations have a legal standing in bring challenges on
3 behalf of their members. *Hunt v Washington State Apple Advertising Commission*,
4 432 U.S. 333 (1977). An Organization has associational standing to sue on behalf
5 of its members when:

- 6 1. Its members would otherwise have standing to sue in their own right (i.e., they
7 suffer a concrete, particularized injury);
- 8 2. The interests the organizations seeks to protect, are germane to the
9 organization's purpose; and
- 10 3. Neither the claim asserted nor the relief requested requires the participation of
11 individual members in the lawsuit.

12 This test is routinely applied in equal Protection cases.

13 Here, the plaintiff, Defend Our Freedoms Foundation (DOFF) was created to
14 uphold the constitutional freedoms of the US citizens. The members of the DOFF
15 have standing, as their Equal Protection Rights and Due Process rights under the
16 5th and 14th Amendment were affected. As explained supra, DOFF members
17 residing in Red states are losing proportional congressional representation and
18 federal funding due to the fact that illegal aliens and other non-citizens are counted
19 together with the US citizens in the census.

20 **SUPREME COURT FOUND STANDING AND JURISDICTION IN**
21 **IDENTICAL CASES**

22 In its' motion to dismiss Defense claimed that this court does not have jurisdiction
23 and the defendant has no standing. However, in *Department of Commerce v New*
24 *York* (588 US 752 (2019) and *California v Ross / California v US Department of*
25 *Commerce*, 351 F. Supp. 3d 1265, New York and California argued on behalf of
26 non-citizens and argued that reinstatement of the citizenship question would cause
27 a differential undercount of non-citizens, immigrants, and Hispanic households,
28

1 directly harming their political representation and billions in federal funding. The
2 Supreme Court has found Article III jurisdiction and standing for those non-
3 citizens, but found that the reasoning provided by the Secretary of Commerce to
4 re-insert the citizenship question, namely violation of Civil Rights Act was a
5 pretext and the question can be added at a later time under a different reasoning.
6 So, here the plaintiff, Defend Our Freedoms Foundation is providing the same
7 argument. It is arguing on behalf of the citizens of Red states, whose congressional
8 representation and federal funding has been severely diminished by the lack of the
9 citizenship question and inclusion of illegals and other non-citizens in the US
10 Census count. The plaintiff provides the reasoning for this action, namely that the
11 Equal protection rights under the 5th and 14th Amendment, as well as the Due
12 Process rights under the 5th and 14th Amendments were violated.
13 Lastly, only a few days ago a ruling was made in National Parks Conservation
14 Association et al. v. Department of the Interior et al 1:26-cv-10877-AK. In that
15 case US District Court judge Angel Kelley ordered the Department of Interior to
16 reinsert certain exhibits that were removed earlier. The dispute stems from a March
17 2025 executive order signed by President Donald Trump directing federal agencies
18 to eliminate what the administration described as “false revision of history” in
19 parks, monuments, and memorials. The White House pointed out that the exhibits
20 portrayed the United States as “inherently racist, sexist, oppressive, or otherwise
21 irredeemably flawed” and ordered a review of educational materials displayed at
22 federal sites. Based on the presidential executive order, the Secretary of Interior,
23 Doug Burgum, ordered removal of certain exhibits from the National parks. The
24 Conservation society and the Historic society sued and on June 12, 2026 Judge
25 Kelley ordered to reinsert those exhibits within 21 days, by the 4th of July holiday.
26 It appears Judge Kelley, Biden appointee, disagreed politically with the action, as
27 she called the action “dangerous sanitizing”. Drawing a parallel to the case at hand,
28 the plaintiff herein is seeking reinsertion in the US census of the citizenship

1 question, which was removed by the President Obama. The plaintiff herein argues
2 that insertion of the citizenship question is mandatory, as the intent of the frames of
3 the Census act of 1790 and subsequent 14th amendment was to count the US
4 citizens. The defense argued that the action is discretionary and the court has no
5 Article 3 jurisdiction to order the Secretary of Commerce in charge of the census to
6 reinsert the question. The precedent above National Parks Conservation
7 Association et al. v. Department of the Interior et al 1:26-cv-10877-AK shows that
8 indeed where the action is discretionary, the court indeed has Article 3 jurisdiction
9 to re-insert a question, just as the District Court in MA ordered to re-insert exhibits
10 in National parks. While this precedent is not binding, being from a different
11 district, it is persuasive never the less. Moreover, the plaintiffs herein have a
12 stronger standing, as members of Defend Our Freedoms Foundation are alleging
13 violation of their equal protection 5th and 14th amendment rights where counting of
14 non-citizens in the census deprives them of equal political and voting rights and
15 equal rights of receipt of federal benefits. In National Parks Conservation
16 Association v Department of Interior id, the plaintiffs were just a Conservation
17 society and Historical society with no loss of any particularized constitutional
18 rights. Further, time is of the essence in this case, as corrected census data is
19 necessary for the upcoming elections.

20 **CONCLUSION**

21 The court should allow this supplemental brief to be included with the pleadings
22 and existing briefing in the case at hand.

23 Dated this June 18, 2028

24 /s/ Orly Taitz _____

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8 Certificate of Service

9
10 The undersigned counsel certifies that the defendant was served with these
11 pleadings via ECF on 06.18.2026

12 /s/ Orly Taitz

13 Counselor for the plaintiff
14
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16
17

18 Dated this June 18, 2028

19 /s/ Orly Taitz _____

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