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In the United States Court of Appeals  
for the Eighth Circuit

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IOWA MIGRANT MOVEMENT FOR JUSTICE, *et al.*,  
*Plaintiffs - Appellees*,

v.

BRENNA BIRD, in her official capacity as Attorney General of Iowa,  
*Defendant – Appellant*,

KIMBERLY GRAHAM, in her official capacity as Polk County Attorney, and  
ZACH HERRMANN, in his official capacity as Clayton County Attorney,  
*Defendants*.

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On Appeal from the United States District Court for the Southern District of Iowa  
Case No. 4:24-cv-00161-SHL-SBJ, Honorable Stephen H. Locher, District Judge

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**MOTION TO AMEND PLAINTIFFS' PETITION FOR PANEL  
REHEARING**

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(Additional counsel listed on signature block)

Plaintiffs-Appellees move this Court to amend their pending petition for rehearing in light of subsequent developments that substantially alter the posture of Plaintiffs' appeal. *See* Plaintiffs' March 14, 2025 FRAP 28(j) Letter. Plaintiffs seek leave to amend their petition for rehearing to assert that their appeal and preliminary injunction are no longer moot, because the United States filed a notice in the district court of voluntary dismissal of their related action on March 14, 2025. *See id.* That means that the injunction in Plaintiffs' case is now the only thing protecting them from enforcement of the Iowa law at issue in this case, so it is no longer appropriate to dismiss their appeal or vacate their injunction as moot. Plaintiffs' proposed amended petition is attached to this motion. Defendants, through counsel, oppose this motion.

In this case, Plaintiffs challenge Iowa's illegal reentry and removal statute, Senate File (S.F.) 2340. Currently pending before this Court is Plaintiffs' timely petition for rehearing of the Court's January 24, 2025 Order dismissing their appeal, vacating the district court's grant of a preliminary injunction, and remanding the case to the district court with instructions to dismiss the case as moot. *See* Jan. 24, 2025 Order at 2. The Court found Plaintiffs' case to be moot because the Court affirmed the preliminary injunction in the United States' related case. *See id.* ("Regardless of the outcome of this appeal, Iowa is enjoined against enforcing the Act. This appeal is moot."). Plaintiffs argued that their case is not

moot because S.F. 2340 was only preliminarily enjoined in the United States’ case and, further, that the United States had indicated that it was reconsidering its litigation position. *See* Plaintiffs’ Petition for Rehearing at 2 (citing United States’s Jan. 23, 2025 FRAP 28(j) letter, Case No. 2265). However, Plaintiffs did not object to the dismissal of Iowa’s appeal in this case or the Court’s decision to vacate Plaintiffs’ preliminary injunction in this case “as unnecessary in light of the federal government’s injunction.” Plaintiffs’ Petition for Rehearing at 6.

That is no longer true now that the United States is withdrawing its case. In light of the United States’ voluntary dismissal of their case, and with it their preliminary injunction, Plaintiffs’ preliminary injunction is now necessary to protect their interests, and so Plaintiffs’ appeal is clearly not moot. Accordingly, Plaintiffs seek leave to amend their petition for rehearing to ask the Court to reconsider its order dismissing Iowa’s appeal in Plaintiffs’ case as moot and vacating the district court’s preliminary injunction. Plaintiffs ask the Court to decide Iowa’s appeal and affirm the district court’s preliminary injunction in this case.

DATED: March 18, 2025

Respectfully submitted,

/s/ Emma Winger

Emma Winger

Michelle Lapointe

Suchita Mathur

AMERICAN IMMIGRATION COUNCIL

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*For Plaintiffs Iowa Migrant Movement for  
Justice, Jane Doe, Elizabeth Roe*

## CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 27, I certify the following:

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27 because it contains 438 words.
2. This motion complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and Fed. R. App. P. 32(a)(6) because the brief has been prepared in Times New Roman 14-point font using Microsoft Word for Microsoft Office 365.

March 18, 2025

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## CERTIFICATE OF SERVICE

I certify that the foregoing was filed with the Clerk using the appellate CM/ECF system on March 18, 2025. All counsel of record are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

March 18, 2025

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**AMENDED PETITION FOR PANEL REHEARING**

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*Counsel for Plaintiffs – Appellees*  
(Additional counsel listed on signature block)



Pursuant to Federal Rule of Appellate Procedure 40, Plaintiffs-Appellees submit this amended petition for panel rehearing of this Court’s January 24, 2025 Order dismissing their appeal, vacating the district court’s grant of a preliminary injunction, and remanding the case to the district court with instructions to dismiss the case as moot. *See* Jan. 24, 2025 Order at 2. In this case, Plaintiffs challenge Iowa’s illegal reentry and removal statute, Senate File (S.F.) 2340, and seek an order “permanently enjoin[ing] Defendants from enforcing S.F. 2340.” App. Vol. I. 25; R. Doc. 1. The Court found Plaintiffs’ case to be moot because the Court affirmed a preliminary injunction of S.F. 2340 in the United States’ related case, *United States v. Iowa*, 126 F.4th 1334 (8th Cir. 2025). *See* Jan. 24, 2025 Order at 2 (“Regardless of the outcome of this appeal, Iowa is enjoined against enforcing the Act. This appeal is moot.”).

However, on March 14, 2025, the United States filed in the district court a notice of voluntary dismissal of their related action. *See* Plaintiffs’ March 14, 2025 FRAP 28(j) Letter. As a consequence, Plaintiffs’ appeal is not moot. The basis for the Court’s disposition of Plaintiffs’ appeal was that the United States’ case and injunction made the Plaintiffs’ injunction unnecessary; but the United States has now withdrawn its case. As a result, the injunction that the district court awarded to the Plaintiffs is now necessary to protect their interests in this case. Accordingly, Plaintiffs ask the Court to reconsider its order dismissing Iowa’s appeal in

Plaintiffs' case as moot and vacating the district court's preliminary injunction. Plaintiffs ask the Court to decide Iowa's appeal and affirm the district court's preliminary injunction in this case.

DATED: March 18, 2025

Respectfully submitted,

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*For Plaintiffs Iowa Migrant Movement for  
Justice, Jane Doe, Elizabeth Roe*

## CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 40, I certify the following:

1. This motion complies with the type-volume limitation of Fed. R. App. P. 40 because it contains 284 words.
2. This motion complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and Fed. R. App. P. 32(a)(6) because the brief has been prepared in Times New Roman 14-point font using Microsoft Word for Microsoft Office 365.

March 18, 2025

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