
**LAWYERS
DEFENDING
AMERICAN
DEMOCRACY**

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**LAWYERS DEFENDING AMERICAN DEMOCRACY FILES AMICUS BRIEF
IN DEFENSE OF MARYLAND FEDERAL COURT AND ITS JUDGES**

BALTIMORE, MD – Lawyers Defending American Democracy (LDAD) and its Maryland Chapter, MD-LDAD, along with the Society for the Rule of Law Institute and former Judge J. Michael Luttig, have filed an [amicus brief](#) in opposition to the Trump administration’s lawsuit against Maryland’s Federal Court. The brief argues that the Administration’s lawsuit against the Court, its judges, and the Court Clerk (collectively, “the Defendants”), is, in effect, an effort to penalize an entire federal court jurisdiction for rulings the President does not like.

In its lawsuit, the Administration seeks to set aside a Standing Order of the Court that prohibits the federal government from removing from the continental United States a non-citizen habeas petitioner located in Maryland for two business days after the filing of the petition. The *amicus* brief is in support of the Defendants’ motion to dismiss and in opposition to the Administration’s motion for preliminary injunction.

The *amicus* brief asserts that the Administration, through its lawsuit, is attempting to interfere with the Court’s inherent authority to manage its own docket and exercise its constitutional authority. Former Judge J. Michael Luttig stated: “As a former United States Court of Appeals Judge for the Fourth Circuit, whose jurisdiction includes Maryland, I have a particular interest in seeing that my former colleagues are not subjected to frivolous litigation by the U.S. Department of Justice and the Attorney General whose only purpose is to further harass, intimidate, and threaten the federal courts because they have, under the Constitution, ruled against the president and his administration.”

The *amicus* brief emphasizes that the Administration’s position in this case threatens the separation of powers and the rule of law by depriving non-citizen detainees the right of access to the courts and deprives the court of its constitutional authority to adjudicate cases.

LDAD volunteer and a principal author of the brief Edward Waldman stated: “The amicus brief points out that the administration has repeatedly failed to provide timely, accurate information regarding the location of non-citizen detainees, deported such detainees summarily, and transferred such detainees to locations outside the jurisdiction of courts in which habeas petitions have been filed — then argued that those courts lack jurisdiction. Consequently, the Maryland court adopted the Standing Order, in an exercise of its inherent judicial authority, to control its dockets and preserve its potential jurisdiction of these types of habeas cases.”

Donna Hill Staton, a co-founder of the LDAD Maryland Chapter, noted: “This case goes to the heart of our constitutional system. By seeking to strip the federal court of its ability to hear habeas petitions before a person is removed from its jurisdiction, the government threatens both the rule of law and the judiciary’s fundamental role in our democracy. The Standing Order

protects the court’s ability to decide cases fairly, and the rights of individuals to seek justice. As Maryland lawyers, we have a particular responsibility to speak out when the authority of our federal courts—and the rights of those within our borders—are under attack. We filed this brief to defend those principles and the independence of the judiciary itself.”

Gregg Nunziata, executive director of the Society for the Rule of Law Institute, which is supporting the brief, said: “The federal judiciary is an indispensable pillar of our Constitutional order. Americans of all political persuasions must unite to defend the legitimacy and independence of the courts, especially now that they find themselves facing unprecedented attack.”

A hearing on the government’s motion for a preliminary injunction is scheduled for August 13.

About Lawyers Defending American Democracy

Founded in 2019, Lawyers Defending American Democracy (LDAD) is a 501(c)(3) organization dedicated to the protection of the rule of law, the Constitution, and democracy. LDAD’s work includes authoring Calls-to-Action, research reports, amicus briefs, and articles calling for adherence to the rule of law and encouraging the legal profession and the public to join in speaking out against threats to the norms, freedoms, and principles of our democratic institutions. For further information about LDAD, see <https://ldad.org/>

Maryland Lawyers Defending American Democracy

Maryland Lawyers Defending American Democracy (MD-LDAD) is an LDAD Chapter dedicated to advancing the mission of LDAD in Maryland.

About Lawyers Society for the Rule of Law Institute

The Society for the Rule of Law Institute (SRLI) is a non-partisan, tax-exempt 501(c)(4) organization dedicated to the defense of the rule of law, the Constitution, and American democracy, from a traditionally conservative perspective.