

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, et al.,	:
	:
Plaintiffs,	:
	:
- v -	:
	:
DONALD J. TRUMP, <i>in his official capacity as</i>	:
<i>President of the United States</i> , et al.,	:
	:
Defendants.	:
	:
-----X	:
NEW YORK IMMIGRANT COALITION, et al.,	:
	:
Plaintiffs,	:
	:
- v -	:
	:
DONALD J. TRUMP, <i>in his official capacity as</i>	:
<i>President of the United States</i> , et al.,	:
	:
Defendants.	:
	:
-----X	:

20-CV-5770 (RCW) (PWH) (JMF)

20-CV-5770 (RCW) (PWH) (JMF)

(Consolidated)

FINAL JUDGMENT AND  
PERMANENT INJUNCTION

Before:       RICHARD C. WESLEY, United States Circuit Judge  
              PETER W. HALL, United States Circuit Judge  
              JESSE M. FURMAN, United States District Judge

Pursuant to the Court’s Opinion and Order of September 10, 2020, it is ORDERED, ADJUDGED, and DECREED as follows:

**FINAL JUDGMENT**

Final judgment is entered for Plaintiffs and against Defendants on Plaintiffs’ claims arising from an *ultra vires* violation of 2 U.S.C. § 2a and 13 U.S.C. § 141 (namely, the Fifth Claim for Relief in the Governmental Plaintiffs’ Amended Complaint and Count Two in the NGO Plaintiffs’ Amended Complaint).

**DECLARATION AND PERMANENT INJUNCTION**

The July 21, 2020 Memorandum on Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census (the “Presidential Memorandum”), announcing that it is the policy of the United States to exclude from the apportionment base aliens who are not in a lawful immigration status, is DECLARED unlawful as an *ultra vires* violation of Congress’s delegation of authority to conduct the decennial census and apportionment calculation pursuant to 2 U.S.C. § 2a and 13 U.S.C. § 141.

The Secretary of Commerce in his official capacity, the Director of the Census Bureau in his official capacity, the U.S. Department of Commerce, and the U.S. Census Bureau, and any successors to those offices, together with their agents, servants, employees, attorneys, and other persons who are in active concert or participation with the foregoing, *see* Fed. R. Civ. P. 65(d)(2), are PERMANENTLY ENJOINED from including in the Secretary’s report to the President pursuant to Section 141(b) any information permitting the President to exercise the President’s discretion to carry out the policy set forth in section 2 of the Presidential Memorandum — that is, any information concerning the number of aliens in each State who are not in a lawful immigration status under the Immigration and Nationality Act.

SO ORDERED.

Dated: September 10, 2020  
New York, New York

\_\_\_\_\_/s/\_\_\_\_\_  
RICHARD C. WESLEY  
United States Circuit Judge

\_\_\_\_\_/s/\_\_\_\_\_  
PETER W. HALL  
United States Circuit Judge

\_\_\_\_\_/s/\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge