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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

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UTAH COALITION OF LA RAZA et al.,

Plaintiffs,

v.

GARY R. HERBERT and MARK  
SHURTLEFF,

Defendants.

**ORDER**

Case No. 2:11-cv-401 CW

Consolidated Case No. 2:11-cv-1072

Judge Clark Waddoups

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On February 17, 2012, this court heard oral argument on the plaintiffs' motions for preliminary injunction.<sup>1</sup> Important issues have been raised involving the Supremacy Clause and preemption. It is clear that the United States has preempted state action to a certain degree in the area of immigration. How extensive that preemption is, however, is less clear. In *Chamber of Commerce of the United States v. Whiting*, 131 S. Ct. 1968 (2011), the Supreme Court held that an Arizona law pertaining to business licensing was not preempted by federal immigration statutes. Plaintiffs contend that ruling was limited to the area of employment. Defendants contend it should be read more broadly.

Shortly, the Supreme Court is expected to issue a decision on another immigration-related law from Arizona. Although Arizona's law is different from Utah's law in several respects, some aspects are sufficiently similar that the Supreme Court's ruling likely will inform this court in its

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<sup>1</sup> The Utah Coalition of La Raza and related plaintiffs filed one motion for preliminary injunction. The United States of America, as consolidated plaintiff, filed a separate motion for preliminary injunction.

decision. Because this case addresses significant constitutional issues, the court does not believe it would be helpful to the parties for the court to rule on the present motions before it receives the additional guidance from the Supreme Court. It therefore will reserve ruling until the Supreme Court has issued its decision. The present injunction shall continue in place until the court rules on the pending motions for preliminary injunction.

DATED this 21<sup>st</sup> day of February, 2012.

BY THE COURT:

A handwritten signature in blue ink, reading "Clark Waddoups", written over a horizontal line.

Clark Waddoups  
United States District Judge