

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

United States of America,)	Civil Action No. 2:11-cv-02958-RMG
)	
Plaintiff,)	
)	
v.)	
)	
State of South Carolina, and)	
Nikki R. Haley, in her official)	
capacity as the Governor of)	
South Carolina,)	
)	
Defendants.)	
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Lowcountry Immigration Coalition, et al,)	Civil Action No. 2:11-cv-02779
)	
Plaintiffs,)	
)	
v.)	
Nikki Haley, et al,)	
)	
Defendants.)	
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[Proposed] FINAL JUDGMENT

Pursuant to the Fourth Circuit’s decision in *United States v. South Carolina*, 720 F.3d 518 (4th Cir. 2013), and the parties’ Joint Report Regarding Case Status and Disposition, the Court hereby enters final judgment in this action as follows:

1. The Defendants Governor, Attorney General and State of South Carolina are PERMANENTLY ENJOINED from implementing Sections 4, 5, 6(B)(2), and 15 of South Carolina’s Act 69 (S.C. Code §§ 16-9-460, 16-17-750, 17-13-170(B)(2), 16-13-480). Should governing statutory or decisional law or other circumstances change in the future, the Defendants reserve their right, and that of any other appropriate State official, to seek modification of the injunctions in the Final Judgment via a post-judgment motion under the Federal Rules of Civil

Procedure or through any other means permitted by law.

2. Defendants represent in the Joint Report that Section 7 and Section 6, excluding subpart (B)(2), of Act 69 (S.C. Code §§ 23-3-1100, 17-13-170), will be interpreted as specified by the Opinion of the Office of the Attorney General of __*__, which states in sum that Section 6 “does not permit officers to prolong the original stop based upon the officer’s inquiry into or based on a determination, suspicion, or admission concerning a person’s immigration status,” “Section 7 does not authorize prolonging the detention of a person in jail or prison simply to determine the person’s immigration status,” and “state law does not authorize state and local officials to arrest or maintain custody of an individual believed or determined to be unlawfully present for any purpose, even to transfer the individual to federal custody.” (Attached as Ex. A.) Pursuant to this interpretation, Plaintiffs have agreed to voluntarily dismiss without prejudice their remaining claims as to Sections 6 and 7.

3. Each reference to a provision of Act 69 above shall be construed as a reference to any amendments to those provisions as of this date.

4. Plaintiffs’ remaining claims are dismissed without prejudice.

AND IT IS SO ORDERED.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina

_____, 2014