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UNITED STATES OF AMERICA

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 DO NO HARM, et al.,
22 *Plaintiffs*,
23 and
24 UNITED STATES OF
25 AMERICA,
26 *Plaintiff-Intervenor*,
v.

27 DAVID GEFFEN SCHOOL OF
28 MEDICINE AT UCLA, et al.,

Case No. 2:25-cv-04131-JWH-JDE
UNITED STATES OF AMERICA'S
NOTICE OF MOTION AND OPPOSED
MOTION TO INTERVENE
Hearing Date: February 27, 2026
Hearing Time: 9:00 a.m.
Ctrm: 9 D
Hon. John W. Holcomb

Defendants.

NOTICE OF MOTION AND MOTION TO INTERVENE

PLEASE TAKE NOTICE that proposed Plaintiff-Intervenor, the United States, will, and hereby does, move this Court for leave to intervene in this action pursuant to Fed. R. Civ. P. 24, and the statutory authority in 42 U.S.C. § 2000h-2, for the reasons further articulated in the concurrently filed memorandum. Plaintiff in this action seeks relief for a violation of the Equal Protection Clause of the Fourteenth Amendment on the basis of race, and the Attorney General of the United States has certified the case to be of general public importance.

This motion is based on this Notice, the attached Memorandum in Support, the Proposed Complaint in Intervention, the Certification of the Attorney General, the documents and evidence in the record, and any argument the Court may hear. A proposed Order accompanies this motion.

Prior to filing, counsel for the United States met and conferred with counsel for the Plaintiffs on January 23, 2026, and with counsel for the Defendants on January 26, 27, and 28, 2026. Plaintiffs do not oppose intervention. Defendants take no position on the motion.

1 DATED: January 28, 2026.

Respectfully submitted:

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The United States respectfully moves under Federal Rule of Civil Procedure 24 to intervene in this action to remedy significant violations of the U.S. Constitution arising from the David Geffen School of Medicine at UCLA’s (“UCLA Med”) use of racial and ethnic preferences in admission to medical school. As set forth in the proposed Complaint in Intervention, UCLA Med evaluates candidates for admission to medical school based, in part, on their race and ethnicity in violation of the Equal Protection Clause of the United States Constitution.

As shown below, the United States should be granted intervention as of right on two grounds. First, the United States has an unconditional statutory right to intervene. *See Fed. R. Civ. P.* 24(a)(1); 42 U.S.C. § 2000h-2. Second, the United States may intervene as of right because it has significant interests in this case that may, as a practical matter, be impeded by disposition of this case and cannot be adequately represented by the other parties. *See Fed. R. Civ. P.* 24(a)(2). Furthermore, given that an amended complaint was filed only recently, the United States' motion is timely. *Id.* The Proposed Complaint in Intervention (“Complaint”) is attached hereto as Exhibit 1.

II. BACKGROUND

UCLA Med is a part of the state-run University of California school system. The leadership of UCLA Med has expressed disagreement with and hostility towards the colorblind, ethnicity-blind, admissions standards required by the US Supreme Court in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 143 S. Ct. 2141, 216 L. Ed. 2d 857 (2023). In contravention of the decision determining that using racial and ethnic preferences constitutes a violation of the US Constitution's guarantee of Equal Protection, UCLA Med continues to engage in racial preferences to balance the racial makeup of its student body.

Do No Harm, Students for Fair Admissions, and Kelly Mahoney have filed a

1 lawsuit against the officials who operate UCLA Med to vindicate these important
2 Equal Protection rights. The First Count in their complaint seeks to vindicate equal
3 protection rights under the Fourteenth Amendment to the US Constitution, relying
4 on 42 U.S.C. § 1983 to enjoin this discriminatory and illegal program.

5 The United States Attorney General has reviewed this action and determined
6 it is a matter of general public importance. This case will provide relief to the several
7 Plaintiffs, but will also relieve anyone who seeks to apply to medical school at
8 UCLA Med the “injury,” of “being forced to compete in a race-based system that
9 may prejudice the[m].” *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*,
10 551 U.S. 701, 719, 127 S. Ct. 2738, 2751, 168 L. Ed. 2d 508 (2007).

11 **III. ARGUMENT**

12 **A. The United States Has an Unconditional Statutory Right to Intervene.**

13 The United States’ motion to intervene should be granted under Rule 24(a)(1)
14 because Section 902 of the 1964 Civil Rights Act confers on the United States an
15 unconditional right to intervene in this action. Section 902 provides:

16 Whenever an action has been commenced in any court of the United States
17 seeking relief from the denial of equal protection of the laws under the
18 fourteenth amendment to the Constitution on account of race, color, religion,
19 sex or national origin, the Attorney General for or in the name of the United
20 States may intervene in such action upon timely application if the Attorney
General certifies that the case is of general public importance. In such action
the United States shall be entitled to the same relief as if it had instituted the
action.

21 42 U.S.C. § 2000h-2.

22 This action claims that UCLA Med violates equal protection by engaging in
23 outright racial balancing in its admissions policies and practices. Plaintiffs’ Second
24 Amended Complaint ¶¶ 134. Furthermore, the United States Attorney General has
25 certified that this case is of “general public importance.” See Certificate of the
26 Attorney General, attached as Exhibit 2. Accordingly, Section 902 entitles the
27 United States to intervene as of right in this action. See *Fitzgerald v. Barnstable Sch.*
28 *Comm.*, 555 U.S. 246, 258 (2009); *Melendres v. Skinner*, 113 F.4th 1126, 1129 n.3

1 (9th Cir. 2024). Furthermore, as explained in Section III.B.1 *infra*, the United States’
2 motion is timely.

3 **B. The United States May Intervene as of Right Under Rule 24(a)(2).**

4 The United States’ motion to intervene should also be granted as of right under
5 Rule 24(a)(2). Under this rule, an applicant is entitled to intervene when:

6 (1) the intervention application is timely; (2) the applicant has a significant
7 protectable interest relating to the property or transaction that is the subject
8 of the action; (3) the disposition of the action may, as a practical matter,
9 impair or impede the applicant’s ability to protect its interest; and (4) the
10 existing parties may not adequately represent the applicant’s interest.

11 *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th
12 Cir. 2011) (quoting *Prete v. Bradbury*, 438 F.3d 949, 954 (9th Cir. 2006)). While
13 the applicant has the burden to show each element, they “are broadly interpreted in
14 favor of intervention.” *Citizens for Balanced Use*, *supra*, 647 F.3d at 897. “We
15 construe Rule 24(a) liberally in favor of potential intervenors.” *California ex rel.
Lockyer v. United States*, 450 F.3d 436, 440 (9th Cir. 2006).

16 1. The United States’ Motion is Timely

17 First, there is no reasonable dispute that the United States’ motion is timely.
18 Timeliness focuses on “three primary factors: “(1) the stage of the proceeding at
19 which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the
20 reason for and length of the delay.” *Smith v. L.A. Unified Sch. Dist.*, 830 F.3d 843,
21 854 (9th Cir. 2016) (quoting *United States v. Alisal Water Corp.*, 370 F.3d 915, 921
(9th Cir. 2004)).

22 Each of these factors weighs towards granting intervention here. A motion to
23 dismiss was granted in part with leave to amend by January 9, 2026, the Plaintiffs
24 filed their Second Amended Complaint on December 23, 2025, and the United States
25 moved to intervene less than one month later. This litigation is at an early stage.
26 Discovery has just begun, and is set to continue for approximately one year, and no
27 response is yet on file to the Plaintiffs’ Second Amended Complaint. There has been
28

no delay and, consequently, no prejudice to the other parties.

2. The United States Has a Significant Protectable Interest in This Action.

The United States has a significant, protectable interest in ensuring that state governments do not violate the Fourteenth Amendment. “The requirement of a significantly protectable interest is generally satisfied when the interest is protectable under some law, and there is a relationship between the legally protected interest and the claims at issue.” *City of Emeryville v. Robinson*, 621 F.3d 1251, 1259 (9th Cir. 2010) (quotation and alteration marks omitted). “Whether an applicant for intervention as of right demonstrates sufficient interest in an action is a practical, threshold inquiry, and no specific legal or equitable interest need be established.” *Citizens for Balanced Use, supra*, 647 F.3d at 897 (quotation and alteration marks omitted). This interest need not rise to the level required for Article III standing, provided that the applicant “seek[s] the same relief sought by at least one existing party to the case...” *Cal. Dep’t of Toxic Substances Control v. Jim Dobbas, Inc.*, 54 F.4th 1078, 1085 (9th Cir. 2022) (citing *Little Sisters of the Poor Sts. Peter and Paul Home v. Pennsylvania*, 591 U.S. 657, 674 n.6 (2020)). Plaintiffs and the United States both seek to enjoin the use of race as a factor in the admissions decisions of UCLA Med under 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment.

It is well settled that “the United States suffers a concrete harm to its sovereignty when its laws are violated.” *La Unión del Pueblo Entero v. Abbott*, 604 F. Supp. 3d 512, 526 (W.D. Tex. 2022); *accord Vt. Agency of Natural Res. v. United States*, 529 U.S. 765, 771 (2000) (United States suffers an “injury to its sovereignty arising from violation of its laws”); *cf. Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 191 (2022) (“No one questions that States possess ‘a legitimate interest in the continued enforce[ment] of [their] own statutes.’”) (quoting *Cameron v. EMW Women’s Surgical Ctr.*, 595 U.S. 267, 277 (2022) (citations and internal quotations

1 omitted) (brackets in original)). Furthermore, the Ninth Circuit has recognized that
2 the Attorney General has a “protectable interest” arising from the “administration
3 and enforcement of the laws[.]” *Smith v. Pangilinan*, 651 F.2d 1320, 1324 (9th Cir.
4 1981); *see also, United States v. Idaho*, 623 F. Supp. 3d 1096, 1107 (D. Idaho 2022)
5 (“the United States’ sovereign interests are harmed when its laws are violated.”)

6 Congress has passed a statute to enforce the rights set forth in the Fourteenth
7 Amendment. 42 U.S.C. § 1983. It has also authorized the Attorney General to
8 intervene in such suits. 42 U.S.C. § 2000h-2. Numerous courts have found that the
9 Attorney General’s sovereign interest in enforcing the Fourteenth Amendment is
10 strong enough to support Article III standing, which exceeds what Rule 24(a)(2)
11 requires. *See United States v. City of Jackson*, 318 F.2d 1, 14-17 (5th Cir. 1963)
12 (citing *In re Debs*, 158 U.S. 564, 584-86 (1895)) (“When a State ... by a law or
13 pattern of conduct, takes action motivated by a policy which collides with ... the
14 Constitution, the interest of the United States ... gives it standing...”) The United
15 States therefore has a “significant protectable interest” in this litigation.

16 3. Disposition of This Case May Impede the United States’ Interests

17 The United States’ ability to protect the substantial legal interest described
18 above would, as a practical matter, be impaired absent intervention in this case. The
19 Ninth Circuit’s rule is “[i]f an absentee would be substantially affected in a practical
20 sense by the determination made in an action, he should, as a general rule, be entitled
21 to intervene.” *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir.
22 2001) (citing Fed. R. Civ. P. 24 advisory committee’s notes).

23 The outcome of this case, including the potential for appeals by existing
24 parties, implicates *stare decisis* concerns that warrant the United States’
25 intervention. *See Day v. Apoliona*, 505 F.3d 963, 965 (9th Cir. 2007) (intervention
26 was necessary to protect state intervenor’s interest where case might “have a
27 precedential impact regarding the availability of an enforceable right of action”);
28 *United States v. City of Los Angeles, Cal.*, 288 F.3d 391, 400 (9th Cir. 2002) (*amicus*

1 *curiae* status may be insufficient to protect rights of applicant for intervention
2 “because such status does not allow [applicant] to raise issues or arguments formally
3 and gives [applicant] no right of appeal”); *Smith v. Pangilinan, supra*, 651 F.2d at
4 1325 (“In appropriate circumstances, . . . stare decisis may supply the requisite
5 practical impairment warranting intervention of right.”).

6 4. The United States’ Interests Are Not Adequately Represented

7 Finally, the United States’ interests in this litigation are not adequately
8 represented by the existing parties to the case. “The [proposed intervenor’s] burden
9 of showing inadequacy of representation is ‘minimal’ and satisfied if the applicant
10 can demonstrate that representation of its interests ‘may be’ inadequate.” *Citizens*
11 *for Balanced Use, supra*, 647 F.3d at 898 (quoting *Arakaki v. Cayetano*, 324 F.3d
12 1078, 1086 (9th Cir. 2003)). Three factors are relevant: “(1) whether the interest of
13 a present party is such that it will undoubtedly make all of a proposed intervenor’s
14 arguments; (2) whether the present party is capable and willing to make such
15 arguments; and (3) whether a proposed intervenor would offer any necessary
16 elements to the proceeding that other parties would neglect.” *Arakaki, supra*, 324
17 F.3d at 1086 (citing *California v. Tahoe Reg’l Planning Agency*, 792 F.2d 775, 778
18 (9th Cir. 1986)).

19 The existing parties cannot adequately represent the United States’ interests
20 because no private party may adequately represent the United States’ sovereign
21 interest in ensuring enforcement of fundamental rights under the Constitution.
22 “[T]he United States has an interest in enforcing federal law that is independent of
23 any claims of private citizens.” *United States v. E. Baton Rouge Sch. Dist.*, 594 F.2d
24 56, 58 (5th Cir. 1979); *see also EEOC v. Pemco Aeroplex*, 383 F.3d 1280, 1291 (11th
25 Cir. 2004) (“Quite simply, it is so unusual to find privity between a governmental
26 agency and private plaintiffs because governmental agencies have statutory duties,
27 responsibilities, and interests that are far broader than the discrete interests of a
28 private party.”). Thus, “[a]ggrieved individuals . . . lack the required ‘identity of

1 interests' with government agencies." *Acosta v. Idaho Falls Sch. Dist. No. 91*, 291
2 F. Supp.3d 1162, 1168 (D. Idaho 2017). And absent "identical" interests, there can
3 be no "adequate representation" under Rule 24(a)(2). *Berger, supra*, 597 U.S. at 195-
4 96 (rejecting a presumption that the state board of elections adequately represented
5 state legislators' interests merely because they were "related" to the board's
6 interests). Accordingly, the United States meets this requirement for intervention.

7 **C. The United States May Permissively Intervene Under Rule 24(b).**

8 Timely intervention is permissible where the proposed intervenor "has a claim
9 or defense that shares with the main action a common question of law or fact." Fed.
10 R. Civ. P. 24(b)(1)(B). The Complaint in Intervention shares with the main
11 Complaint a nearly identical cause of action for violation of equal protection due
12 from UCLA Med. Timeliness is demonstrated by the discussion above. The common
13 questions of law and fact are that the Plaintiffs and the United States both bring
14 claims asserting the factual question of whether UCLA Med utilized racial
15 preferences in admissions, and if so, the legal question of whether that violates the
16 equal protection rights of Americans.

17 **IV. CONCLUSION**

18 For the foregoing reasons, the Court should grant the United States' motion
19 to intervene and order its intervention in this action.

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1 DATED: January 28, 2026.

Respectfully submitted:

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Plaintiff-Intervenor, certifies that this brief contains 2,301 words, which complies with the word limit of L.R. 11-6.1

Dated: January 28, 2026

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