

1 JONATHAN F. MITCHELL \*  
2 jonathan@mitchell.law  
3 Mitchell Law PLLC  
4 111 Congress Avenue, Suite 400  
5 Austin, Texas 78701  
6 (512) 686-3940 (phone)

7 \* *pro hac vice* application pending

8 WILLIAM J. BROWN JR.  
9 California Bar No. 192950  
10 bill@brownwegner.com  
11 Brown Wegner LLP  
12 2010 Main Street, Suite 1260  
13 Irvine, California 92614  
14 (949) 705-0081

15 *Counsel for Plaintiff*

16 [Additional counsel for Plaintiff on next page]

17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA  
19 SOUTHERN DIVISION

20 **Students Against Racial Discrimination,**  
21 **Plaintiff,**

22 v.

23 **The Regents of the University of**  
24 **California; Maria Anguiano, Elaine E.**  
25 **Batchlor, Josiah Beharry, Carmen Chu,**  
26 **Michael Cohen, Gareth Elliott, Howard**  
**“Peter” Guber, Jose M. Hernandez,**

Case No. 8:25-cv-00192

**Complaint**

1 **Nancy Lee, Richard Leib, Hadi**  
2 **Makarechian, Ana Matosantos, Robert**  
3 **Myers, Lark Park, Janet Reilly, Mark**  
4 **Robinson, Gregory Sarris, Jonathan**  
5 **“Jay” Sures, Gavin Newsom, Eleni**  
6 **Kounalakis, Robert Rivas, Tony**  
7 **Thurmond, Michael V. Drake M.D.,**  
8 **Geoffrey Pack, Alfonso Salazar,** each in  
9 their official capacities as regents of the  
10 University of California System; **Carol T.**  
11 **Christ,** in her official capacity as chancellor  
12 of the University of California at Berkeley;  
13 **Julio J. Frenk Mora,** in his official capacity  
14 as chancellor of the University of California  
15 at Los Angeles; **Howard Gillman,** in his  
16 official capacity as chancellor of the  
17 University of California at Irvine; **Sam**  
18 **Hawgood,** in his official capacity as  
19 chancellor of the University of California at  
20 San Francisco; **Pradeep K. Khosla,** in his  
21 official capacity as chancellor of the  
22 University of California at San Diego;  
23 **Cynthia K. Larive,** in her official capacity  
24 as chancellor of the University of California  
25 at Santa Cruz; **Gary S. May,** in his official  
26 capacity as chancellor of the University of  
California at Davis; **Juan Sánchez Muñoz,**  
in his official capacity as chancellor of the  
University of California at Merced; **Kim A.**  
**Wilcox,** in her official capacity as  
chancellor of the University of California at  
Riverside; **Henry T. Yang,** in his official  
capacity as chancellor of the University of  
California at Santa Barbara,

Defendants.

1 [Additional counsel for Plaintiff]

2 REED D. RUBINSTEIN\*

3 DANIEL EPSTEIN\*

4 RYAN GIANNETTI\*

reed.rubinstein@aflegal.org

daniel.epstein@aflegal.org

ryan.giannetti@aflegal.org

America First Legal Foundation

300 Independence Avenue SE

Washington, DC 20003

(202) 964-3721

9  
10 \* *pro hac vice* applications pending

1 Federal law prohibits universities that accept federal funds from discrim-  
2 inating on account of race. *See* 42 U.S.C. § 2000d (Title VI); 42 U.S.C.  
3 § 1981. The University of California System is flouting these requirements by  
4 using racial preferences in student admissions at all nine of its campuses—a  
5 practice that violates the clear and unequivocal text of Title VI and 42 U.S.C.  
6 § 1981, as well as the Equal Protection Clause of the Fourteenth Amend-  
7 ment. The plaintiff brings suit to enjoin these discriminatory practices, and  
8 to ensure that the defendants comply with their obligations under federal an-  
9 ti-discrimination laws.

#### 10 JURISDICTION AND VENUE

11 1. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and  
12 28 U.S.C. § 1343.

13 2. Venue is proper because a substantial part of the events giving rise to  
14 the claims occurred in this judicial district and division. *See* 28 U.S.C.  
15 § 1391(b)(2). Venue is additionally proper because at least one of the defend-  
16 ants resides in this judicial district and division and all defendants reside in  
17 California. *See* 28 U.S.C. § 1391(b)(1).

#### 18 PARTIES

19 3. Plaintiff Students Against Racial Discrimination (SARD) is a volun-  
20 tary, unincorporated, non-profit membership organization formed for the  
21 purpose of restoring meritocracy in academia and fighting race and sex pref-  
22 erences that subordinate academic merit to so-called diversity considera-  
23 tions. SARD has members who are ready and able to apply for admission to  
24 each of the University of California’s nine campuses. SARD’s website is at  
25 <https://www.sard.law>. Its office and mailing address are located in Santa  
26 Ana, California.

1 4. Defendant The Regents of the University of California is a non-profit  
2 educational institution organized under the laws of the state of California. It  
3 can be served at its Office of the General Counsel, 1111 Franklin Street, 8th  
4 Floor Oakland, California 94607.

5 5. Defendants Maria Anguiano, Elaine E. Batchlor, Josiah Beharry, Car-  
6 men Chu, Michael Cohen, Gareth Elliott, Howard “Peter” Guber, Jose M.  
7 Hernandez, Nancy Lee, Richard Leib, Hadi Makarechian, Ana Matosantos,  
8 Robert Myers, Lark Park, Janet Reilly, Mark Robinson, Gregory Sarris, and  
9 Jonathan “Jay” Sures are appointed regents of the University of California  
10 system. They can be served at the Office of the General Counsel, 1111 Frank-  
11 lin Street, 8th Floor Oakland, California 94607. The appointed regents are  
12 sued in their official capacities.

13 6. Defendants Gavin Newsom, Eleni Kounalakis, Robert Rivas, Tony  
14 Thurmond, Michael V. Drake M.D., Geoffrey Pack, and Alfonso Salazar are  
15 ex officio regents of the University of California system. They can be served  
16 at the Office of the General Counsel, 1111 Franklin Street, 8th Floor Oak-  
17 land, California 94607. The ex officio regents are sued in their official capaci-  
18 ties.

19 7. Defendants Carol T. Christ, Julio J. Frenk Mora, Howard Gillman,  
20 Sam Hawgood, Pradeep K. Khosla, Cynthia K. Larive, Gary S. May, Juan  
21 Sánchez Muñoz, Kim A. Wilcox, and Henry T. Yang are chancellors of the  
22 University of California at Berkeley; the University of California at Los An-  
23 geles; the University of California at Irvine; the University of California at  
24 San Francisco; the University of California at San Diego; the University of  
25 California at Santa Cruz; the University of California at Davis; the University  
26 of California at Merced; the University of California at Riverside; and the

1 University of California at Santa Barbara. They can be served at the Office of  
2 the General Counsel, 1111 Franklin Street, 8th Floor Oakland, California  
3 94607. Each of the chancellors is sued in his or her official capacity.

4 **BACKGROUND**

5 8. The University of California system discriminates on account of race  
6 when admitting students by giving discriminatory preferences to non-Asian  
7 racial minorities. This practice allows applicants with inferior academic cre-  
8 dentials to obtain admission at the expense of rejected candidates with better  
9 academic credentials. This discriminates against large numbers of Asian-  
10 American and white applicants, who are denied admission to UC schools  
11 based on their race. And it also harms Hispanic and black students who are  
12 often placed at a significant academic disadvantage, and thus experience  
13 worse outcomes, because of the university's use of racial preferences. Stu-  
14 dents of all races are harmed by the University of California's discriminatory  
15 behavior.

16 9. These racial preferences are illegal under the clear and unambiguous  
17 text of Title VI, which prohibits all forms of racial discrimination at universi-  
18 ties that receive federal funds and make no exception for diversity-based af-  
19 firmative-action programs.

20 10. They also violate 42 U.S.C. § 1981, which prohibits racial discrimina-  
21 tion in contracting and makes no exception for diversity-based affirmative-  
22 action programs.

23 11. And they violate Proposition 209, a state constitutional amendment  
24 approved by California voters in 1996 (and reaffirmed by California voters in  
25 2020) providing that “the State shall not discriminate against, nor grant pref-  
26 erential treatment to, any individual or group on the basis of race, sex, color,

1 ethnicity, or national origin in the operation of public employment, public  
2 education, or public contracting.”

3 12. After the voters approved Proposition 209 in 1996, the University of  
4 California (UC) began to institute new admissions policies compliant with  
5 the law, and applied “race-neutrality” to admissions for graduate students  
6 matriculating in 1997 and for undergraduate students matriculating in 1998.

7 13. The effects of Proposition 209 upon UC and its students were com-  
8 plex and are still debated by academics. But several major effects are undis-  
9 puted. First, race-blind admissions produced a sharp drop in black freshman  
10 matriculants at UC’s most competitive schools (UC Berkeley and UCLA),  
11 but higher enrollment rates of these students at less-elite UC schools (*e.g.*,  
12 UC Davis and UC Irvine), in part because black students who would have at-  
13 tended UC Berkeley or UCLA with a preference were admissible at UC Da-  
14 vis or UC Irvine without a preference.

15 14. Second, black students at UC campuses post-209 were generally  
16 closer to their peers in levels of academic preparation, grades, persistence in  
17 STEM fields, and graduation rates—especially rates of graduation in four  
18 years.

19 15. Third, all the patterns described above for black students also affect-  
20 ed Hispanic students, though both the reductions in admissions and the im-  
21 provements in academic outcomes were less pronounced for Hispanics, pre-  
22 sumably because Hispanics had received smaller ethnically based preferences  
23 than blacks before Proposition 209.

24 16. Fourth, UC launched a variety of initiatives post-209 aimed at im-  
25 proving the high-school-to-UC pipeline for young Californians, especially for  
26 those from economically disadvantaged backgrounds. Over the years, accord-

1 ing to UC documents, hundreds of millions of dollars were invested in these  
2 programs. These measures had a disproportionate and beneficial effect upon  
3 black and Hispanic high school students, and led to large increases in black  
4 and Hispanic applications to UC schools. For example, the total number of  
5 black, in-state applications for freshman-year admission to UC was stagnant  
6 in the years before these initiatives (2,191 in 1989, and 2,151 in 1998), but  
7 rose rapidly once the initiative began in 1999 (black applicants rose from  
8 2,151 in 1998 to 3,307 in 2006, a greater than 50% increase.).

9 17. For all of these reasons, the actual number of blacks and Hispanics  
10 graduating from UC with bachelor's degrees was far higher for 2006 matricu-  
11 lants than for pre-209 matriculants, and there was no campus for which the  
12 number was materially lower.

13 18. Nonetheless, UC administrators, who had uniformly opposed Propo-  
14 sition 209 when it was proposed, continued to heavily criticize the re-  
15 strictions it placed on their ability to increase racial diversity at UC campus-  
16 es. In 2003, the UC Regents repealed its own internal measures forbidding  
17 the use of race in admissions and hiring.

18 19. In 2006, UCLA announced that the number of blacks matriculating  
19 as freshman at the school would fall below one hundred for the first time in  
20 many years. Although this was largely a stochastic drop, and was largely off-  
21 set by a large increase in black transfers to UCLA that year, the UCLA an-  
22 nouncement generated a large amount of critical media coverage and protests  
23 from UCLA students and faculty. UCLA's then chancellor, Norm Abrams,  
24 met with the admissions committee and urged them to overhaul the admis-  
25 sions, and in particular to move to a more subjective "holistic" policy, to ad-  
26 dress concerns about low black admissions numbers. One of the members of



1 that admissions committee, political scientist Timothy Groseclose, has writ-  
2 ten an entire book documenting how this new policy became a subterfuge for  
3 reactivating racial preferences in admissions. See Tim Groseclose, *Cheating:*  
4 *An Insider's Report on the Use of Race in Admissions at UCLA* (2014). The  
5 number of blacks admitted as freshmen to UCLA roughly doubled in the next  
6 admissions cycle.

7 20. Groseclose also documented that a majority of UCLA's undergradu-  
8 ate admissions committee were unwilling to allow Groseclose—a member of  
9 the committee—access to the admissions files or to detailed (anonymized)  
10 data on applicant characteristics. As a compromise, the university agreed to  
11 appoint Robert Mare, a distinguished sociologist who was sympathetic to the  
12 use of racial preferences, to examine the question of whether UCLA's post-  
13 2006 “holistic” policy was, in fact, making decisions partly on the basis of  
14 applicant race.

15 21. Mare completed two exhaustive studies—one completed in 2012, a  
16 second completed in 2014—on UCLA's undergraduate admissions. The sec-  
17 ond, larger report was not made public until disclosed in response to a Public  
18 Records Act (“PRA”) request in 2018. Both reports showed unambiguously  
19 that UCLA had awarded many more undergraduate admissions to blacks and  
20 Hispanics, and many fewer admissions to Asian-Americans, than could be  
21 explained by considering all of the non-racial factors used in admissions.  
22 Mare even provided numerical estimates of exactly how many student offers  
23 (by race) resulted from the consideration of race. Over five years, over two  
24 thousand offers were thus affected, by Mare's estimate.

25 22. Meanwhile, UC administrators began to encourage other UC cam-  
26 puses to adopt the same “holistic” approach that UCLA had implemented.

1 In 2011, the Regents mandated that all UC campuses utilize either “holistic”  
2 or “comprehensive” review in undergraduate admissions—in other words,  
3 that they move away from objective criteria towards more subjective assess-  
4 ments of the overall appeal of individual candidates. Trends in racial admis-  
5 sions patterns consistently show that the adoption of the holistic process fa-  
6 vored black and Hispanic admissions and disfavored Asian-Americans and,  
7 to a lesser extent, whites.

8 23. For example, in 2010, UC Berkeley’s admission rate for black, in-  
9 state freshman applicants was 13%, compared to an overall admissions rate of  
10 21%. This disparity reflected the lower average academic preparation of black  
11 applicants. By 2023, the black admissions rate at Berkeley was 10%, compared  
12 to an overall admission rate of 12%. Over this period, in other words, Berkeley  
13 moved towards a practice of aiming for a similar admissions rate for all ethnic  
14 groups, regardless of qualifications.

15 24. At UC Irvine, the 2010 admissions rate for black, in-state freshmen  
16 was 24%, compared to an overall admissions rate of 45%. By 2023, the rates  
17 were, respectively, 21% and 26%. At UCLA, the 2010 admissions rate for  
18 black, in-state freshmen was 14%, compared to an overall admissions rate of  
19 23%. By 2023, the rates were, respectively, 10% and 9%. Note that, based on  
20 the Mare report, we know that black applicants were already receiving a large  
21 admissions preferences at UCLA in 2010. At UC Santa Barbara, the 2010  
22 admissions rate for black, in-state freshmen was 28%, compared to an overall  
23 admissions rate of 45%. By 2023, the rates were, respectively, 25% and 28%.

24 25. During this same period, UC also became notably more opaque in  
25 matters relating to race. It shut down websites that had made it possible for  
26 researchers to study the relationship between student credentials, race, and

1 admissions, or to study aggregated changes in GPA, attrition from STEM  
2 fields, or graduation rates by race. In 2018, it refused to provide anonymized,  
3 individual-level data on student admissions and outcomes, although in 2008  
4 it had willingly disclosed identical data covering student admissions up to  
5 2006.

6 26. One of the few types of data that the University of California does  
7 make publicly available is a website that shows, for individual California high  
8 schools, the number of freshman applicants to each UC school, the number  
9 of admitted students, and the number of enrolled students. This data is bro-  
10 ken down by race, though numbers are only reported if the “cell” size is at  
11 least three. (In other words, if a given high school has ten Hispanic applicants  
12 to Berkeley, of whom four are admitted and two enroll, the website will re-  
13 port the “ten” and the “four” but will show no data for Hispanic enroll-  
14 ment.). These data provide further evidence that UC schools pursue propor-  
15 tional racial representation despite substantial differences in academic prepa-  
16 ration across racial groups. For example, the website reports that at Long  
17 Beach Polytechnic, 237 students applied for admission to UCLA in 2023, of  
18 whom 23 were admitted (just under 10%). Forty-one of the applicants were  
19 black, of whom 4 were admitted (again, just under 10%). Yet the average  
20 achievement level of black students at Long Beach Polytechnic on state ex-  
21 ams was substantially lower than the achievement level for students overall  
22 (roughly one-half standard deviation). At Woodrow Wilson High School, also  
23 in Long Beach, 186 students applied for admission to UCLA, and 20 were  
24 admitted (11%). Of the 186 applicants, 33 were black, and 4 of these appli-  
25 cants were admitted (12%). Yet the average achievement level of black stu-  
26 dents at Woodrow Wilson High School on state exams was substantially low-

1 er than the achievement level for students overall. Similar patterns can be  
2 demonstrated for many other high schools. In other words, the tendency of  
3 UC schools to approximate racial parity in overall admissions rates cannot be  
4 explained by differences in the high schools attended by students of different  
5 races.

6 27. University of California law schools have been even more overt in  
7 their violation of state and federal laws prohibiting racial preferences. In  
8 2014, the National Bureau of Economic Research published a working paper  
9 by Danny Yagan, an associate professor of economics at UC Berkeley. Yagan  
10 found that racial preferences at UC Berkeley's Law School declined after  
11 Proposition 209 became law, but still remained quite large. The black admis-  
12 sions rate of 31%, Yagan found, would have fallen to 8% had the school applied  
13 the same criteria that it applied to whites. Holding credentials of individual  
14 applicants constant, Yagan found that black applicants received an admis-  
15 sions preference as large as 61 percentage points.

16 28. This pattern of discrimination continues and operates to varying de-  
17 grees across UC law schools. Just as the University of California was unwill-  
18 ing to provide anonymized, individual-level data on undergraduate applicants  
19 after 2010, so it was unresponsive to a public records request filed by UCLA  
20 law professor Richard Sander for law school data in 2011. In 2014, Sander  
21 brought suit to enforce his request, and UC subsequently provided him ad-  
22 missions data for UC Berkeley Law School, UCLA Law School, and UC Da-  
23 vis Law School, covering many admissions cycles up through 2011. These da-  
24 ta show significant racial preferences at all three law schools throughout this  
25 period, and confirm the general pattern documented by Yagan.

26

1 29. More recently, Professor Sander has obtained data from Law School  
2 Data ([www.lsd.law](http://www.lsd.law)), a website that law school applicants use to report and  
3 compare their admissions outcomes at law schools. The site contains (anon-  
4 ymized) data on tens of thousands of law school applicants over the past four  
5 years, including information on LSAT scores, undergraduate grades, ethnici-  
6 ty, the schools to which the student applied, and the admissions outcome.  
7 Analysis of the data shows that the implicit weights on various admissions  
8 factors in the data, such as academic credentials, are very similar to the  
9 weights revealed by analysis of publicly disclosed data from law schools, sug-  
10 gesting that the data are highly reliable. Regression analysis of this data (see  
11 attached Table 1) and tabular presentation of the data (see attached Table 2)  
12 show a very pronounced pattern of racial preferences across all the UC law  
13 schools. In these analyses, “relative credential” is a measure of the academic  
14 Index of each applicant (LSAT and undergraduate grade point average com-  
15 bined) relative to the estimated median credential of students at a given law  
16 school, based on data reported by the law schools to the American Bar Asso-  
17 ciation. Thus, if a law applicant has an academic index of 750, and applies to  
18 a law school with a median academic index of 800, then the applicant has a  
19 “relative credential” of -50. As Table 2 suggests, black students with low  
20 relative credentials have, at the five UC law schools analyzed collectively,  
21 about ten times the chance to be admitted as does a “non-URM” (*i.e.*, white  
22 or Asian-American) student with similar credentials.

23 30. The shift to race-neutral admissions brought about by Proposition  
24 209 benefitted black and Hispanic students both in terms of placement and  
25 outcomes. Yet the university’s decision to pursue racial preferences in the  
26

1 teeth of Proposition 209 has willfully disregarded the interests of black and  
2 Hispanic candidates and harmed their educational outcomes.

3 **FACTS RELATED TO STANDING**

4 31. Plaintiff SARD is a voluntary membership organization founded in  
5 2024. SARD seeks to restore meritocracy in academia and eliminate the cor-  
6 rupt and unlawful race and sex preferences that subordinate academic merit  
7 to so-called diversity considerations.

8 32. SARD has student members who are ready and able to apply for ad-  
9 mission to the University of California and each of its nine campuses.

10 33. Individual A is a member of SARD. He is an Asian-American male.

11 34. Individual A stands able and ready to apply for admissions as an un-  
12 dergraduate freshman to each of the University of California's nine campuses  
13 that have undergraduate colleges. *See Carney v. Adams*, 592 U.S. 53, 60  
14 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*  
15 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.  
16 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-  
17 vents Individual A from competing with other applicants for admission on an  
18 equal basis. Specifically, Individual A is unable to compete on an equal basis  
19 with applicants who are black or Hispanic. This inflicts injury in fact. *See*  
20 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

21 35. Individual B is a member of SARD. She is an Asian-American fe-  
22 male.

23 36. Individual B stands able and ready to apply for admissions as a grad-  
24 uate student to each of the University of California's nine campuses that  
25 have undergraduate colleges. *See Carney v. Adams*, 592 U.S. 53, 60 (2020);  
26 *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chapter of As-*

1 *sociated General Contractors of America v. City of Jacksonville*, 508 U.S. 656,  
2 666 (1993). But the pervasive and ongoing use of racial preferences prevents  
3 Individual B from competing with other applicants for admission on an equal  
4 basis. Specifically, Individual B is unable to compete on an equal basis with  
5 applicants who are black or Hispanic. This inflicts injury in fact. *See Gratz*,  
6 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

7 37. Individual C is a member of SARD. He is a white male.

8 38. Individual C stands able and ready to apply for admissions as an un-  
9 dergraduate transfer to eight of the University of California’s nine campuses  
10 that have undergraduate colleges (all except UCLA), and he has already  
11 submitted his transfer applications. *See Carney v. Adams*, 592 U.S. 53, 60  
12 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*  
13 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.  
14 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-  
15 vents Individual C from competing with other applicants for admission on an  
16 equal basis. Specifically, Individual C is unable to compete on an equal basis  
17 with applicants who are black or Hispanic. This inflicts injury in fact. *See*  
18 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

19 39. Individual D is a member of SARD. He is a white male.

20 40. Individual D stands able and ready to apply for admissions as a law  
21 student to each of the University of California’s five campuses that have a  
22 law school: Berkeley, UCLA, Davis, Irvine, and UC Law San Francisco  
23 (formerly known as UC Hastings). *See Carney v. Adams*, 592 U.S. 53, 60  
24 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*  
25 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.  
26 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-



1 vents Individual D from competing with other applicants for admission on an  
2 equal basis. Specifically, Individual D is unable to compete on an equal basis  
3 with applicants who are black or Hispanic. This inflicts injury in fact. *See*  
4 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

5 41. All of these Article III injuries are fairly traceable to the allegedly un-  
6 lawful conduct of the defendants discriminating on account of race in viola-  
7 tion of 42 U.S.C. § 1981, Title VI, and Proposition 209. And all of these inju-  
8 ries will be redressed by the requested relief, which will enjoin the defendants  
9 from continuing these discriminatory policies and require them to adopt  
10 colorblind student-admission policies.

11 **FIRST CLAIM FOR RELIEF—VIOLATIONS OF TITLE VI**

12 42. Each of the defendants is violating Title VI by discriminating in favor  
13 of black, and Hispanic applicants for admission and against whites and  
14 Asians.

15 43. Each of the nine UC undergraduate campuses and five UC law  
16 schools to which the members of SARD intend to apply is a “program or ac-  
17 tivity” that “receives Federal financial assistance” within the meaning of Ti-  
18 tle VI.

19 44. SARD therefore seeks declaratory and injunctive relief that prohibits  
20 the defendants from considering or discriminating on account of race in any  
21 way in student admissions, and that compels the defendants to select appli-  
22 cants for admission in a color-blind manner.

23 45. SARD seeks this relief under Title VI, 42 U.S.C. § 1983, and any  
24 other law that might supply a cause of action for the requested relief.

25 46. SARD seeks this relief against each of the named defendants, includ-  
26 ing the institutional defendants.



1 47. The text of Title VI makes no exceptions for “compelling state inter-  
2 ests,” “student-body diversity,” or race-based affirmative-action programs. It  
3 prohibits *all* forms of racial discrimination at institutions that receive federal  
4 funds—regardless of whether that racial discrimination is independently  
5 prohibited by the Equal Protection Clause.

6 **SECOND CLAIM FOR RELIEF—VIOLATIONS OF 42 U.S.C. § 1981**

7 48. 42 U.S.C. § 1981(a) guarantees individuals the same right to make  
8 and enforce contracts without regard to race. *See* 42 U.S.C. § 1981(a) (“All  
9 persons within the jurisdiction of the United States shall have the same right  
10 in every State and Territory to make and enforce contracts . . . as is enjoyed  
11 by white citizens”).

12 49. 42 U.S.C. § 1981(a) protects whites (and Asians) on the same terms  
13 that it protects “underrepresented” racial minorities. *See McDonald v. Santa*  
14 *Fe Trail Transportation Co.*, 427 U.S. 273, 295 (1976) (“[T]he Act was meant,  
15 by its broad terms, to proscribe discrimination in the making or enforcement  
16 of contracts against, or in favor of, any race.”).

17 50. The individual defendants are violating 42 U.S.C. § 1981(a) by dis-  
18 criminating in favor of blacks and Hispanics in student admissions, and  
19 against whites and Asians.

20 51. SARD therefore seeks declaratory and injunctive relief that prohibits  
21 the individual defendants from considering or discriminating on account of  
22 race in any way in student admissions, and that compels the defendants to  
23 select applicants for admission in a color-blind and race-neutral manner.

24 52. SARD seeks this relief under 42 U.S.C. § 1983, as well as the implied  
25 right of action that the Supreme Court has recognized to enforce 42 U.S.C.  
26 § 1981(a), and any other law that might supply a cause of action for the re-

1 requested relief. *See Johnson v. Railway Express Agency, Inc.*, 421 U.S. 454, 459–  
2 60 (1975).

3 53. SARD seeks this relief only against the individual defendants, and  
4 not against the institutional defendants, as 42 U.S.C. § 1981 neither abrogates  
5 nor waives a state institution’s sovereign immunity from suit. *See Sessions v.*  
6 *Rusk State Hospital*, 648 F.2d 1066 (5th Cir. 1981) (“Section 1981 contains no  
7 congressional waiver of the state’s eleventh amendment immunity.”).

8 54. The text of 42 U.S.C. § 1981(a) makes no exceptions for “compelling  
9 state interests,” “student-body diversity,” or race-based affirmative-action  
10 programs. It prohibits *all* forms of racial discrimination in contracting—  
11 regardless of whether that racial discrimination is independently prohibited  
12 by the Equal Protection Clause.

### 13 **THIRD CLAIM FOR RELIEF— EQUAL PROTECTION CLAUSE**

14 55. As public institutions, the University of California is subject to the  
15 commands of the Equal Protection Clause, which prohibits state universities  
16 or their components from denying to any person the equal protection of the  
17 laws.

18 56. The Supreme Court has held that the Equal Protection Clause pro-  
19 hibits race sex discrimination by state universities in student admissions. *See*  
20 *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*,  
21 600 U.S. 181, 206 (2023).

22 57. The University of California’s use of racial preferences is incompati-  
23 ble with the Supreme Court’s interpretation of the Equal Protection Clause.

24 58. SARD therefore seeks declaratory and injunctive relief that prohibits  
25 the defendants from considering or discriminating on account of race in any  
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1 way in student admissions, and that compels the defendants to select appli-  
2 cants for admission in a color-blind and race-neutral manner.

3 59. SARD seeks this relief under 42 U.S.C. § 1983 and any other law that  
4 might supply a cause of action for the requested relief.

5 60. SARD seeks this relief only against the individual defendants, and  
6 not against the institutional defendants, as 42 U.S.C. § 1983 authorizes law-  
7 suits only against “persons” and not states or state institutions. *See Will v.*  
8 *Michigan Dep’t of Police*, 491 U.S. 58, 64–71 (1989) (a state is not a “person”  
9 under 42 U.S.C. § 1983).

#### 10 DEMAND FOR RELIEF

11 61. SARD respectfully requests that the court:

- 12 a. declare that each of the defendants is violating Title VI by dis-  
13 criminating in favor of non-Asian racial minorities in student  
14 admissions;
- 15 b. declare that the individual defendants (but not the institutional  
16 defendants) are violating 42 U.S.C. § 1981(a) and the Equal Pro-  
17 tection Clause by discriminating in favor of non-Asian racial mi-  
18 norities in student admissions;
- 19 c. permanently enjoin the defendants from considering race in  
20 student admissions;
- 21 d. permanently enjoin the defendants from asking or allowing an  
22 applicant for admission to reveal their race;
- 23 e. appoint a court monitor to oversee all decisions relating to the  
24 defendants’ admission of students to ensure that these decisions  
25 are free from racial discrimination of any sort;
- 26 f. award costs and attorneys’ fees under 42 U.S.C. § 1988;

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g. grant all other relief that the Court may deem just, proper, or equitable.

Respectfully submitted.

JONATHAN F. MITCHELL\*  
Texas Bar No. 24075463  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940 (phone)  
(512) 686-3941 (fax)  
jonathan@mitchell.law

/s/ William J. Brown Jr.  
WILLIAM J. BROWN JR.  
California Bar No. 192950  
Brown Wegner LLP  
2010 Main Street, Suite 1260  
Irvine, California 92614  
(949) 705-0081 (phone)  
bill@brownwegner.com

REED D. RUBINSTEIN\*  
DANIEL EPSTEIN\*  
RYAN GIANNETTI\*  
D.C. Bar No. 400153  
America First Legal Foundation  
300 Independence Avenue SE  
Washington, DC 20003  
(202) 964-3721 (phone)  
reed.rubinstein@aflegal.org  
daniel.epstein@aflegal.org  
ryan.giannetti@aflegal.org

\* *pro hac vice* applications forthcoming

Dated: February 3, 2025

*Counsel for Plaintiff*

Table 1. OLS models of admissions for UC schools, 2021-24 applicants in *Law School Data* combined

Independent variable	Coefficient and t-statistics for 2021-24 combined, by UC law school				
	Berkeley	UCLA	UC Davis	UC Irvine	Hastings
Relative credential	.014 (24.4)	.015 (35.2)	.013 (20.1)	.013 (19.4)	.007 (6.7)
Black	1.28 (8.3)	1.60 (14.0)	1.31 (7.0)	1.44 (7.6)	.95 (4.4)
Hispanic	.65 (5.3)	.62 (6.8)	.25 (1.7)	.21 (1.4)	.17 (1.1)
Multiracial	.50 (2.8)	.52 (3.9)	.16 (0.8)	.14 (0.7)	.26 (1.1)
American Indian/Hawaiian Native	-.07 (-0.1)	.42 (1.5)	.89 (2.2)	-1.20 (-2.9)	.00 (0.0)
URM (no specific race given)	.51 (3.1)	.60 (4.6)	.62 (2.6)	.45 (2.2)	.48 (2.1)
Fee Waiver	.16 (2.3)	.25 (4.3)	.06 (0.6)	-10 (-1.0)	.07 (0.6)
In State Resident	.26 (3.3)	.18 (3.0)	-.06 (-0.7)	.07 (0.8)	.67 (6.4)
Character Issue	-.26 (-1.5)	-.21 (-1.4)	-.17 (-0.9)	-.12 (-0.7)	-1.0 (-5.0)
Military service	.49 (2.1)	.08 (0.5)	.05 (0.2)	.25 (0.7)	.80 (2.1)
Log of Years Since College	-.08 (-1.4)	-.013 (-0.3)	-.04 (-0.6)	.07 (1.0)	-.08 (-0.9)
Observations	2,084	2,012	627	542	699
Adjusted R2	.23	.42	.41	.44	.22

Table 2. Admissions rate at the five UC law schools by race and relative credential range, 2021-24

Credential index range	Admissions rate for		
	Non-URMs	Blacks	Hispanics
-100 or less	2.7%	24.1%	4.1%
-99 to -75	4.6%	44.7%	14.2%
-74 to -50	7.3%	48.2%	27.7%
-49 to -25	10.2%	62.5%	36.3%
-24 to 0	22.2%	82.0%	41.0%
1 to 25	39.1%	80.5%	61.4%
25 to 50	50.3%	86.7%	61.4%
51 or more	60.2%	80.0%	75.2%
Number of applicants	5,205	407	793