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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

First Amended 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; **Rich**
11 **Lyons,** in his 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.

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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—a practice that violates the
5 clear and unequivocal text of Title VI and 42 U.S.C. § 1981, as well as the
6 Equal Protection Clause of the Fourteenth Amendment. The plaintiff brings
7 suit to enjoin these discriminatory practices, and to ensure that the defend-
8 ants comply with their obligations under federal anti-discrimination laws.

9 JURISDICTION AND VENUE

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

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

17 PARTIES

18 3. Plaintiff Students Against Racial Discrimination (SARD) is a volun-
19 tary, non-profit membership organization incorporated under the laws of Cal-
20 ifornia. SARD was formed and exists for the purpose of restoring meritocra-
21 cy in academia and fighting illegal race and sex preferences that subordinate
22 academic merit to so-called diversity considerations. SARD has members
23 who intend to apply and will apply for admission to each of the University of
24 California's nine undergraduate campuses. SARD also has members who in-
25 tend to apply and will apply for admission to each of the University of Cali-
26 fornia's five law schools and each of its six medical schools. SARD's website

1 is at <https://www.sard.law>. Its office and mailing address are located in Santa
2 Ana, California.

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

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

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

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

1 California at Santa Cruz; the University of California at Davis; the University
2 of California at Merced; the University of California at Riverside; and the
3 University of California at Santa Barbara. They can be served at the Office of
4 the General Counsel, 1111 Franklin Street, 8th Floor Oakland, California
5 94607. Each of the chancellors is sued in his or her official capacity.

6 **BACKGROUND**

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

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

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

25 11. And they violate Proposition 209, a state constitutional amendment
26 approved by California voters in 1996 (and reaffirmed by California voters in

1 2020) providing that “the State shall not discriminate against, nor grant pref-
2 erential treatment to, any individual or group on the basis of race, sex, color,
3 ethnicity, or national origin in the operation of public employment, public
4 education, or public contracting.”

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

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

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

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

26 16. Fourth, UC launched a variety of initiatives post-209 aimed at im-

1 proving the high-school-to-UC pipeline for young Californians, especially for
2 those from economically disadvantaged backgrounds. Over the years, accord-
3 ing to UC documents, hundreds of millions of dollars were invested in these
4 programs. These measures had a disproportionate and beneficial effect upon
5 black and Hispanic high school students, and led to large increases in black
6 and Hispanic applications to UC schools. For example, the total number of
7 black, in-state applications for freshman-year admission to UC was stagnant
8 in the years before these initiatives (2,191 in 1989, and 2,151 in 1998), but
9 rose rapidly once the initiative began in 1999 (black applicants rose from
10 2,151 in 1998 to 3,307 in 2006, a greater than 50% increase.).

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

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

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

1 sions, and in particular to move to a more subjective “holistic” policy, to ad-
2 dress concerns about low black admissions numbers. One of the members of
3 that admissions committee, political scientist Timothy Groseclose, has writ-
4 ten an entire book documenting how this new policy became a subterfuge for
5 reactivating racial preferences in admissions. See Tim Groseclose, *Cheating:*
6 *An Insider’s Report on the Use of Race in Admissions at UCLA* (2014). The
7 number of blacks admitted as freshmen to UCLA roughly doubled in the next
8 admissions cycle.

9 20. Groseclose also documented that a majority of UCLA’s undergradu-
10 ate admissions committee were unwilling to allow Groseclose—a member of
11 the committee—access to the admissions files or to detailed (anonymized)
12 data on applicant characteristics. As a compromise, the university agreed to
13 appoint Robert Mare, a distinguished sociologist who was sympathetic to the
14 use of racial preferences, to examine the question of whether UCLA’s post-
15 2006 “holistic” policy was, in fact, making decisions partly on the basis of
16 applicant race.

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

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

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

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

26 25. Similar trends exist at each of the remaining UC undergraduate col-

1 leges. At UC San Diego, the overall in-state admissions rate was 38% in 2010,
2 with a 19% admissions rate for blacks; by 2023, those numbers are 25% and
3 18%. At UC Santa Cruz, the overall in-state admissions rate was 64% in 2010,
4 with a 41% admissions rate for blacks; by 2023, those numbers are 63% and
5 52%. At UC Davis, the overall in-state admissions rate was 48% in 2010, with
6 a 31% admissions rate for blacks; by 2023, those numbers are 42% and 30%. At
7 UC Riverside, the overall in-state admissions rate was 76% in 2010, with a
8 56% admissions rate for blacks; by 2023, those numbers are 70% and 57%. At
9 UC Merced, the overall in-state admissions rate was 89% in 2010, with a 76%
10 admissions rate for Blacks; by 2023, those numbers are 88% and 80%

11 26. The degree of convergence in between the overall admissions rates
12 and the admissions rates for blacks is highly correlated with the prestige of
13 the school, with a bigger effect at the most elite schools, and a progressively
14 smaller, though still detectable, effect as the eliteness of the school goes
15 down.

16 27. During this same period, UC also became notably more opaque in
17 matters relating to race. It shut down websites that had made it possible for
18 researchers to study the relationship between student credentials, race, and
19 admissions, or to study aggregated changes in GPA, attrition from STEM
20 fields, or graduation rates by race. In 2018, it refused to provide anonymized,
21 individual-level data on student admissions and outcomes, although in 2008
22 it had willingly disclosed identical data covering student admissions up to
23 2006.

24 28. One of the few types of data that the University of California does
25 make publicly available is a website that shows, for individual California high
26 schools, the number of freshman applicants to each UC school, the number

1 of admitted students, and the number of enrolled students. *See* [http://bit.ly/](http://bit.ly/4mXH83h)
2 [4mXH83h \[https://perma.cc/4K9Q-CMBG\]](https://perma.cc/4K9Q-CMBG). This data is broken down by
3 race, though numbers are only reported if the “cell” size is at least three. (In
4 other words, if a given high school has ten Hispanic applicants to Berkeley, of
5 whom four are admitted and two enroll, the website will report the “ten” and
6 the “four” but will show no data for Hispanic enrollment.) These data pro-
7 vide further evidence that UC schools pursue proportional racial representa-
8 tion despite substantial differences in academic preparation across racial
9 groups. For example, the website reports that at Long Beach Polytechnic, 237
10 students applied for admission to UCLA in 2023, of whom 23 were admitted
11 (just under 10%). Forty-one of the applicants were black, of whom 4 were
12 admitted (again, just under 10%). Yet the average achievement level of black
13 students at Long Beach Polytechnic on state exams was substantially lower
14 than the achievement level for students overall (roughly one-half standard
15 deviation). At Woodrow Wilson High School, also in Long Beach, 186 stu-
16 dents applied for admission to UCLA, and 20 were admitted (11%). Of the
17 186 applicants, 33 were black, and 4 of these applicants were admitted (12%).
18 Yet the average achievement level of black students at Woodrow Wilson High
19 School on state exams was substantially lower than the achievement level for
20 students overall. Similar patterns can be demonstrated for many other high
21 schools. In other words, the tendency of UC schools to approximate racial
22 parity in overall admissions rates cannot be explained by differences in the
23 high schools attended by students of different races.

24 29. University of California law schools have been even more overt in
25 their violation of state and federal laws prohibiting racial preferences. In
26 2014, the National Bureau of Economic Research published a working paper

1 by Danny Yagan, an associate professor of economics at UC Berkeley. Yagan
2 found that racial preferences at UC Berkeley's Law School declined after
3 Proposition 209 became law, but still remained quite large. The black admis-
4 sions rate of 31%, Yagan found, would have fallen to 8% had the school applied
5 the same criteria that it applied to whites. Holding credentials of individual
6 applicants constant, Yagan found that black applicants received an admis-
7 sions preference as large as 61 percentage points.

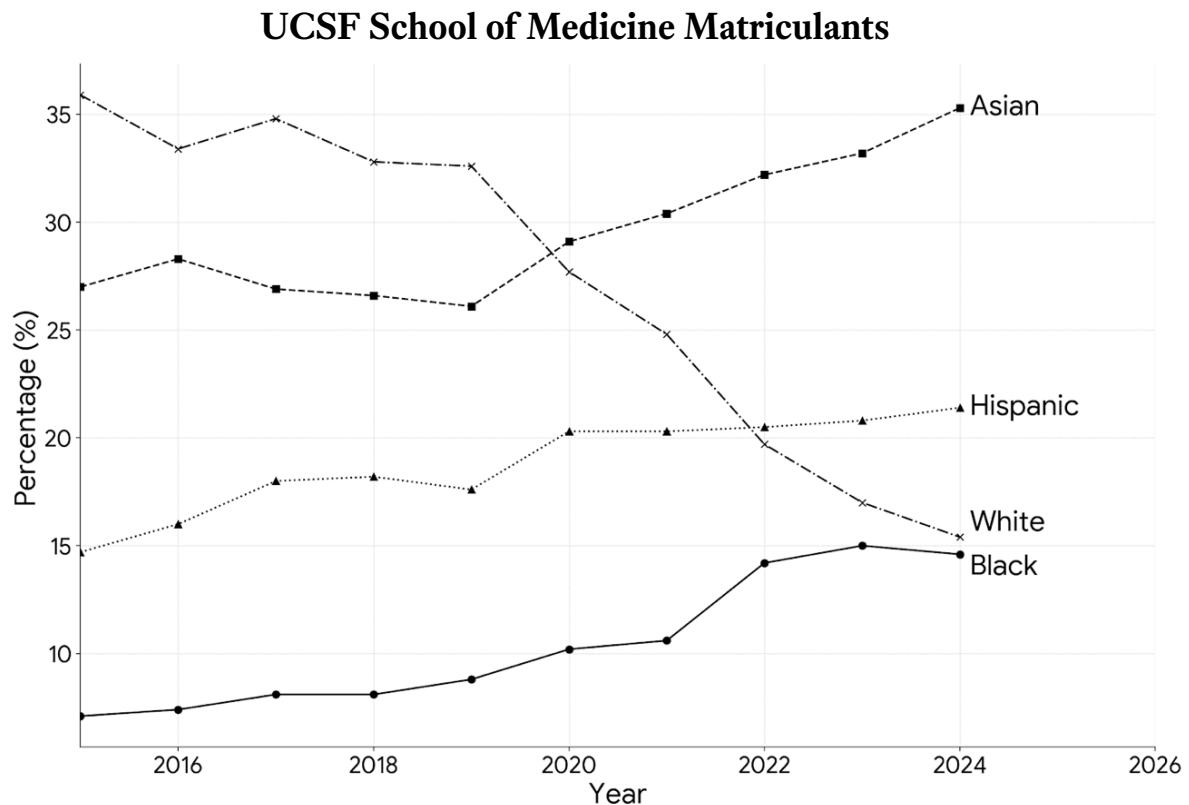
8 30. This pattern of discrimination continues and operates to varying de-
9 grees across UC law schools. Just as the University of California was unwill-
10 ing to provide anonymized, individual-level data on undergraduate applicants
11 after 2010, so it was unresponsive to a public records request filed by UCLA
12 law professor Richard Sander for law school data in 2011. In 2014, Sander
13 brought suit to enforce his request, and UC subsequently provided him ad-
14 missions data for UC Berkeley Law School, UCLA Law School, and UC Da-
15 vis Law School, covering many admissions cycles up through 2011. These da-
16 ta show significant racial preferences at all three law schools throughout this
17 period, and confirm the general pattern documented by Yagan. The publicly-
18 available data on UC Hastings and UC Irvine's law schools is less granular,
19 but strongly implies the same pattern.

20 31. More recently, Professor Sander has obtained data from Law School
21 Data (www.lsd.law), a website that law school applicants use to report and
22 compare their admissions outcomes at law schools. The site contains (anon-
23 ymized) data on tens of thousands of law school applicants over the past four
24 years, including information on LSAT scores, undergraduate grades, ethnici-
25 ty, the schools to which the student applied, and the admissions outcome.
26 Analysis of the data shows that the implicit weights on various admissions

1 factors in the data, such as academic credentials, are very similar to the
2 weights revealed by analysis of publicly disclosed data from law schools, sug-
3 gesting that the data are highly reliable. Regression analysis of this data (see
4 attached Table 1) and tabular presentation of the data (see attached Table 2)
5 show a very pronounced pattern of racial preferences across all the UC law
6 schools. In these analyses, “relative credential” is a measure of the academic
7 Index of each applicant (LSAT and undergraduate grade point average com-
8 bined) relative to the estimated median credential of students at a given law
9 school, based on data reported by the law schools to the American Bar Asso-
10 ciation. Thus, if a law applicant has an academic index of 750, and applies to
11 a law school with a median academic index of 800, then the applicant has a
12 “relative credential” of -50. As Table 2 suggests, black students with low
13 relative credentials have, at the five UC law schools analyzed collectively,
14 about ten times the chance to be admitted as does a “non-URM” (*i.e.*, white
15 or Asian-American) student with similar credentials.

16 32. The University of California’s medical schools have also been giving
17 illegal race and sex preferences to black and Hispanic applicants, and they
18 have dramatically increased the discriminatory preferences awarded to black
19 medical-school applicants in response to the death of George Floyd in 2020.
20 In 2015–2016, blacks made up 7.1% of the entering medical-school class at the
21 University of California at San Francisco. In each of the last three academic
22 years, however, the University of California at San Francisco has boosted ra-
23 cial preferences for black medical-school applicants to the point that blacks
24 make up at least 14% of the entering medical-school class, so that the black
25 student-body percentage at UCSF equals or exceeds the percentage of blacks
26 in the overall U.S. population. At the same time, the University of California

at San Francisco has drastically cut the number of white students attending UCSF. Before the death of George Floyd in 2020, whites consistently represented at least 33% of the entering medical-school class at UCSF. By 2024–25, however, that number had fallen to 15.3%. The number of white and black students in UCSF’s entering medical-school class for the 2024–25 school year were nearly equal (105 vs. 100), even though whites far exceed blacks in the applicant pool and significantly outperform blacks on the MCAT. The following chart illustrates this trend:



33. MCAT scores by race only vary slightly from year to year, so the drop in white M.D. students at UCSF from 35.9% to 15.4% over the last ten years cannot be explained by anything other than UCSF’s conscious and intentional decision to suppress white enrollment.

34. UCLA’s medical school has also intentionally and consciously re-

1 duced its white and Asian matriculants in response to the death of George
2 Floyd, by significantly amplifying the illegal admissions preferences that it
3 awards to blacks and Hispanics. Between 2020 and 2023, the percentage of
4 matriculants to UCLA's medical school who are either white or Asian fell
5 steadily from 65.7% in 2020, 57.1% in 2021, 57.8% in 2022, and 53.7% in 2023.
6 Jennifer Lucero, who has served as the dean of admissions at UCLA's medi-
7 cal school since 2020, is an outspoken advocate of racial preferences and has
8 implemented and enforced a regime of illegal preferences for black and His-
9 panic applicants. The illegal acts of Lucero and UCLA's medical school ad-
10 missions office are described and documented in the recently filed complaint
11 in *Do No Harm v. David Geffen School of Medicine at UCLA*, No. 2:25-cv-
12 04131 (C.D. Cal.), <http://bit.ly/3ZmyiCg> [<https://perma.cc/4D5R-HZ6B>],
13 and SARD incorporates by reference all of the allegations that appear in the
14 *Do No Harm* complaint. Lucero's shenanigans are also reported in Aaron
15 Sibarium, *UCLA Was Poised To Launch Its Own Investigation of Medical School*
16 *Admissions—But Refused To Protect Whistleblowers From Retaliation*, Washing-
17 ton Free Beacon (June 11, 2024), <http://bit.ly/3SIz3ll> [<https://perma.cc/U4V6-7WBD>]. SARD also incorporates by reference the allegations in the
18 Sibarium article.
19

20 35. In 2015, in response to a public records request, two of the UC medi-
21 cal schools (UCLA and UCSF) made available anonymized, individual-level
22 data on applicants and admissions. These data included information on many
23 different applicant characteristics, including some data on socioeconomic
24 status and personal ratings. Regression analysis showed that, even controlling
25 for all these characteristics, both UCSF and UCLA penalized whites and es-
26 pecially Asian-Americans in admissions decisions.

1 36. The shift to race-neutral admissions brought about by Proposition
2 209 benefitted black and Hispanic students both in terms of placement and
3 outcomes. Yet the university's decision to pursue racial preferences in the
4 teeth of Proposition 209 has willfully disregarded the interests of black and
5 Hispanic candidates and harmed their educational outcomes.

6 **FACTS RELATED TO STANDING**

7 37. Plaintiff SARD is a voluntary membership organization founded in
8 2024. SARD seeks to restore meritocracy in academia and eliminate the cor-
9 rupt and unlawful race and sex preferences that subordinate academic merit
10 to so-called diversity considerations.

11 38. SARD has student members who are ready and able to apply for ad-
12 mission to the University of California.

13 39. Individual A is a member of SARD. He is an Asian-American male.
14 Individual A recently completed his junior year of high school and will begin
15 his senior year this fall.

16 40. Individual A stands able and ready to apply for admission as an un-
17 dergraduate freshman to each of the University of California's nine campuses
18 that have undergraduate colleges. *See Carney v. Adams*, 592 U.S. 53, 60
19 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
20 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
21 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
22 vents Individual A from competing with other applicants for admission on an
23 equal basis. Specifically, Individual A is unable to compete on an equal basis
24 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
25 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

26 41. Individual A intends to apply and will apply for admission to each of

1 the University of California's nine campuses that has an undergraduate col-
2 lege. Individual A will submit each of these applications in the fall of 2025.
3 Individual A meets all of the requirements for admission as an undergraduate
4 freshman to the University of California campuses, which are listed at
5 <http://bit.ly/4mLLR8k> [<https://perma.cc/H95Z-VHTW>]. Specifically, Indi-
6 vidual A has already completed 14 of the 15 of the "A-G courses" listed on
7 the UC website, and he will complete the 15th course over the summer. Indi-
8 vidual A also has a grade point average (GPA) of 3.0 or better in those cours-
9 es with no grade lower than a C, using the GPA calculation described on the
10 UC website. *See* <http://bit.ly/4kw8Imw> [<https://perma.cc/SQX8-4YZS>].
11 Individual A will maintain the required minimum grade-point average during
12 the application process and until he graduates from high school.

13 42. Individual B is a member of SARD. She is an Asian-American fe-
14 male. Individual B is a college undergraduate.

15 43. Individual B stands able and ready to apply for admission to UCSD
16 for a master's degree in electrical engineering. *See Carney v. Adams*, 592 U.S.
17 53, 60 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida*
18 *Chapter of Associated General Contractors of America v. City of Jacksonville*, 508
19 U.S. 656, 666 (1993). But the pervasive and ongoing use of racial preferences
20 prevents Individual B from competing with other applicants for admission on
21 an equal basis. Specifically, Individual B is unable to compete on an equal ba-
22 sis with applicants who are black or Hispanic. This inflicts injury in fact. *See*
23 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

24 44. Individual B has already submitted her application to UCSD for a
25 master's degree in electrical engineering. Individual B meets all of the re-
26 quirements for admission to this program, including the minimum required

1 undergraduate GPA of 3.0.

2 45. Individual C is a member of SARD. He is a white male. Individual C
3 attends a community college and wishes to transfer to one of the University
4 of California campuses.

5 46. Individual C stands able and ready to apply for admission as an un-
6 dergraduate transfer to all nine the University of California's campuses that
7 have undergraduate colleges, and he has already submitted his transfer appli-
8 cations. *See Carney v. Adams*, 592 U.S. 53, 60 (2020); *Gratz v. Bollinger*, 539
9 U.S. 244, 261 (2003); *Northeast Florida Chapter of Associated General Contrac-*
10 *tors of America v. City of Jacksonville*, 508 U.S. 656, 666 (1993). But the perva-
11 sive and ongoing use of racial preferences prevents Individual C from com-
12 peting with other applicants for admission on an equal basis. Specifically, In-
13 dividual C is unable to compete on an equal basis with applicants who are
14 black or Hispanic. This inflicts injury in fact. *See Gratz*, 539 U.S. at 261–62;
15 *Jacksonville*, 508 U.S. at 666.

16 47. Individual C meets all of the requirements for admission as an un-
17 dergraduate transfer student to these University of California campuses,
18 which are listed at <http://bit.ly/3ZS04Xe> [<https://perma.cc/DB32-3BKR>]
19 and <http://bit.ly/4ks7xVf> [<https://perma.cc/FZJ5-LSTQ>]. Specifically, In-
20 dividual C has taken all of the course work required to make him eligible for
21 consideration as an undergraduate transfer student from a community col-
22 lege.

23 48. Individual D is a member of SARD. He is a white male.

24 49. Individual D stands able and ready to apply for admission as a law
25 student to each of the University of California's five campuses that have a
26 law school: Berkeley, UCLA, Davis, Irvine, and UC Law San Francisco

1 (formerly known as UC Hastings). *See Carney v. Adams*, 592 U.S. 53, 60
2 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
3 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
4 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
5 vents Individual D from competing with other applicants for admission on an
6 equal basis. Specifically, Individual D is unable to compete on an equal basis
7 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
8 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

9 50. Individual D intends to apply and will apply for admission to each of
10 the University of California’s five campuses that has a law school. Individual
11 D will submit each of these applications in the fall of 2025. Individual D
12 meets all of the requirements for admission as a law student to these Univer-
13 sity of California campuses. Specifically, Individual D has already earned a
14 bachelor’s degree from an accredited college and has taken the LSAT and re-
15 ceived his LSAT score.

16 51. Individual E is a member of SARD. He is an Asian-American male.

17 52. Individual E stands able and ready to apply for admission as a medi-
18 cal student to each of the University of California’s six campuses that have a
19 medical school: UCSF, UCLA, Davis, Irvine, San Diego, and Riverside. *See*
20 *Carney v. Adams*, 592 U.S. 53, 60 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261
21 (2003); *Northeast Florida Chapter of Associated General Contractors of America*
22 *v. City of Jacksonville*, 508 U.S. 656, 666 (1993). But the pervasive and ongo-
23 ing use of racial preferences prevents Individual E from competing with oth-
24 er applicants for admission on an equal basis. Specifically, Individual E is un-
25 able to compete on an equal basis with applicants who are black or Hispanic.
26 This inflicts injury in fact. *See Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508

1 U.S. at 666.

2 53. Individual E intends to apply and will apply for admission to each of
3 the University of California's six campuses that has a medical school. Indi-
4 vidual E will submit each of these applications in the summer of 2026. Indi-
5 vidual E meets all of the requirements for admission as a medical student to
6 these University of California campuses. Specifically, Individual E has al-
7 ready earned a bachelor's degree from an accredited college and will take the
8 MCAT before applying to medical school next year. Individual E has also
9 taken all of the undergraduate courses and lab work required for admission to
10 medical school, including one year of biology, one year of chemistry, one year
11 of physics, and one year of organic chemistry.

12 54. Individual F is a member of SARD. He is an Asian-American male.

13 55. Individual F stands able and ready to apply for admission as a law
14 student to each of the University of California's five campuses that have a
15 law school: Berkeley, UCLA, Davis, Irvine, and UC Law San Francisco
16 (formerly known as UC Hastings). *See Carney v. Adams*, 592 U.S. 53, 60
17 (2020); *Gratz v. Bollinger*, 539 U.S. 244, 261 (2003); *Northeast Florida Chap-*
18 *ter of Associated General Contractors of America v. City of Jacksonville*, 508 U.S.
19 656, 666 (1993). But the pervasive and ongoing use of racial preferences pre-
20 vents Individual F from competing with other applicants for admission on an
21 equal basis. Specifically, Individual F is unable to compete on an equal basis
22 with applicants who are black or Hispanic. This inflicts injury in fact. *See*
23 *Gratz*, 539 U.S. at 261–62; *Jacksonville*, 508 U.S. at 666.

24 56. Individual F intends to apply and will apply for admission to each of
25 the University of California's five campuses that has a law school. Individual
26 F will submit each of these applications in the fall of 2025. Individual F

1 meets all of the requirements for admission as a law student to these Univer-
2 sity of California campuses. Specifically, Individual F has already earned a
3 bachelor's degree from an accredited college and has taken the LSAT and re-
4 ceived his LSAT score.

5 57. 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 58. SARD is challenging the admissions policies and practices at the
12 University of California's undergraduate programs, its law schools, and its
13 medical schools. SARD is not challenging the University of California's
14 transfer or graduate admissions in this lawsuit.

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

16 59. Each of the defendants is violating Title VI by discriminating in favor
17 of black, and Hispanic applicants for admission and against whites and
18 Asians.

19 60. Each of the nine UC undergraduate campuses, the five UC law
20 schools, and the six UC medical schools to which the members of SARD in-
21 tend to apply is a "program or activity" that "receives Federal financial assis-
22 tance" within the meaning of Title VI.

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

1 62. SARD seeks this relief under Title VI, 42 U.S.C. § 1983, and any
2 other law that might supply a cause of action for the requested relief, includ-
3 ing the Declaratory Judgment Act (28 U.S.C. § 2201) and the implied cause
4 of action recognized in *Ex parte Young*, 209 U.S. 123 (1908).

5 63. SARD seeks this relief only against the institutional defendants and
6 not the individual defendants.

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

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

13 65. 42 U.S.C. § 1981(a) guarantees individuals the same right to make
14 and enforce contracts without regard to race. *See* 42 U.S.C. § 1981(a) (“All
15 persons within the jurisdiction of the United States shall have the same right
16 in every State and Territory to make and enforce contracts . . . as is enjoyed
17 by white citizens”).

18 66. 42 U.S.C. § 1981(a) protects whites (and Asians) on the same terms
19 that it protects “underrepresented” racial minorities. *See McDonald v. Santa*
20 *Fe Trail Transportation Co.*, 427 U.S. 273, 295 (1976) (“[T]he Act was meant,
21 by its broad terms, to proscribe discrimination in the making or enforcement
22 of contracts against, or in favor of, any race.”).

23 67. The individual defendants are violating 42 U.S.C. § 1981(a) by dis-
24 criminating in favor of blacks and Hispanics in student admissions, and
25 against whites and Asians.

26 68. SARD therefore seeks declaratory and injunctive relief that prohibits

1 the individual defendants from considering or discriminating on account of
2 race in any way in student admissions, and that compels the defendants to
3 select applicants for admission in a color-blind and race-neutral manner.

4 69. SARD seeks this relief under 42 U.S.C. § 1983, as well as the implied
5 right of action that the Supreme Court has recognized to enforce 42 U.S.C.
6 § 1981(a), and any other law that might supply a cause of action for the re-
7 quested relief, including the Declaratory Judgment Act (28 U.S.C. § 2201)
8 and the implied cause of action recognized in *Ex parte Young*, 209 U.S. 123
9 (1908). *See Johnson v. Railway Express Agency, Inc.*, 421 U.S. 454, 459–60
10 (1975).

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

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

21 **THIRD CLAIM FOR RELIEF— EQUAL PROTECTION CLAUSE**

22 72. As public institutions, the University of California is subject to the
23 commands of the Equal Protection Clause, which prohibits state universities
24 or their components from denying to any person the equal protection of the
25 laws.

26 73. The Supreme Court has held that the Equal Protection Clause pro-

1 hibits race and sex discrimination by state universities in student admissions.
2 *See Students for Fair Admissions, Inc. v. President and Fellows of Harvard Col-*
3 *lege*, 600 U.S. 181, 206 (2023).

4 74. The University of California’s use of racial preferences is incompati-
5 ble with the Supreme Court’s interpretation of the Equal Protection Clause.

6 75. SARD therefore seeks declaratory and injunctive relief that prohibits
7 the defendants from considering or discriminating on account of race in any
8 way in student admissions, and that compels the defendants to select appli-
9 cants for admission in a color-blind and race-neutral manner.

10 76. SARD seeks this relief under 42 U.S.C. § 1983 and any other law that
11 might supply a cause of action for the requested relief, including the Declara-
12 tory Judgment Act (28 U.S.C. § 2201) and the implied cause of action recog-
13 nized in *Ex parte Young*, 209 U.S. 123 (1908).

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

19 **DEMAND FOR RELIEF**

20 78. SARD respectfully requests that the court:

- 21 a. declare that each of the defendants is violating Title VI by dis-
22 criminating in favor of non-Asian racial minorities in student
23 admissions;
- 24 b. declare that the individual defendants are violating 42 U.S.C.
25 § 1981(a) and the Equal Protection Clause by discriminating in
26 favor of non-Asian racial minorities in student admissions;

- c. permanently enjoin the defendants from considering race in student admissions;
- d. permanently enjoin the defendants from asking or allowing an applicant for admission to reveal their race;
- e. appoint a court monitor to oversee all decisions relating to the defendants' admission of students to ensure that these decisions are free from racial discrimination of any sort;
- f. award the plaintiff nominal damages and punitive damages;
- g. award costs and attorneys' fees under 42 U.S.C. § 1988;
- h. grant all other relief that the Court may deem just, proper, or equitable.

Respectfully submitted.

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Dated: June 10, 2025

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CERTIFICATE OF SERVICE

I certify that on June 10, 2025, I served this document by CM/ECF upon:

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