Ga. denied full court hearing on immigration law

KATE BRUMBACK, Associated Press

Updated 3:37 p.m., Monday, November 26, 2012

ATLANTA (AP) — A federal appeals court on Monday declined a request by the state of Georgia to reconsider a ruling on the state's tough law targeting illegal immigration.

The 11th U.S. Circuit Court of Appeals issued an order denying the state's petition for a full court hearing.

A three-judge panel of the 11th Circuit in August left in place a lower court injunction that blocks part of Georgia's law making it illegal for someone to knowingly harbor or transport an illegal immigrant during the commission of a crime. The panel also ruled last month that a part of the law that authorizes law enforcement to verify the immigration status of criminal suspects who fail to produce proper identification should be allowed to go into effect.

The state in September filed a petition asking for a full court hearing. The state wrote in its court filing that the panel's decision goes against certain 11th Circuit and U.S. Supreme Court decisions, including a decision in June on a challenge to a similar law in Arizona.

The Georgia attorney general's office did not immediately reply to an email seeking comment Monday evening, but the state argued in its court filing that the panel's finding that federal law pre-empts the state law's harboring and transporting provision "threatens to undermine the cooperative federalism found throughout state and federal criminal law."

The panel also held that the plaintiffs' private right of action to challenge the law stemmed from the Supremacy Clause of the U.S. Constitution "without performing any of the analysis required by precedents of this Court and the Supreme Court," the state argued.

Karen Tumlin, a lawyer for the National Immigration Law Center who represents groups and individuals challenging the law, said they are pleased with Monday's order.

Read more: http://www.sfgate.com/news/article/Ga-denied-full-court-hearing-on-immigration-law-4067976.php#ixzz2DXyyRaik