

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

MICHAEL V. MCCLARY, ET AL. v. SCOTT H. JENKINS, SHERIFF, ET AL.
(Record Number 191132)

From

The Circuit Court of Culpeper County; P. Peatross, Judge.

Counsel

Vishal Agraharkar, Eden B. Heilman, and Jennifer Safstrom (American Civil Liberties Union Foundation of Virginia) and Casey E. Lucier, Dale G. Mullen, Travis C. Gunn, and Ashley P. Peterson (McGuireWoods LLP) for appellants.

Rosalie Fessier (Timberlake, Smith, Thomas & Moses, P.C.) and Bobbi Jo Alexis (Office of the Culpeper County Attorney) for appellee.

Assignments of Error

1. The circuit court erred as a matter of law in sustaining Sheriff Jenkins's demurrer, denying Plaintiffs' motion for reconsideration, and entering final judgment on Plaintiffs' Counts I and II because neither the Constitution of Virginia nor the General Assembly has authorized Virginia sheriffs either (A) to contract with the federal government to enforce federal civil immigration law, or (B) to otherwise enforce federal civil immigration law.
2. The circuit court erred as a matter of law in sustaining the Board of Supervisors of Culpeper County's demurrer, denying Plaintiffs' motion for reconsideration, and entering final judgment on Plaintiffs' Count III because neither the Constitution of Virginia nor the General Assembly has authorized localities to appropriate funds to enforce federal civil immigration law.
3. The circuit court erred in denying Plaintiffs' request for leave to file an amended complaint because courts should liberally grant leave to amend and additional factual pleading would remedy any issues potentially supporting dismissal.