

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF VIRGINIA,

Defendant.

CIVIL No. 3:25-cv-1067

**JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT**

1. On December 29, 2025, Plaintiff United States of America filed its Complaint against Defendant the Commonwealth of Virginia. ECF No. 1.
2. The Parties agree that the Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and venue is proper under 28 U.S.C. § 1391.
3. In the Complaint, Plaintiff challenged Virginia Code §§ 23.1-502 and 23.505.1, as applied to aliens who are not lawfully present in the United States, as expressly preempted by federal immigration law at 8 U.S.C. § 1623.
4. Plaintiff requested that this Court enter a judgment declaring that Virginia Code §§ 23.1-502 and 23.505.1, as applied to aliens who are not lawfully present in the United States, violate the Supremacy Clause and are therefore invalid.
5. Plaintiff further requested that this Court issue a permanent injunction that prohibits the Defendant, as well as its successors, agents, and employees, from enforcing Virginia Code §§ 23.1-502 and 23.505.1 insofar as they apply to aliens who are not lawfully present in the United States.

6. The Parties agree that the Court has the authority to provide the requested relief under the Supremacy Clause, U.S. Const. Art. VI, cl. 2, as well as 28 U.S.C. §§ 2201 and 2202, and its inherent equitable powers.
7. The Parties agree that Virginia Code §§ 23.1-502 and 23.505.1 are preempted by 8 U.S.C. § 1623 insofar as they apply to aliens who are not lawfully present in the United States.
8. The Parties request that the Court enter a final judgment declaring that Virginia Code §§ 23.1-502 and 23.505.1 violate the Supremacy Clause and are therefore invalid insofar as they apply to aliens who are not lawfully present in the United States.
9. The Parties request that the Court enter a permanent injunction prohibiting the Defendant, as well as its successors, agents and employees, from enforcing Virginia Code §§ 23.1-502 and 23.505.1, insofar as they apply to aliens who are not lawfully present in the United States.
10. The Parties agree that each will bear their own costs and fees.
11. A proposed order is attached for the Court's convenience. This proposed order will be submitted "on paper" with original signatures once the original signature pages have been received.

DATED: December 30, 2025

Respectfully submitted,

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*Attorneys for Plaintiff*

DATED: December 30, 2025

Respectfully submitted,

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TODD W. BLANCHE  
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DATED: December 30, 2025

Respectfully Submitted,

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/s/ Kevin M. Gallagher

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**IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF VIRGINIA,

Defendant.

Civil Action No. 3:25cv1067

**[PROPOSED] ORDER AND FINAL JUDGMENT**

Before the Court is the Parties' Joint Motion for Entry of Consent Judgment. ECF No. \_\_\_\_\_. Having considered the Motion, the Complaint, and applicable law, the Court GRANTS the Motion. Accordingly, the Court hereby DECLARES that Virginia Code §§ 23.1-502 and 23.505.1 violate the Supremacy Clause and are invalid insofar as they apply to aliens unlawfully present in the United States.

The Court also hereby PERMANENTLY ENJOINS the Commonwealth of Virginia, as well as its successors, agents, and employees, from enforcing Virginia Code §§ 23.1-502 and 23.505.1 insofar as they apply to aliens unlawfully present in the United States.

This final judgment is issued pursuant to Federal Rule of Civil Procedure 58(a).

SO ORDERED on this \_\_\_\_ day of \_\_\_\_\_ 202\_\_.

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Robert E. Payne  
Senior United States District Judge

DATED: December 30, 2025

STANLEY E. WOODWARD, JR.  
Associate Attorney General

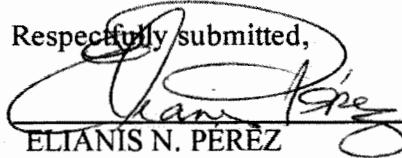
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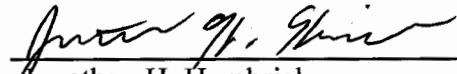
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