

No. 25-6138

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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THE BABYLON BEE, LLC, et al.,

*Plaintiffs-Appellees,*

v.

ROB BONTA, in his official capacity as Attorney General of the State of  
California, et al.,

*Defendants-Appellants.*

On Appeal from the United States District Court  
for the Eastern District of California  
No. 2:24-cv-02527-JAM-CKD  
Hon. John A. Mendez

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**MOTION OF THE LIBERTY JUSTICE CENTER AS *AMICUS  
CURIAE* IN SUPPORT OF APPELLEES**

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March 18, 2026

## MOTION

The Liberty Justice Center respectfully moves for leave to file the accompanying brief as *amicus curiae*.

This Court should grant leave to file the accompanying *amicus curiae* brief because it provides a perspective not fully addressed by the parties. Specifically, the proposed brief offers a detailed survey of how counterspeech mechanisms—including community notes, public response, and public debate and discourse—have developed alongside digital communication technologies to effectively combat false and misleading speech without government intervention.

The brief demonstrates, through concrete and recent examples, that the marketplace of ideas remains functional and effective online, and that the platforms themselves have increasingly adopted counterspeech models as less restrictive alternatives to centralized content moderation. This evidence bears directly on the strict scrutiny analysis applicable to AB 2655 and whether less restrictive means remain available and effective.

Amicus received consent from counsel for appellees to file this brief, but did not secure consent from counsel for appellants.

**CONCLUSION**

For the foregoing reasons, the Liberty Justice Center respectfully requests that this Court grant leave to file the accompanying brief as *amicus curiae*.

Respectfully submitted,

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