



The government brings to the Court’s attention two recent decisions that further support the government’s motion to dismiss in this case.

First, in *Nasrallah v. Barr*, 140 S. Ct. 1683 (2020), the Supreme Court again emphasized that review of “all questions of law and fact ... arising from any action taken or proceeding brought to remove an alien from the United States ... shall be available only in judicial review of a final order” of removal. *Id.* at 1690 (quoting 8 U.S.C. § 1252(b)(9)). Section 1252(b)(9) consolidates the “various challenges arising from the removal proceedings” into one petition for review to the court of appeals. *Nasrallah*, 140 S. Ct. at 1690. In § 1252(b)(9), Congress “eliminate[ed] review in the district courts” over claims related to removal proceedings and instead channeled all such claims to “review in the courts of appeals” as part of the “review of final orders of removal.” 140 S. Ct. at 1690.

Second, in *Ali v. Barr*, No. 20-CV-3337, 2020 WL 2986692 (S.D.N.Y. June 3, 2020), the district court rejected claims by organizational plaintiffs for injunctive relief related to immigration court proceedings as barred by 8 U.S.C. § 1252(f)(1). The court held that “Section 1252(f)(1) is unambiguous: a district court shall not have jurisdiction to issue an injunction of general applicability that would interfere with the operation of certain INA provisions,” so “any classwide relief with respect to the operation of removal proceedings is unavailable.” *Ali*, 2020 WL 2986692, at \*6. *Ali* dealt in part with the scheduling of hearings in immigration court and “Organizational Plaintiffs’ frustrations” with scheduling, including uncertainty about whether motions to continue hearings would be granted where necessary. *Id.* at \*7-8. The court noted that there is “a statutorily prescribed mechanism to challenge any denial of such a motion,” and that there is “no authority in the context of a civil proceeding that requires a judge to rule on any specific timetable—let alone one that is driven by an attorney’s personal need for certainty.” *Id.*

Together these cases further support the government's arguments that Plaintiffs' claims must be dismissed for lack of jurisdiction under 8 U.S.C. § 1252(b)(9) because their claims arise from proceedings and actions taken to remove aliens from the United States and § 1252(f)(1) because Plaintiffs are organizations seeking injunctive relief with respect to the operation of the statutory provisions governing how removal proceedings are conducted.

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Respectfully submitted,

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