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11 UNITED STATES DISTRICT COURT
 12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 IMMIGRANT DEFENDERS LAW
 14 CENTER, a California corporation, et al.,

15 Plaintiff,

16 v.

17 ALEJANDRO MAYORKAS, Secretary,
 Department of Homeland Security, et al.,

18 Defendants.

Case No. 2:20-cv-09893 JGB (SHKx)

**DEFENDANTS' NOTICE OF MOTION
 AND MOTION TO STAY CASE
 AND/OR HOLD CASE IN ABEYANCE;
 MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT
 THEREOF**

[Proposed] Order filed concurrently

Hearing Date: May 17, 2021
 Hearing Time: 9:00 a.m.
 Ctrm: Riverside, Courtroom 1
 Hon. Jesus G. Bernal

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TABLE OF CONTENTS

1		
2	<u>DESCRIPTION</u>	<u>PAGE</u>
3		
4	TABLE OF AUTHORITIES	ii
5	NOTICE OF MOTION AND MOTION TO STAY CASE AND/OR HOLD	
6	CASE IN ABEYANCE	iv
7	MEMORANDUM OF POINTS AND AUTHORITIES	1
8	I. INTRODUCTION	1
9	II. STATEMENT OF FACTS	2
10	III. LEGAL STANDARD	5
11	IV. ARGUMENT.....	6
12	V. CONCLUSION.....	11

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES

1		<u>PAGE</u>
2	<u>DESCRIPTION</u>	
3		
4		Page(s)
5	Cases	
6	<i>Am. Diabetes Ass’n v. United States Dep’t of the Army,</i>	
7	938 F.3d 1147 (9th Cir. 2019)	7, 8
8	<i>City of Los Angeles v. Lyons,</i>	
9	461 U.S. 95 (1983)	7, 8
10	<i>CMAX, Inc. v. Hall,</i>	
11	300 F.2d 265 (9th Cir. 1962)	6
12	<i>Dependable Highway Exp., Inc. v. Navigators Ins. Co.,</i>	
13	498 F.3d 1059 (9th Cir. 2007)	6
14	<i>Fields v. Klauser,</i>	
15	2008 WL 3992255 (D. Idaho Aug. 27, 2008).....	7
16	<i>H’Shaka v. O’Gorman,</i>	
17	758 F. App’x 196 (2d Cir. 2019)	8
18	<i>Lamar Co., LLC v. Continental Cas. Co.,</i>	
19	2007 WL 81876 (E.D. Wash. Jan. 8, 2007).....	7
20	<i>Landis v. N. Am. Co.,</i>	
21	299 U.S. 248, 57 S. Ct. 163 (1936).....	6
22	<i>Leyva v. Certified Grocers of Cal., Ltd.,</i>	
23	593 F.2d 857 (9th Cir.)	6, 7
24	<i>Lockyer v. Mirant Corp.,</i>	
25	398 F.3d 1098 (9th Cir. 2005)	6
26	<i>Rivers v. Walt Disney Co.,</i>	
27	980 F. Supp. 1358 (C.D. Cal. 1997)	6
28		

1 *SolarCity Corporation v. Salt River Project Agricultural Improvement and Power*
2 *District*, 2016 WL 5109887 (D. Ariz. Sept. 20, 2016) 8
3
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1 **NOTICE OF MOTION AND MOTION TO STAY CASE AND/OR HOLD CASE**
2 **IN ABEYANCE**

3 PLEASE TAKE NOTICE that, on May 17, 2021 at 9:00 am, or as soon thereafter
4 as they may be heard, Defendants will, and hereby do, move this Court for an order
5 staying this action, or otherwise holding all case deadlines and hearings in abeyance, as
6 Defendant DHS continues to implement phase one of its efforts to process individuals in
7 the Migrant Protection Protocols (“MPP”) who have pending removal proceedings
8 before the Executive Office for Immigration Review into the United States. Granting
9 this motion will additionally enable the Government to complete its review of MPP
10 pursuant to Executive Order No. 14010, 86 F.R. 8267 (Feb. 2, 2021) (the “Executive
11 Order”). This motion will be made in the George E. Brown, Jr. Federal Building and
12 Courthouse before the Honorable Jesus G. Bernal, United States District Judge, located
13 at 3470 Twelfth Street, Riverside, CA 92501.

14 Defendants bring the motion on the ground that the Government is currently
15 implementing phase one of its process to return members of the proposed class to the
16 United States, which is the ultimate relief Plaintiffs seek in this case. Because the claims
17 of most of the named Plaintiffs and members of the proposed class have either already
18 been resolved, or are likely to be resolved through the continued implementation of
19 phase one (or future phases), it would be most efficient to stay these proceedings at
20 present. Continuing this litigation over challenged policies that are in the process of
21 being unwound by a new administration would not promote judicial economy.

22 This motion is made upon this Notice, the attached Memorandum of Points and
23 Authorities, and all pleadings, records, and other documents on file with the Court in this
24 action, and upon such oral argument as may be presented at the hearing of this motion.

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1 This motion is made following the conference of counsel pursuant to Local Rule
2 7-3 which was held on March 29, 2021.

3
4 Dated: April 7, 2021

Respectfully submitted,

5 TRACY L. WILKISON
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Since Defendants filed their Supplemental Brief in Opposition to Plaintiffs’
4 Motions for Provisional Class Certification and Preliminary Injunction on March 3 (ECF
5 No. 119), Defendant Department of Homeland Security (“DHS”) has made additional
6 progress in implementing phase one of its efforts to process individuals subject to the
7 Migrant Protection Protocols (“MPP”) into the United States in an “orderly, safe, and
8 efficient” manner. Phase one has expanded to processing individuals who have pending
9 removal proceedings before the Executive Office for Immigration Review (“EOIR”) at
10 five ports of entry, including the San Ysidro Port of Entry. On March 10, 2021, the
11 White House announced that as of that date, it had safely returned over 1,400 MPP
12 participants.

13 Six of the eight named Plaintiffs and many proposed class members have already
14 been safely returned to the United States, and therefore have already obtained the
15 ultimate relief they seek in this case and present moot claims. The remaining named
16 Plaintiffs and proposed class members with live claims against Defendants have a
17 process available to them to be safely returned to the United States.¹ In light of these
18 continuing developments, it would be most efficient for the Court and the parties to
19 temporarily stay this litigation as the claims of named Plaintiffs and the proposed class
20 continue to resolve on a daily basis. It would be a waste of judicial resources to continue
21 with active litigation challenging the legality of an MPP program that is no longer
22 adding any new enrollees and is returning the individuals who have been subjected to
23 that program and who have pending removal proceedings before EOIR to the United
24 States through continued implementation of phase one.

25 Defendants respectfully request that the Court stay this action for four months and
26

27 ¹ As explained in greater detail below, the claims of any named Plaintiffs or
28 proposed class members who were past MPP participants (*e.g.*, were removed) are not
live, but are moot.

1 order the parties to submit a joint status report within (thirty) 30 days of the stay being
2 entered, and every thirty (30) days thereafter until the stay is lifted.

3 **II. STATEMENT OF FACTS**

4 On January 20, 2021, Defendant Department of Homeland Security (“DHS”)
5 announced the suspension of new enrollments in the Migrant Protection Protocols
6 (“MPP”), effective January 21, 2021.²

7 On February 2, 2021, Defendant Alejandro Mayorkas was confirmed by the U.S.
8 Senate as DHS Secretary. On the same date, President Biden issued an Executive Order
9 addressing, *inter alia*, MPP, directing the DHS Secretary to “promptly review” MPP in
10 order to determine whether to terminate or modify MPP, including “whether to rescind
11 . . . the ‘Policy Guidance for Implementation of the Migrant Protection Protocols’” of
12 January 2019 “and any implementing guidance.”³ The Executive Order referred
13 explicitly to those presently enrolled in MPP, directing that:

14 [i]n coordination with the Secretary of State, the Attorney General, and the
15 Director of CDC, the Secretary of Homeland Security shall *promptly* consider
16 a phased strategy for the safe and orderly entry into the United States,
17 consistent with public health and safety and capacity constraints, *of those*
18 *individuals who have been subjected to MPP* for further processing of their
19 asylum claims.⁴

19 On February 11, 2021, Defendant DHS announced that, “[b]eginning on February
20 19, the Department of Homeland Security (DHS) will begin phase one of a program to
21 restore safe and orderly processing at the southwest border. DHS will begin processing
22

23 ² Press Release, U.S. Dep’t of Homeland Security, DHS Statement on the
24 Suspension of New Enrollments in the Migrant Protection Protocols Program (Jan. 20,
2021), available at [https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-
new-enrollments-migrant-protection-protocols-program](https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program) (last accessed April 7, 2021).

25 ³ Exec. Order No. 14010, Creating a Comprehensive Regional Framework to
26 Address the Causes of Migration, to Manage Migration Throughout North and Central
27 America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United
28 States Border, at Sec. 4(a)(ii)(B), 86 F.R. 8267, 8269 (Feb. 2, 2021) (the “Executive
Order”).

⁴ *Id.* (emphasis added).

1 people who had been forced to ‘remain in Mexico’ under the Migrant Protection
2 Protocols (MPP).”⁵ The announcement explains that “[t]his new process applies to
3 individuals who were returned to Mexico under the MPP program and have cases
4 pending before the Executive Office for Immigration Review (EOIR),” but does not
5 apply to (a) individuals outside the United States “who were not returned to Mexico
6 under MPP,” (b) individuals outside the United States “who do not have active
7 immigration court cases,” and (c) individuals “in the United States with active MPP
8 cases.”⁶

9 On February 19, 2021, Defendant DHS began processing individuals in MPP who
10 have pending removal proceedings before EOIR.⁷ After getting verified for eligibility
11 and testing negative for COVID-19, approximately 25 individuals were transported by
12 international organizations to the U.S.-Mexico border for processing through the San
13 Ysidro Port of Entry.⁸

14 On February 20, 2021, Defendant DHS issued further guidance on phase one,
15 describing the process as follows:

16 First, individuals may register for intake via an online support hub, where
17 they will be asked to provide basic information to confirm eligibility.
18 Through the support hub, they can ask questions about the process of their
19 case. There will also be a telephone hotline to answer questions and offer
20 support. The support hub is available via: <https://conecta.acnur.org/>, and
21 registration went live on February 19, 2021. This hub is operated by
22 facilitating organizations with the support of the U.S. government.

23 Next, facilitating organizations will transmit registration information to DHS
24 to verify that the individual has an on-going removal proceeding pursuant to

25 ⁵ Press Release, U.S. Dep’t of Homeland Security, DHS Announces Process to
26 Address Individuals in Mexico with Active MPP Cases (Feb. 11, 2021), available at
27 [https://www.dhs.gov/news/2021/02/11/dhs-announces-process-address-individuals-](https://www.dhs.gov/news/2021/02/11/dhs-announces-process-address-individuals-mexico-active-mpp-cases)
28 [mexico-active-mpp-cases](https://www.dhs.gov/news/2021/02/11/dhs-announces-process-address-individuals-mexico-active-mpp-cases) (last accessed April 7, 2021).

⁶ *Id.*

26 ⁷ Press Release, U.S. Dep’t of Homeland Security, DHS Statement on First Step in
27 Process to Address Individuals in Mexico with Active MPP Cases (Feb. 19, 2021),
28 available at [https://www.dhs.gov/news/2021/02/19/dhs-statement-first-step-process-](https://www.dhs.gov/news/2021/02/19/dhs-statement-first-step-process-address-individuals-mexico-active-mpp-cases)
[address-individuals-mexico-active-mpp-cases](https://www.dhs.gov/news/2021/02/19/dhs-statement-first-step-process-address-individuals-mexico-active-mpp-cases) (last accessed April 7, 2021).

⁸ *Id.*

1 MPP and is eligible for this facilitated process. DHS will respond with a
2 positive or negative indicator based on several data points to inform the
3 facilitating organizations whether an individual is eligible to enter the United
4 States as part of this process. DHS has provided criteria to facilitating
5 organizations to prioritize individuals based on duration of their enrollment
6 in MPP and other vulnerability factors.

7 Once confirmed as having a pending immigration court case, individuals will
8 be contacted by facilitating organizations and provided instructions for
9 accessing a designated staging location, where they will complete a health
10 questionnaire and undergo testing for COVID-19. Individuals who test
11 negative will be sheltered and receive further assistance in preparation for
12 U.S. processing. Those who test positive will be supported by facilitating
13 organizations to isolate and/or seek treatment in line with the policy of the
14 relevant local health authority in Mexico. Following isolation and screening,
15 such an individual will again be eligible for facilitated arrival at a designated
16 port of entry. At the staging site, facilitating organizations will provide
17 EOIR-33 Change of Address forms and offer additional legal services and
18 support.

19 Individuals who complete the testing and screening requirements above will
20 be transported from the staging site to the designated port of entry for
21 processing into the United States. If they completed the Change of Address
22 form, DHS will use this form to administratively move their case to the
23 immigration court closest to the migrant's identified address. Unless an
24 individual presents a national security or public safety concern, the individual
25 will generally be assessed for enrollment in an alternative-to-detention
26 program, released by DHS, and provided instructions for contacting U.S.
27 Immigration and Customs Enforcement (ICE) at their destination.⁹

28 On February 25, 2021, Defendant DHS began processing scheduled cases at
Gateway International Bridge in Brownsville, Texas; on February 26, 2021, at the Paso
del Norte port of entry in El Paso, Texas; beginning the week of March 22, at the
Hidalgo, Texas port of entry; and beginning the week of March 29, at the Laredo, Texas

⁹ U.S. Dep't of Homeland Security, Migrant Protection Protocols, DHS Begins to Process Individuals in MPP Into the United States to Complete their Immigration Proceedings (Feb. 20, 2021; last published April 1, 2021), available at <https://www.dhs.gov/migrant-protection-protocols> (last accessed April 7, 2021).

1 port of entry.¹⁰ “Together with partners on both sides of the border, DHS will consider
2 additional sites.”¹¹ On March 10, 2021, the Biden Administration announced that it had
3 “ended the so-called ‘Migrant Protection Protocols,’” and that the Government had
4 “safely admitted over 1,400 migrants and closed the most dangerous face of the MPP:
5 the Matamoros migrant camp.”¹²

6 In phase one, the Government has focused on individuals with pending cases
7 before the Executive Office for Immigration Review. The U.S. Interagency is
8 considering what, if anything, it will do with respect to individuals who were returned to
9 Mexico and have since had their cases closed, including those who have receive in
10 absentia orders.

11 As of the date of this filing, at least six of the eight named Plaintiffs are now in the
12 United States: (1) Hannah Doe (on or around January 22, 2021 after being granted
13 humanitarian parole); (2) Nicholas Doe (on or around February 19, 2021); (3) Feliza Doe
14 (on or around February 25, 2021); (4) Jessica Doe (on or around February 28, 2021); and
15 (5) Benjamin Doe (on or around February 28, 2021); and (6) Daniel Doe (on or around
16 March 1, 2021). And a seventh named Plaintiff, Anthony Doe, appears eligible to be
17 processed into the United States as part of phase one. Only the eighth named Plaintiff,
18 Jacqueline Doe, is not presently eligible for phase one because she was removed in
19 absentia in February 2020.

20 **III. LEGAL STANDARD**

21 The power to stay is “incidental to the power inherent in every court to control the
22 disposition of the causes on its docket with economy of time and effort for itself, for
23

24 ¹⁰ *Id.*

25 ¹¹ *Id.*

26 ¹² The White House, Press Briefing by Press Secretary Jen Psaki and Special
27 Assistant to the President and Coordinator for the Southern Border Ambassador Roberta
28 Jacobson (Mar. 10, 2021) (“White House March 10 Press Briefing”), available at:
<https://www.whitehouse.gov/briefing-room/press-briefings/2021/03/10/press-briefing-by-press-secretary-jen-psaki-and-special-assistant-to-the-president-and-coordinator-for-the-southern-border-ambassador-roberta-jacobson-march-10-2021/> (last accessed April 7, 2021).

1 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S. Ct. 163, 166
2 (1936). Although “a district judge should not automatically stay discovery, postpone
3 rulings on pending motions, or generally suspend further rulings upon a parties’
4 motion[,]” *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997), “[a]
5 trial court may, with propriety, find it is efficient for its own docket and the fairest
6 course for the parties to enter a stay of an action before it.” *Leyva v. Certified Grocers of*
7 *Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979), *cert. denied*, 444 U.S. 827 (1979). In
8 determining whether to stay a proceeding, the court considers: (1) “the possible damage
9 which may result from the granting of a stay”; (2) “the hardship or inequity which a
10 party may suffer in being required to go forward”; and (3) “the orderly course of justice
11 measured in terms of the simplifying or complicating of issues, proof, and questions of
12 law which could be expected to result from a stay.” *See CMAX, Inc. v. Hall*, 300 F.2d
13 265, 268 (9th Cir. 1962); *see also Dependable Highway Exp., Inc. v. Navigators Ins.*
14 *Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007) (similar); *Lockyer v. Mirant Corp.*, 398 F.3d
15 1098, 1110 (9th Cir. 2005) (similar).

16 **IV. ARGUMENT**

17 It would be most efficient for the Court and the parties, and promote the interests
18 of judicial economy and fairness, to stay this litigation pending DHS’s continued
19 implementation of phase one and its continuing review of MPP.

20 First, tangible progress continues to be made in furtherance of the Biden
21 Administration’s efforts to “end[] the . . . ‘Migrant Protection Protocols,’” having “safely
22 admitted over 1,400 migrants” in just the first nineteen days of phase one’s
23 implementation. *See White House March 10 Press Briefing*. At least five of the eight
24 named Plaintiffs are among these individuals, and a sixth has otherwise been returned to
25 the United States. In light of this continuing progress, a stay would be the most efficient
26 use of the parties’ and the Court’s resources. Because return to the United States is
27 mainly the ultimate relief Plaintiffs seek in this case, *see Compl. (ECF No. 1), Prayer for*
28 *Relief (e)*, the claims of at least six of the named Plaintiffs and a growing number of

1 proposed class members have become moot. *See, e.g., Am. Diabetes Ass’n v. United*
2 *States Dep’t of the Army*, 938 F.3d 1147, 1152 (9th Cir. 2019) (“A case becomes moot . .
3 . when the issues presented are no longer live or the parties lack a legally cognizable
4 interest in the outcome.”); *City of Los Angeles v. Lyons*, 461 U.S. 95, 102, 111 (1983).
5 As more individuals subject to MPP are processed into the United States, the claims of
6 an increasing number of proposed class members will likewise resolve. In these
7 circumstances, it would be a waste of the Court’s and the parties’ time and resources to
8 proceed to litigate the merits of the claims of the named Plaintiffs and proposed class.
9 *Leyva*, 593 F.2d at 863; *see Lamar Co., LLC v. Continental Cas. Co.*, 2007 WL 81876,
10 at *3 (E.D. Wash. Jan. 8, 2007) (“stay warranted” where there was a “distinct
11 possibility” that the case would become moot, such that “continuing to litigate the
12 captioned matter will ultimately be all for naught and constitute a significant waste of
13 time and effort by the parties, their counsel, and the court”); *Fields v. Klauser*, 2008 WL
14 3992255, at *1 (D. Idaho Aug. 27, 2008) (stay warranted in habeas case in light of state
15 court developments that could render the federal case moot).

16 Even though not every proposed class member is currently eligible for phase one,
17 over time the entire case will become moot. As Defendants explained in their
18 Supplemental Brief in Opposition to Plaintiffs’ Motions for Provisional Class
19 Certification and Preliminary Injunction, the proposed class, as currently defined by
20 Plaintiffs, includes past MPP participants, *i.e.*, individuals who have been ordered
21 removed. *See* ECF No. 119 at 6-8. Jacqueline Doe, removed *in absentia* in February
22 2020, falls into this category. But, as Defendant explained previously, the claims of this
23 subclass of individuals are already moot. The relief Plaintiffs seek in this case is limited
24 to addressing access to counsel, access to the asylum system, and living conditions of
25 those individuals who are *currently in MPP*—not those of individuals who may have
26 been subject to MPP in the past. *See* Compl. (ECF No. 1), Prayer for Relief, (c)-(d)
27 (seeking declaration that MPP is unlawful and enjoining its implementation),
28 (e) (seeking return of the proposed class to return to the United States “to pursue their

1 asylum claims from inside the country”), (f)-(g) (seeking interim measures for
2 “individuals subjected to MPP”). None of this requested relief concerns individuals who
3 have already ordered removed and are thus by definition no longer in MPP.¹³ And there
4 is no likelihood this requested relief will concern these past MPP participants in the
5 future, given that the Biden Administration has suspended new MPP enrollments. *See,*
6 *e.g., Am. Diabetes Ass’n*, 938 F.3d at 1152; *Lyons*, 461 U.S. at 102, 111 (in order to
7 establish standing to pursue injunctive relief, a plaintiff must show a “threat of injury
8 that must be both ‘real and immediate,’ not ‘conjectural’ or ‘hypothetical,’” and past
9 injury does not suffice to show a threat of future injury, “[a]bsent a sufficient likelihood
10 that [the plaintiff] will be again wronged in a similar way”).

11 Second, the ultimate relief Plaintiffs seek in this case and the interim relief they
12 seek through the pending Motions (ECF Nos. 35 and 36)—return of the proposed class
13 to the United States “to pursue their asylum claims from inside the country” (Compl.
14 (ECF No. 1), Prayer for Relief, ¶ (e))—is unwarranted. Plaintiffs’ claims and Motions
15 are based on an obsolete set of circumstances—challenging a program of a prior
16 administration that is being wound down by a current administration. *See, e.g., H’Shaka*
17 *v. O’Gorman*, 758 F. App’x 196, 202 (2d Cir. 2019) (affirming denial of preliminary
18 injunction because, *inter alia*, the Government had adopted “a new approach [that] may
19 soon moot this litigation”); *SolarCity Corporation v. Salt River Project Agricultural*
20 *Improvement and Power District*, 2016 WL 5109887, at *3 (D. Ariz. Sept. 20, 2016)
21 (concluding that “judicial economy counsels against granting preliminary [injunctive]
22 relief in this case,” given the imminence of a Ninth Circuit decision that would decide
23 the issues raised in the preliminary injunction motion, and denying the motion without
24 prejudice to its refiling after resolution of the appeal). Continued active litigation at this
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26 ¹³ *See* U.S. Immigration and Customs Enforcement, Implementation of the
27 Migrant Protection Protocols (Feb. 12, 2019), available at
28 <https://www.ice.gov/sites/default/files/documents/Fact%20sheet/2019/ICE-Policy-Memorandum-11088-1.pdf> (last accessed April 7, 2021) (describing MPP as returning individuals to Mexico “for the duration of their INA section 240 removal proceedings”).

1 point would be a waste of judicial and the parties' resources.

2 Judicial intervention in the phase one process would also work to prejudice
3 Defendants. The Government is currently implementing the phase one process to
4 effectuate the "orderly, safe, and efficient" return of proposed class members to the
5 United States. A reworking of that process at this juncture would pose an unnecessary
6 strain on the resources of the Government. The Government is also in the best position
7 to enable the return of proposed class members, while at the same time protecting the
8 national security interests of the United States and minimizing the risks of spread of
9 COVID-19 to Government employees, United States residents, and proposed class
10 members. Proposed class members currently have a process available to them to obtain
11 the return to the United States that is sought by this litigation. Judicial intervention
12 could slow or frustrate that process now available to proposed class members.

13 Third, for several reasons, there does not appear to be any potential prejudice to
14 Plaintiffs as a result of any stay. First, as noted above, six of the eight named Plaintiffs
15 have already been returned to the United States, and one of the other named Plaintiffs
16 appears to be eligible for phase one. Second, as MPP winds down, the burden the
17 Organizational Plaintiffs complain of associated with MPP can only be expected to
18 alleviate. Third, this case is effectively moot, given that the policies Plaintiffs challenge
19 are no longer operative. Plaintiffs have no interest in expeditiously proceeding on such
20 moot claims. Finally, a stay would also not prevent Plaintiffs from seeking appropriate
21 relief at a later time, should Plaintiffs determine that the phase one process is
22 insufficient. Plaintiffs would be free to seek leave to amend the Complaint or file a new
23 case altogether to proceed on a new theory.

24 A stay would also serve the interests of judicial comity, considering that pauses
25 have been placed on other similar MPP challenges around the country. The following
26 are examples of how other similarly cases are proceeding around the country:

27 At the Supreme Court, on February 3, 2021, in *Mayorkas, et al. v. Innovation Law*
28 *Lab*, the Court issued an order holding the remaining briefing in abeyance and removing

1 the case from its oral argument calendar, in light of the Government’s request for
2 additional time to allow for the completion of review of MPP program. 2021 WL
3 357256 (Feb. 3, 2021).

4 In the circuit courts, on February 16, 2021, in *Adrianza, et al. v. Biden, et al.*, No.
5 20-4165 (2d Cir.), Judge Michael H. Park of the Second Circuit granted the
6 Government’s motion to hold the appeal in abeyance in this MPP challenge and denied
7 the plaintiffs’ motion to expedite the appeal. Dkt. No. 55. The plaintiffs’ motion for
8 reconsideration of that motion is now pending before a three-judge panel. *See* Dkt. No.
9 80.

10 In the district courts, on March 1, 2021, in *Doe, et al. v. Wolf, et al.*, No. 19-cv-
11 2119 (S.D. Cal.), another MPP proposed class action, the court issued an order extending
12 all pending deadlines (including the defendants’ answer deadline) by sixty days. Dkt.
13 No. 64. On February 25, 2021, in *K.P.P.R., et al. v. Wolf, et al.*, No. 21-cv-007 (S.D.
14 Tex.), another MPP proposed class action, the court granted 21-day extensions for the
15 defendants’ oppositions to preliminary injunction and class certification motions and
16 response to the complaint. Dkt. Nos. 12, 13.

17 Just as the above-referenced courts have done, this Court should enter an order
18 allowing the Government’s process to proceed without immediate litigation. Therefore,
19 this Court should stay this action to enable the Government to complete its review of
20 MPP and implementation of phase one (and potentially future phases) to provide for the
21 orderly, efficient, and safe return of current MPP participants to the United States.

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1 **V. CONCLUSION**

2 For the foregoing reasons, Defendants respectfully request that the Court stay this
3 action for four months and order the parties to submit a joint status report within thirty
4 (30) days of the stay being entered, and every thirty (30) days thereafter until the stay is
5 lifted. Alternatively, Defendants respectfully request that the Court hold all case
6 deadlines and hearings in the case in abeyance for a period of four months.

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8
9 Dated: April 7, 2021

Respectfully submitted,

10 TRACY L. WILKISON
Acting United States Attorney
11 DAVID M. HARRIS
Assistant United States Attorney
12 Chief, Civil Division
13 JOANNE S. OSINOFF
Assistant United States Attorney
14 Chief, General Civil Section

/s/ Matthew J. Smock

15 JASON K. AXE
16 MATTHEW J. SMOCK
Assistant United States Attorneys
17 Attorneys for Defendants
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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

IMMIGRANT DEFENDERS LAW
CENTER, a California corporation, et al.,

Plaintiff,

v.

ALEJANDRO MAYORKAS, Acting
Secretary, Department of Homeland
Security, et al.,

Defendants.

Case No. 2:20-cv-09893 JGB (SHKx)

[PROPOSED] ORDER STAYING CASE

1 The Court, having considered Defendants’ Motion to Stay Case and/or Hold Case
2 in Abeyance and all papers submitted in support thereof and in opposition thereto, and
3 good cause appearing therefor, hereby ORDERS that:

- 4 1. This case is hereby stayed (including Defendants’ deadline to respond to the
5 Complaint) for four months from the date of this Order; and
- 6 2. The parties shall file a Joint Status Report within thirty (30) days of the date of
7 this Order, and every thirty (30) days thereafter until the stay is lifted. The
8 Joint Status Reports shall report on the status of processing Migrant Protection
9 Protocols (“MPP”) participants in phase one and other MPP-related
10 developments and how this civil case shall proceed.

11
12 Dated: _____

13
14 _____
15 HONORABLE JESUS G. BERNAL
16 UNITED STATES DISTRICT JUDGE

17 PRESENTED BY:

18 TRACY L. WILKISON
19 Acting United States Attorney
20 DAVID M. HARRIS
21 Assistant United States Attorney
22 Chief, Civil Division
23 JOANNE S. OSINOFF
24 Assistant United States Attorney
25 Chief, General Civil Section

26 _____
27 /s/ *Matthew J. Smock*

28 MATTHEW J. SMOCK
JASON K. AXE
Assistant United States Attorneys
Attorneys for Defendants