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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

M-J-M-A; Victor CRUZ GAMEZ,

Case No.: 6:25-cv-02011-MTK

Plaintiffs,

v.

**JOINT STATUS REPORT AND
PROPOSED SCHEDULE**

**JULIO HERNANDEZ; TODD
LYONS; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT;
MARKWAYNE MULLIN; U.S.
DEPARTMENT OF HOMELAND
SECURITY; TODD BLANCHE,**

Defendants.

Pursuant to the Court's June 5, 2026, order, the parties submit the following status report and proposed schedule.

PETITIONER & PLAINTIFFS' STATUS REPORT

On June 5, 2026, the Court held a status conference. At the status conference, Petitioner and Plaintiffs sought an order setting forth deadlines for the management of the case. The Court ordered the parties to submit a joint status report with proposed deadlines by June 22, 2026 at 5.00pm. The Respondents-Defendants filed a motion to dismiss on June 12, 2026, seeking dismissal of counts 1-6 of Petitioner's petition for a writ of habeas corpus. Dkt. 100. Petitioner and Plaintiffs propose the following schedule to resolve the motion to dismiss and the management of the case:

- Petitioner's response to Respondents' motion to dismiss the habeas petition is due July 6, 2026.
- Defendants' Answer to the supplemental complaint is due July 9, 2026.
- Respondents' reply, if any, regarding the motion to dismiss is due July 17, 2026.
- Production of the administrative record related to the supplemental complaint is due July 25, 2026.
- Fact discovery on the supplemental complaint is completed by October 23, 2026.
- Dispositive motions on the supplemental complaint are due by December 4, 2026.

DEFENDANTS' STATUS REPORT

A. Background

On October 30, 2025, Petitioner MJMA filed a habeas petition challenging her stop and arrest. Dkt. 1. Following a two-day evidentiary hearing and production of documentary discovery, Petitioner moved to supplement her habeas petition with three additional class claims under the Administrative Procedure Act and add Mr. Victor Cruz Gamez as a named plaintiff. Dkt. 59, 68. Plaintiffs also simultaneously filed a motion for a preliminary injunction, a motion for class certification, and a motion to reset the habeas closing briefing schedule. Dkt. 60, 61, 65. On February 4, 2026, Plaintiffs' motion for preliminary injunctive relief was granted. Dkt. 82. The Court's order granting the preliminary injunction remains in effect, though it is being appealed to the Ninth Circuit Court of Appeals. Dkt. 93. Currently pending before the Court are Plaintiffs' motion for class certification, Dkt. 60, which has been fully briefed, and Respondents' motion to dismiss the habeas claims, Dkt. 100, to which Petitioner is required to reply by June 26, 2026. *See* LR 7-1(e)(1).

B. Status Report

Given the procedural posture of the case, including the pending appeal of the preliminary injunction and the fully-briefed motion for class certification, Defendants intend to file a motion for a stay of proceedings by July 6, 2026. Plaintiffs' request to proceed with discovery in conjunction with the Court's forthcoming decision on class certification, which may be the subject of a Rule 23(f) petition, also informs Defendants' decision to seek a stay.

At this time, Defendants do not intend to seek a stay of the preliminary injunction. Plaintiffs, therefore, remain protected by that order and may seek appropriate relief from this Court if they believe it has been violated. But broad discovery now, before the Ninth Circuit considers the preliminary injunction appeal, before any Rule 23(f) review of class certification, and while the motion to dismiss the habeas claims remains pending—would impose substantial burdens on the government and likely require intrusive discovery into nonparty arrest files, officer communications, operational materials, law-enforcement-sensitive practices, and agency-wide policies. Appellate proceedings may eliminate or materially narrow the claims, class theories, and remedial issues on which such discovery would proceed. A temporary stay would preserve resources, avoid unnecessary law-enforcement and privilege disputes, and allow the parties and the Court to proceed on a more stable legal foundation.

If Defendants’ motion to stay proceedings is denied, Defendants respectfully submit that Plaintiffs still have not shown that they are entitled to discovery beyond review of the certified administrative record (“CAR”). Plaintiffs’ three supplemental class claims are brought under the Administrative Procedure Act. Dkt. 68 ¶¶ 85–96. “Judicial review of an agency decision typically focuses on the administrative record in existence at the time of the decision and does not encompass any part of the record that is made initially in the reviewing court.” *Sw. Ctr. for Biological Diversity v. U.S. Forest Serv.*, 100 F.3d 1443, 1450 (9th Cir. 1996). “In limited circumstances, district courts are permitted to admit extra-record evidence: (1) if admission is necessary to

determine ‘whether the agency has considered all relevant factors and has explained its decision,’ (2) if ‘the agency has relied on documents not in the record,’ (3) ‘when supplementing the record is necessary to explain technical terms or complex subject matter,’ or (4) ‘when plaintiffs make a showing of agency bad faith.’” *Lands Council v. Powell*, 395 F.3d 1019, 1030 (9th Cir. 2005) (quoting *Sw. Ctr. for Biological Diversity*, 100 F.3d at 1450). Plaintiffs bear the burden of showing that record review is insufficient. *See Animal Def. Council v. Hodel*, 840 F.2d 1432, 1437 (9th Cir. 1988), amended by 867 F.2d 1244 (9th Cir. 1989). Thus, after Defendants produce the certified administrative record, Plaintiffs may move for leave to seek extra-record discovery but only upon the particularized showing required by Ninth Circuit law. Allowing discovery before production of the certified administrative record would put the cart before the horse.

If the motion for a stay of proceedings is denied, Defendants propose the following schedule:

Event	Deadline
Answer or Responsive Pleading ¹	Within 21 days of the motion for stay being denied or the Court issuing its decision on class certification, whichever is later
Production of Certified Administrative Record ²	Within 180 days of Defendants answering or filing a responsive pleading

¹ Defendants also note that it appears Plaintiffs’ supplemental complaint improperly incorporates by reference factual allegations from MJMA’s habeas petition. *See* LR 15-1(a)(3). Defendants respectfully request that Plaintiffs remedy the complaint’s deficiencies before Defendants respond to the complaint.

² Production of the CAR is subject to the Court entering an appropriate protective order. The current protective order addresses discovery related to the habeas claims and did not contemplate production of materials for the supplemental class claims, including law-enforcement-sensitive information, nonparty information, and other protected materials.

Plaintiffs' Motion for Extra-Record Discovery (if any)	Within 30 days of Defendants producing the CAR
Defendants' Response to Plaintiffs' Motion for Extra-Record Discovery (if any)	Within 14 days of Plaintiffs filing a motion for extra-record discovery

Defendants further propose that any schedule regarding supplementation of the CAR, extra-record discovery, or merits briefing be addressed only if and when those issues become necessary.

Respectfully submitted this 22nd day of June, 2026.

/s/ Stephen W Manning
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