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8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 AMERICAN IMMIGRATION COUNCIL,)	No. 4:20-cv-03266-DMR
13 <i>et al.</i> ,)	
14 Plaintiffs,)	JOINT REQUEST TO CONTINUE
15 v.)	FURTHER CASE MANAGEMENT
16 UNITED STATES CITIZENSHIP AND)	CONFERENCE; ORDER (AS
IMMIGRATION SERVICES, <i>et al.</i> ,)	MODIFIED)
17 Defendant.)	Current CMC Date: March 30, 2022
)	Time: 1:30 p.m.

18
19 Plaintiffs American Immigration Council, American Immigration Lawyers Association, and
20 Human Rights Watch (“Plaintiffs”) and defendants United States Citizenship and Immigration Services,
21 United States Customs and Border Protection, and United States Immigration and Customs Enforcement
22 (“Defendants”), by and through their undersigned counsel, hereby STIPULATE and respectfully
23 REQUEST that the Court vacate and continue the Case Management Conference (“CMC”), presently
24 scheduled for March 30, 2022, until August 3, 2022 or as soon thereafter as the Court is available.

25 This action, filed on May 13, 2020 under the Freedom of Information Act (“FOIA”), concerns
26 four FOIA requests that Plaintiffs directed to Defendants regarding the Migrant Protection Protocols
27 (“MPP”). *See* Dkt. 1. The parties previously submitted a Joint Case Management Statement on
28 September 22, 2021 (Dkt. 43).

1 On January 21, 2021, the Department of Homeland Security suspended new enrollments in the
2 MPP pending further review of the program. On February 11, 2021, DHS announced a plan to process
3 into the United States certain individuals who had been returned to Mexico under MPP and have
4 pending cases before the Executive Office for Immigration Review. On June 1, 2021, the Secretary of
5 Homeland Security made a determination that MPP be terminated. On August 13, 2021, U.S. District
6 Court Judge Kacsmaryk issued a nationwide injunction for the reinstatement of MPP. *See Texas v.*
7 *Biden*, No. 2:21-CV-067-Z, 2021 WL 3603341 (N.D. Tex. Aug. 13, 2021). On December 13, 2021, the
8 U.S. Court of Appeals for the Fifth Circuit upheld the district court's order. *See Texas v. Biden*, 20 F.4th
9 928 (5th Cir. 2021). On February 28, 2022, the Supreme Court of the United States granted a petition
10 for writ of certiorari and set the case for argument during the present court term. *See Biden v. Texas*,
11 No. 21-954, 2022 WL 497412 (Feb. 28, 2022). A decision in the case is expected by the end of the U.S.
12 Supreme Court term in June 2022. The government is presently enjoined from terminating MPP and is
13 required to implement the program in good faith pending the outcome of the U.S. Supreme Court's
14 decision.

15 The parties are continuing to evaluate the Plaintiffs' requests in light of this ongoing litigation,
16 and believe that a decision from the U.S. Supreme Court will allow the parties to determine whether and
17 how to proceed. At this point, the parties do not require judicial intervention. The parties previous Joint
18 Case Management Statement (Dkt. 43) remains accurate.

19 Accordingly, the parties request that the CMC scheduled for March 30, 2022, be vacated and
20 continued until August 3, 2022 or as soon thereafter as the Court is available.

21 SO STIPULATED.

22 * * *

1 Respectfully submitted,

2 STEPHANIE M. HINDS
United States Attorney

3 Dated: March 18, 2022 By: /s/ Michael A. Keough
4 MICHAEL A. KEOUGH
Assistant United States Attorney
5 Attorney for Defendants

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7 Dated: March 18, 2022 By: **/s/ David P. Enzlinger
8 DAVID P. ENZMINGER (CA State Bar No. 137065)
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11 Attorney for Plaintiffs

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13 ** Pursuant to Civ. L.R. 5-1(i)(3), the filer of the document
has obtained approval from this signatory.

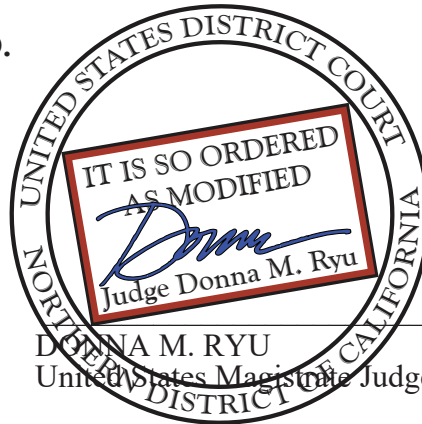
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ORDER (AS MODIFIED)

IT IS HEREBY ORDERED that the Further Case Management Conference, scheduled for March 30, 2022 at 1:30 p.m. is vacated and continued to August 3, 2022 at 1:30 p.m. in Oakland, by Videoconference only. Parties shall file an updated joint case management conference statement by July 27, 2022.

IT IS SO ORDERED AS MODIFIED.

Dated: March 22, 2022



DONNA M. RYU
United States Magistrate Judge

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