



**U.S. Department of Justice**  
Civil Division, Federal Programs Branch

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April 14, 2017

The Honorable Theodore D. Chuang  
U.S. District Court for the District of Maryland  
6500 Cherrywood Lane  
Greenbelt, MD 20770

Re: *International Refugee Assistance Project v. Trump*, No. 8:17-cv-000361-TDC

Dear Judge Chuang:

We write pursuant to Section II.A of the Case Management Order in connection with the April 17, 2017 deadline for Defendants to respond to Plaintiffs' First Amended Complaint for Declaratory and Injunctive Relief.

Defendants seek leave, should the Court find it necessary, to file an unopposed motion to stay that response deadline pending resolution of the appeal of this Court's preliminary injunction of Section 2(c) of Executive Order No. 13,780. Absent such a stay, Defendants would file a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b), raising many of the same arguments they raised in opposing Plaintiffs' motion for preliminary injunction—arguments that are now before the Fourth Circuit. Consistent with this Court's analysis in its April 10, 2017 Order, resolution of the appeal "would provide this Court with useful guidance on how to resolve the issues to be presented" in a motion to dismiss, and staying the deadline in the interim would "conserve the resources of both the Court and the parties." ECF No. 182 at 5-6. The Court, of course, "has broad discretion to stay proceedings as an incident to its power to control its own docket," *Clinton v. Jones*, 520 U.S. 681, 706 (1997), and may exercise that discretion to promote "economy of time and effort for itself, for counsel, and for litigants." *DeRosa v. Walsh*, 541 F. App'x 250, 252 (4th Cir. 2013) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)).

Counsel for Defendants has consulted with Plaintiffs' counsel, who state that Plaintiffs consent to the requested relief. The parties have mutually agreed on a proposed order that is submitted with this letter for the Court's consideration.

In the alternative, Defendants seek leave to file a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b). Defendants expect to argue under Rule 12(b)(1) that Plaintiffs' challenge is not justiciable and under Rule 12(b)(6) that Plaintiffs fail to state claims upon which relief can be granted.

Respectfully submitted,

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